

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills

Date: 14 June 2019



Subject: PROPOSAL TO ALTER THE AGE RANGE TO REMOVE NURSERY PROVISION AT GUNTER PRIMARY SCHOOL

Report of: Interim Assistant Director Education and Early Years

Relevant Cabinet Member: Councillor Jayne Francis, Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott, Education & Children's Social Care

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Pype Hayes		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To seek the determination of a statutory proposal to:

Alter the age range of Gunter Primary School from 3 – 11 to 4 -11 years to remove the nursery provision.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture jointly with the Director of Education and Skills;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to alter the age range to remove the nursery provision at Gunter Primary School with effect from 1st September 2019.

3 Background

- 3.1 Gunter Primary School is a one form entry community primary school with an admission number in reception of 30. The school is situated in the Pype Hayes ward in the Erdington district of the City. The age range of the school is 3 – 11 years. The school has a 37 full time equivalent (FTE) nursery class that can offer 75 part time nursery places. Currently the nursery attendance is 11 part time pupils and 10 full time.
- 3.2 The Local Authority is proposing to alter the age range of Gunter Primary School from 3 -11 years to 4 – 11 years to remove the nurse provision. The nursery has been operating at approximately 40% capacity due to a large supply of nurse provision in the area.
- 3.3 There is currently a large over supply of Early Education and Childcare provision (0 to 4 age) in the local area surrounding Gunter Primary School i.e. Pype Hayes ward. There are currently 682 part time equivalent (PTE) places in the ward with the places forecast to be needed is 458 PTE places. There are 9 early year providers in Pype Hayes ward consisting of 3 nursery classes managed by primary schools, 2 childminders and 4 full day care private voluntary or independent (PVI) nursery providers. One of the PVI nursery providers is The Nest which operates on the Gunter Primary School site.
- 3.4 Funding for nursery provision is calculated on the number of pupils. Nurseries operating with a large number of unfilled places can be a risk to the financial viability and sustainability of the nursery which can impact on the budget of the school.
- 3.5 Due to the low numbers on roll the cost of providing the nursery provision at Gunter Primary School is costing more than the amount of money received and is currently being subsidised from the school budget. The school is currently operating with an in year deficit budget.
- 3.6 The school has been working in collaboration with the Early Years and Childcare team at the Local Authority who support the proposal to close the nursery.
- 3.7 Should the proposal to alter the age range and remove the nursery be approved the pupils who are currently in the nursery will either have left or will need to find alternative provision. The Nest Nursery is a private nursery provider on the

school site that has an OFSTED rating of “Outstanding”. The Nest has agreed to provide places for the remaining pupils at Gunter Primary School that will be affected by this proposal. The Nest may also be able to provide places for families who have expressed an interest in Gunter Primary School’s nursery for September 2019.

- 3.8 Should the proposals be approved the current nursery space will be used by reception and also for the school’s before and after school clubs.
- 3.9 The school is currently engaging with staff about the future structure of roles across the school. This proposal will form part of the engagement. Any changes to staff terms and conditions will be with full consultation with the trading unions.
- 3.10 In compliance with DFE guidance and best practice, a pre-publication letter was sent out to pupils, parents and carers on 4th March 2019 advising of the forthcoming statutory consultation and inviting for any initial questions or comments be directed to the school or the School Organisation Team.
- 3.11 A statutory notice and proposal were published and the representation period was between 4th April 2019 and 2nd May 2019 (four weeks) and commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and the public notice can be found in Appendices 1 & 2.
- 3.12 At the close of the representation period 72 responses were received regarding the proposal. 68 were opposed, 1 in favour, 2 didn’t know and 1 didn’t specify.
- 3.13 The analysis and copies of the comments received (anonymised) can be found in appendix 3 of this report. Details of both the internal and external stakeholders consulted and the means by which the consultations were carried out are detailed in section 5 of this report.
- 3.14 Some comments referenced the positive transition from nursery to reception, however, attendance at the nursery does not give pupils any priority into the school’s reception class. The admission arrangements for reception are not affected by this proposal. The Local Authority oversubscription criteria for community and voluntary controlled schools applies where there are more applications than there are places available (i.e.1.Looked after or previously looked after children, 2. Siblings(not siblings in nursery), 3. Denominational claims (for VC) 4. Distance.)
- 3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (Appendix 4). The Education and Inspections Act 2006, and

Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

- 3.16 If the proposal is approved, the age range of Gunter Primary School will change to 4 – 11 years and the nursery provision will be removed with effect from 1st September 2019.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to alter the age range of Gunter Primary School to 4 – 11 years to remove the nursery be approved. The school is currently subsidising the nursery provision from the school budget. The proposal will allow the school to focus their time and finances on Key stage 1 & 2.
- 4.2 Should the proposal be rejected. The financial viability of the nursery will be difficult to sustain and the school will continue to subsidise the nursery provision which will cause the school's budget to fall into further deficit which could have an impact on standards, finances and ultimately the future of the school.

5 Consultation

5.1 Internal

During the statutory consultation periods, information about the proposal was sent to:

- Ward Councillor for Pype Hayes
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and outcome of the statutory consultation is set out in Appendix 3. The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.
- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff.

During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- Local Councillor for Pye Hayes
- Members of Parliament for Erdington
- Department for Education – School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools' webpages;
- On the Birmingham City Council School Notice Board.
- Emails to stakeholders and groups

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3

6 Risk Management

6.1 Should the proposal to change the age range to 4 – 11 years to remove the nursery provision not be approved there is a high risk of the school falling further into budget deficit which could impact on the future of the school.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 There is currently a large over supply of Early Education and Childcare provision (0 to 4 age) in the local area surrounding Gunter Primary School i.e. Pye Hayes ward. A school with a large number of unfilled nursey places can be a risk to the financial viability and sustainability of the nursery which can impact the budget of the school. There is currently sufficient supply to fulfil our statutory duty.

7.2 Legal Implications

7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), whereby the Local Authority of a Community School can propose to alter the age range to remove the nursery provision by following a statutory process. Under the Prescribed

Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

- 7.3.1 Gunter Primary School had an in year deficit in 2018/19 of £21,977, though a cumulative surplus balance overall of £65,705. The nursery has 40% unfilled places. As funding is calculated on the number of pupils, the consistently low number on roll at the nursery has resulted in the nursery provision being subsidised from the school budget. The removal of the nursery provision should enable the school to have a balanced in year budget position going forward.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 The school is currently engaging with the staff about future rolls across the school and the proposal to remove the nursery provision forms part of that engagement. Any changes to existing terms and conditions or staff reductions resulting from the closure of the nursery will be with full consultation with trade unions and teaching associations.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) for the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

8 Background Documents

8.1 List of Documents

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

8.2 List of Appendices accompanying this Report (if any):

- 1.Full Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Guidance for Decision Makers
- 5. Ward Councillors Consulted.