

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture

29th November 2019



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

Report of: Dr Tim O'Neill
Director of Education and Skills

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): Tyseley & Hay Mills		
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 Redhill Primary School from 3 – 11 years to 4 -11 years to remove the nursery provision.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture;

- 2.1 Approves, having taken into account the statutory guidance, the statutory proposal to alter the age range to remove the nursery provision at Redhill Primary School with effect from 31st December 2019.

3 Background

- 3.1 Redhill Primary School is a one form entry community primary school with an admission number in reception of 30. The school is situated in the Tyseley and Hay Mills ward in the Yardley district of the City. The age range of the school is 3 – 11 years. The school has a 26 full time equivalent (FTE) nursery class that can offer 52 part time nursery places. As at September 2019 there were no pupils on roll in the nursery class.
- 3.2 The Local Authority is proposing to alter the age range of Redhill Primary School from 3 -11 years to 4 – 11 years to remove the nursery provision. The nursery has been operating at approximately 48% capacity due to a large supply of nursery provision in the area.
- 3.3 There is currently an over-supply of 6 full time equivalent Early Education and Childcare provision (0 -4 age range) in the Tyseley and Hay Mills ward, in which Redhill Primary School is situated. During the summer term of 2019 only 31% of children resident in the Tyseley & Hay Mills ward took a place with a provider within the ward.
- 3.4 There is an over-supply of 606 full time places across the surrounding area, which includes (Sparkbrook, Balsall Heath, South Yardley, Small Heath, Hall Green North and Acocks Green). In addition to the number of nursery places in the local area, there are also a number of local, voluntary and independent childcare providers within the local area.
- 3.5 The nursery provision is currently funded through Early Education Entitlement funding for eligible 3 and 4 year olds based on actual termly attendance. 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.
- 3.6 Due to the previous low numbers on roll, the cost of providing the nursery provision at Redhill Primary School was costing more than the amount of money received. The removal of the nursery provision from the school would provide savings and would help to reduce the budget deficit going forward.
- 3.7 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.
- 3.8 Should the proposal to alter the age range and remove the nursery be approved there will be no impact on pupils, as at the start of the September 2019 there

were no pupils on roll in the nursery class. There are sufficient nursery providers in the area to accommodate current and future nursery pupil numbers that are forecast in the area. The closure of the nursery may indeed help the sustainability of other nursery providers.

- 3.9 Should the proposals be approved the current nursery space will be used by the school's breakfast and before and after school clubs.
- 3.10 In compliance with DFE guidance and best practice, a pre-publication letter was sent out to pupils, parents and carers on 17th June 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. A copy of the pre-publication consultation letter can be found in Appendix 1.
- 3.11 A statutory notice and proposal were published and the representation period was between 12th September 2019 and 10th October 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 2 & 3.
- 3.12 At the close of the representation period one response was received. The response was opposed to the proposal and was from a senior citizen. A copy of the response (anonymised) can be found in appendix 4 of this report.
- 3.13 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 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 6). 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.
- 3.15 If the proposal is approved, the age range of Redhill Primary School will change to 4 – 11 years and the nursery provision will be removed with effect from 31st December 2019.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to alter the age range of Redhill Primary School to 4 – 11 years to remove the nursery be approved. The proposal to remove the nursery would reduce the budget deficit at the school going forward.

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 nursery provision will continue to be subsidised from the school budget. The school budget will fall into further deficit and would have a wider impact on standards, finances and ultimately the future of the school.

5 Consultation

5.1 Internal

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

- Ward Councillor for Tyseley & Hay Mills ward.
- 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 4. 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 6.

- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, and 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 Tyseley & Hay Mills ward
- Members of Parliament for Yardley
- 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 2 and the Public Notice in Appendix 3. The outcome of the external consultation is set out in Section 3 of this report and a copy of the anonymised response is in Appendix 4.

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 the school will continue to fund the nursery from the whole school budget which would result in the school falling into further 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 Redhill Primary School i.e. Tyseley & Hay Mills ward. A school with a large number of unfilled nursery 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 Currently there are no pupils on roll in the nursery. Redhill Primary School had an in year deficit balance in 2018/19 of £63,180 although a cumulative deficit balance of £120,184. The nursery has been operating at just under 50% capacity and, 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 for some time. The removal of the nursery

provision will enable the school to reduce the in year deficit budget going forward

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

The school leadership will continue to be responsible for the staffing at the school and any restructuring that may be required. Any changes to existing terms and conditions or staff reductions resulting from the closure of the nursery will be with full consultation with the 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.Pre-publication consultation letter
- 2. Full Proposal Document
- 3. Public Notice
- 4. Statutory Consultation Results
- 5. Ward Councillors Consulted.
- 6. Guidance for Decision Makers