

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET MEMBER FOR CHILDREN, FAMILIES & SCHOOLS JOINTLY WITH THE STRATEGIC DIRECTOR FOR PEOPLE
Report of:	Assistant Director for Education Infrastructure and Early Years
Date of Decision:	14 December 2016
SUBJECT:	PROPOSAL TO ALTER THE LOWER AGE RANGE OF HARPER BELL SEVENTH DAY ADVENTIST SCHOOL TO REMOVE THE NURSERY PROVISION
Key Decision: NO	Relevant Forward Plan Ref:
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Brigid Jones, Cabinet Member Children, Families and Schools
Relevant O&S Chairman:	Councillor Susan Barnett, Schools, Children and Families Overview and Scrutiny Committee
Wards affected:	Nechells

1. Purpose of report:
1.1 To seek determination of the proposal to alter the lower age range of Harper Bell Seventh Day Adventist School in order to remove the nursery provision.

2. Decision(s) recommended:
That the Cabinet Member for Children, Families and Schools jointly with the Strategic Director for People:-
2.1 Approves, having taken account of the statutory guidance, the proposal to alter the lower age range of Harper Bell Seventh Day Adventist School to remove the nursery provision with a modified date of the 31 st July 2017.

Lead Contact Officer(s):	Mary Lowe, Pupil Place Planning Officer
Telephone No:	0121 303 8847
E-mail address:	mary.lowe@birmingham.gov.uk

3. Consultation

3.1 Internal

Information about the proposal was sent by email to all relevant City Councillors, including the Executive Members for Nechells, MP for Ladywood and the Nechells Ward Councillors, together with relevant officers across Birmingham City Council on 16th September 2016. The consultation period commenced on 19th September and members were invited to comment. A copy of the proposal document can be found in Appendix 1.

3.2 External

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance “Making ‘prescribed alterations’ to maintained schools – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016. See Appendix 4 for an extract of this guidance. This is a Local Authority proposal to alter the lower age range and requires a non-statutory consultation process. A four week consultation commenced on 19th September 2016. A proposal document was sent to all parents, staff and governors. The consultation ran for four weeks until Friday 14th October 2016. A copy of the proposal document can be found in Appendix 1. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure.

Additionally local schools were invited to comment on the proposed alteration of the age range. In addition, the proposals have been shared with representatives from the professional associations and other key stakeholders including neighbouring Local Authorities and The Archdiocesan and The Anglican Diocese of Birmingham.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council’s policies, plans and strategies

With the current and projected number on roll, the nursery provision is financially unviable. The nursery is unsustainable within the resources at the school and does not currently meet the Early Years policy standards of having good or outstanding provision. There is an aspiration for the nursery provision to reopen in the future when the school is in a better position financially and operationally.

4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)

The nursery has been undersubscribed for some time and is financially unsustainable. The nursery is currently resourced by agency staff and there will be no permanent staffing losses at the school resulting from the closure of the nursery class. By removing the nursery class, the school will be able to focus all resource on the primary provision and on its improvement.

The feedback from the consultation recommended that the nursery provision closes at the end of the academic year (rather than 31st December 2016) in order to support current parents. The school will continue to fund the provision until such time.

4.3 Legal Implications

Pursuant to regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the Local Authority must have regard to the statutory guidance at Appendix 4 to this report. The guidance explains that Local Authorities can propose a change of age range for voluntary aided schools by following the non-statutory process in part 4 of the guidance, and the Local Authority is the decision-maker for such proposals.

4.4 Public Sector Equality Duty

An updated Equality Assessment initial screening was carried out in December 2013 against 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.

5. Relevant background/chronology of key events:

- 5.1 Harper Bell Seventh Day Adventist School was established as a voluntary aided maintained school in September 2011. The school has a nursery class that can accommodate up to 25 full time equivalent (FTE) places. The school is the only school within Birmingham to offer seventh-day Adventist faith based provision.
- 5.2 The nursery has been undersubscribed for some time with only 17 pupils on roll at the May 2016 census count. Four of these pupils transferred to Reception in September 2016. The 4 remaining nursery pupils were joined by nine further nursery pupils taking the nursery number on roll to 13 out of a possible 25.
- 5.3 The school received an Ofsted rating of “Requires Improvement” when they were inspected on 12th February 2015. An Interim Executive Board (IEB) was subsequently set up at the school.
- 5.4 Following the Ofsted outcome and financial unviability of the nursery, the IEB and school management team, along with the Local Authority, took a decision to consult with stakeholders on the closure of the nursery class from 31st December 2016. This would allow the school to focus resources on improving outcomes for pupils in Reception to Year 6. As part of the due diligence that led to this decision, the possibility of the nursery provision being provided by a private, voluntary or independent nursery provider was explored but unfortunately proved unfeasible.
- 5.5 Should the closure take place on 31st December 2016, it is understood that there is sufficient alternative early year’s provision available should parents need to apply elsewhere in-year. The IEB, the Management Team at the school along with Children’s Advice and Support Service (CASS) and Early Year’s consultants have offered support with parents of the nursery pupils to secure alternative provision.
- 5.6 There will be no permanent job losses resulting from the closure of the nursery. The staff members in the nursery are agency.

- 5.7 A four week non statutory consultation on the proposal commenced on 19th September 2016. A proposal document was sent to all parents' pupil, staff and governors. The consultation ran for four weeks until Friday 14th October 2016. A copy of the proposal document can be found in Appendix 1. Comments were invited and collated via the Be Heard consultation website, or by writing to Education & Skills Infrastructure.
- 5.8 A parents meeting was held at the start of the consultation period on 19th September 2016. The meeting was led by the Head Teacher, with a member of the IEB and officers from Early Years and EdSI in attendance. Approximately 26 parents and 20 pupils attended. A record of the meeting notes is in Appendix 2.
- 5.9 Eleven responses were received by the closure of the consultation period. Ten responses via the Be Heard consultation website and one by email. The email was received at 12.15am on 15th October 2016 and was therefore officially outside the representation period, however it was acknowledged as being put forward, and for that reason has been included with this report. All responses were opposed to the closure of the nursery. A summary of the consultation responses can be found in Appendix 3.
- 5.10 Concerns from the consultation period included the poor timing of the consultation; the fact that children were allowed to take up places to then be informed that the nursery class was proposing to close, as well as the financial outlay on uniform. A number of responses proposed that the closure should be approved for the end of the academic year to both lessen the disruption to pupils having to start a new nursery during the year and concerns around ensuring parents can secure an alternative place. A number of parents raised concern about the need to withdraw siblings in upper year groups if the nursery class was to close due to the logistics of parents having to travel to two different locations. In addition some parents were concerned about losing access to the specialist faith based nursery education which they had specifically chosen.
- 5.11 One respondent asked how many applications were received for September 2016 and how many accepted. This question was forwarded to the school to respond. Another respondent stated that enrolment had been low for the nursery and suspected this to be because it is a fee paying nursery and the hours of operation are during school hours only. A response was sent by a Local Authority officer to state that the nursery was currently a Local Authority maintained nursery and that the Local Authority did not charge fees for the nursery. Any fees raised by the school are for other 'wrap around' services provided outside of school hours. The current management and IEB of the school had investigated the possibility of other providers but this has proved unfeasible.
- 5.12 A meeting of the IEB on 15th November 2016 gave members the opportunity to consider the responses from the consultation and propose a recommendation for decision. The meeting was attended by Local Authority officers. A senior officer committed to financially support the school to enable them to keep the nursery class open until the end of the academic year. The IEB agreed to recommend nursery closure following results of the consultation but with a modified closure date 31st July 2017 in order to remove any displacement of current pupils.

6. Evaluation of alternative option(s):
<p>6.1 The recommendation on the proposed alteration to the age range of Harper Bell Seventh Day Adventist School to remove the nursery class is for it to be approved with modification to the implementation date to 31st July 2017. Alternatively, in line with guidance, the proposals may be approved without modification, or rejected. An extract of this guidance can be found in Appendix 4.</p> <p>6.2 Failure to give approval of the closure of the nursery class will cause financial and educational issues at the school. Failure to give approval to the modified date is likely to cause difficulties for parents in seeking additional provision of choice within the academic year.</p>

7. Reasons for Decision(s):
<p>7.1 To enable Harper Bell Seventh Day Adventist School to alter their lower age range to close the nursery provision at the school from 31st July 2017. This will allow them to direct resources to Reception to Year 6 and to focus on improved outcomes for the school.</p>

Signatures	<u>Date</u>
Cabinet Member Children, Families and Schools Councillor Brigid Jones
Strategic Director for People Peter Hay

List of Background Documents used to compile this Report:
<p>Education and Inspections Act 2006 “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016.</p>

List of Appendices accompanying this Report (if any):
<ol style="list-style-type: none"> 1. Proposal Document 2. Copy of Notes of Parents Meeting on 19th September 2016 3. Summary and copies of 11 consultation responses 4. Extract from Relevant Guidance “Making ‘prescribed alterations’ to maintained school – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016.

Report Version	<u>11</u>	Dated	<u>13 December 2016</u>
-----------------------	------------------	--------------	--------------------------------