

Division(s):

CABINET – 21 MAY 2013

EDWARD FEILD NURSERY SCHOOL - PROPOSAL TO CLOSE AND PROVIDE ALTERNATIVE EARLY YEARS PROVISION

**Report by Jim Leivers
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Introduction

1. Edward Feild Primary and Edward Feild Nursery Schools in Kidlington share a site and buildings. They also share a Headteacher and Governing Body. However for the purposes of financial accounting and Ofsted Inspection they are separate. Additional early years provision on site includes Robin Playgroup, operating within the school buildings under a hire agreement, and Magpies out of school club.
2. The Headteacher and Governing Body of Edward Feild Nursery and Primary Schools now wish to review and streamline the early years provision on site. The intention is to maintain the same level of high quality early years places and to improve financial viability and long term future of this provision.

Exempt Information

3. None

Background

4. In April 2011, the DfE required that Local Authorities should change the method of funding early years provision to a simplified and more transparent system. As a result, attached nursery schools, including Edward Feild Nursery, no longer have any financial advantage in operating separately from their federated primary school. In addition, funding is now based on actual attendance and there is no longer 'place-led' funding to cover empty places.
5. The duplication of work in having separate accounting, Ofsted inspection and management reporting systems is cumbersome and wasteful of resources. In summer 2012, the Pupil Place Planning Service Manager invited representatives from the attached nursery schools to a meeting to discuss the possibility and implications of their merging with their partner primary school. Two of these schools are currently undertaking this process and have published statutory notices.
6. Edward Feild Nursery School has decided that merger with their federated Primary School is not the best option for them and would not offer sufficient financial savings to guarantee the continued viability of a school nursery class. In March 2013 the Headteacher and Governing Body submitted a proposal for closure of the Nursery School and replacement of those early years places by expansion of the on site Robin Playgroup. A first informal stage of consultation was run on the Oxfordshire County Council website from 11 March 13,. In total 6 representations were received, including 2 objections. Copies of these and the Officer/School response is at Annex 1. The next stage is to decide whether to proceed with a Statutory Notice for the closure of Edward Feild Nursery School.
7. The decision-making power in terms of determining the notice lies with the Cabinet or can be delegated to the Cabinet Member Education (if there have been no objections). In meeting as

'decision-maker' the Cabinet or Cabinet Member must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration.

Legal Background

8. School expansions and closures are subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). Local authorities also have a duty to have regard to statutory guidance, in this particular case "Closing a Maintained Mainstream School" ("the Guidance"). When reaching a decision, the Cabinet must have regard to The Guidance. The Cabinet is referred in particular to pages 19 to 40 of The Guidance.
9. The Guidance on considering proposals for school closures sets out a list of factors to be considered by decision makers, which should not be taken to be exhaustive. A summary of the factors is:
 - a. **The effect on standards, school improvement and diversity.** The government's stated aim is to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools and encouraging new providers and popular schools to expand. The Cabinet should be satisfied that the proposal will contribute to raising local standards of provision and attainment and consider the impact on choice and diversity. It should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities, children from deprived background and children in care. The Cabinet should also consider how the proposal will help deliver the 'Every Child Matters' principles. In this instance, early years provision will continue to be provided through the Robin Playgroup, and the School and pre-school propose that staff work as one team across the whole age range, providing the best care and education for children.
 - b. **The need for places.** The Cabinet should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area. As in this proposal early years provision will continue on the same site at the Robin Playgroup, pupils will not be displaced.
 - c. **Impact on the community and travel.** In considering proposal for the closure of schools, the effect on families and the community should be considered. Community cohesion, race equality, accessibility and equal opportunities issues should be considered. As in this proposal early years provision will continue on the same site, there will be no negative effects on the local community.
 - d. **Special Educational Needs provision.** The proposals do not change provision for special educational needs.
 - e. **Specific age provision.** There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate:
 - i. *the LA is consistently funding numbers of empty places;*
 - ii. *full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;*
 - iii. *plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early*

years provision provided by the nursery school with no loss of expertise and specialism; and that

iv. replacement provision is more accessible and more convenient for local parents.”

The Proposal

10. The full proposal submitted by the schools is appended at Annex 2. In summary, this is for closure of Edward Feild Nursery School with effect from the end of December 2013. A lease would be granted to the Robin Playgroup to further formalise their use and occupation of school premises and they will expand their provision to offer addition funded early education places for 2,3 and 4 year old children.
11. Officers in School Organisation and Planning, Customer Services (Finance) and Early Years have supported the School throughout the planning process in exploring and evaluating their options. Regular advice and guidance has been offered and also clearly stated requirements that would need to be put in place from both a statutory and Local Authority perspective. In addition, a Local Authority Childcare Business Development Officer (CBDO) has supported Robin Playgroup in their business planning for any proposed changes. Robin Playgroup are in full support of the School proposal.

Consultation and Representations

12. An initial consultation was posted on the Oxfordshire County council consultations portal between 11 March 2013 and 17 April 2013. Notifications of this consultation were sent to all statutory consultees. Edward Feild Nursery School and Robin Playgroup also publicised the consultation by letter to parents, and by posters within the school.
13. 6 representations were received, 2 as objections and 4 in support of the proposal. The two objections were on the basis that maintained nursery schools were felt to have been the beacon of good practice in the local area and this provision should continue. The response on this is that the existing provision is not financially viable, and measures are being put in place to ensure that the alternative early years provision continues at a similarly high standard. Please see Annex 1 for full detail.

Financial and Staff Implications

14. Finance - The business manager at Edward Feild Primary School has worked with the Financial Accountant in Customer services to project the Nursery budget for the next two years if the closure does not take place. This predicts a deficit of between £12,000 and £40,000 per annum, dependent on numbers of children accessing a place. The CBDO has worked with Robin Playgroup to develop their business plans and has reported on the financial viability of the provision and their management and the strength of their administrative structure. See Annex 3 for the full report. The School will be developing a lease agreement for Robin's use of the school premises which will need to be agreed by the Local Authority to ensure that rents and charges for utilities costs are fair and sustainable.
15. Staff – The Headteacher and business manager have consulted a Human Resources officer in Customer Services. The Edward Feild Primary School Nursery teacher would be employed in the primary school, with the position made available through non-renewal of a temporary contract. The Headteacher would be 100% employed by the primary school. The School are intending to keep the Nursery Nurse working with the nursery children for the remainder of the academic year as a transitional arrangement, both for continuity for the children and to assist

with potential training for any new staff in the Playgroup. The Playgroup would buy in her services from the school for this period and governors are willing for the school to contribute something to costs for that period. The postholder is aware of this short term proposal, and also that there is no long term post in the primary school for a nursery nurse. Redundancy may have to be considered (in the short or long term). Administrative hours and roles will be reviewed jointly to include any services within the Playgroup's lease agreement eg reception duties. No redundancy is envisaged. No TUPE process (in either direction) will be needed for any posts.

Case for consultation on Closure

16. The presumption against closure of nursery schools is only a recommendation and not a requirement in legislation.

With respect to 8e(i) above, the number of empty places funded at Edward Feild Nursery School over the last three years has naturally fluctuated during the course of each year as shown below, with an average of 34% surplus in the autumn term, 19% surplus in the spring term and 19% surplus in the summer term. Since the introduction of the Early Years Single Funding Formula these surplus places are no longer funded. This has created budgetary shortfall.

With respect to 8e(ii), the Kidlington area is already served by Kaleidoscope Childrens Centre and there is no demand for additional provision.

With respect to 8e(iii), there will be no loss in the overall number of early years places. Robin Playgroup will expand into the accommodation currently used by the Nursery School and will offer at least the same number of places. They also have good capacity to expand if demand rises. In terms of quality, the report on the proposal from the Early Years Advisory teacher is at Annex 4. Edward Feild Primary School will continue to employ an Early years specialist teacher and Robin Playgroup will buy in her time to assist with continued quality improvement. This involvement of a Qualified Teacher is above the usual requirements for a voluntary provider under the Early Years Statutory framework. As a further measure to ensure continuity of provision across the site, Robin Playgroup are to become incorporated and will include 2 members of the Edward Feild School governing body on their management committee.

As the expanded Robin Playgroup provision will be within the same premises as the current Edward Feild Nursery, these places are no less accessible or convenient for parents (ref 8e(iv)).

RECOMMENDATION

17. **The Cabinet is RECOMMENDED to approve publication of a Statutory Notice for the Closure of Edward Feild Nursery School**

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Background papers:

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