

## Outcome of statutory notice on a proposal to change the age range at Rothwell Primary School, from 3-11 years to 4-11 years and permanently close the nursery.

Date: 13 December 2023

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

This report describes the outcome of a statutory notice published under the Education and Inspections Act 2006 and in accordance with the Department for Education's guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (January 2023), in regard to a proposal brought forward by Leeds City Council to change the age range of Rothwell Primary School from 3-11 years to 4-11 years and permanently close the school nursery with effect from 1 January 2024 and seeks a final decision in respect of this proposal.

At its meeting in September 2023, Executive Board considered the outcome of an initial consultation on this proposal and approved the recommendation to publish a statutory notice.

A statutory notice was published on 06 October 2023 marking the start of a four-week formal consultation. During this four-week period, which ended on 03 November 2023, anyone could submit comments or raise objections to the proposal. There were 0 representations received during the statutory notice period.

This report seeks approval from Executive Board on the recommendations below.

### Recommendations

Executive Board is requested to:

- a) Note the outcome of the statutory notice period;
- b) Approve the recommendation to change the age range at Rothwell Primary School, from 3-11 years to 4-11 years and permanently close the school nursery with effect from 1 January 2024;
- c) Approve that the decisions from this report are exempted from the Call-In process for the reasons set out in paragraph 29; and
- d) Note the responsible officer for implementation is the Head of Learning Systems.

## **What is this report about?**

- 1 The birth rate in Leeds has declined significantly over the last few years and this has contributed to fewer families taking up places at Rothwell Primary School's nursery.
- 2 The governing body at Rothwell Primary School (RPS) approached the local authority (LA) following a fall in applications for their nursery, highlighting the negative financial impact this was having and would continue to have on resources and the wider school budget. The school nursery had been offering 5 mornings, 5 afternoons or 2.5 days for which parents could use their funded early education entitlement. Governors considered a different model to this however due to staffing capacity and limitations of the school building, were not able to offer the flexible wrap-around care and all year-round nursery provision, which some families were seeking.
- 3 A short-term plan was to no longer allocate to the school nursery for 2 years whilst a demographic review was carried out. This temporary closure would give the LA and governors time to consider the impact and future need for early years places in the area. During the temporary closure, families were able to secure alternative places for their children and neither the governors nor the LA were made aware of any families unable to secure appropriate childcare places.
- 4 A review of the types of childcare available across the area has shown that there are several providers including school nurseries, childminders, pre-school and full day-care. These providers offer different types of childcare models such as 5 x morning sessions, 5 x afternoon sessions, 2.5 days, 5 full days for families eligible for 30 hours term time, and some that charge additional fees over and above the funded hours. This means that there is a flexible offer available for parents, whether they want to use their funded early education entitlement or pay for additional hours or wrap-around care.
- 5 A demographic review continues to indicate a further decline in the birth rate, and it could be several years before any increases begin to have a positive impact on numbers of children accessing childcare. Data shows that summer claims for 3 and 4-year-olds accessing funded early education entitlement across this area has declined by 72 compared with the same period last year.
- 6 As highlighted in the Financial Health Monitoring report to the council's Executive Board in December 2022, Rothwell Little Owls was being considered as a potential closure due to increasing budget deficits, along with other settings across the city. Following the Executive Board meeting, and in response to members enquiries an update was provided on the actions being taken, which included a city-wide review of all the Little Owls settings, with the outcome of this review being shared with Executive Board when complete. As part of developing the proposal to close RPS's nursery, consideration has been given to the ongoing Little Owls review which this proposal and demographic analysis has also fed into.
- 7 At its meeting in September 2023, Executive Board considered the outcome of an initial consultation on this proposal and approved the recommendation to publish a statutory notice, marking the start of a formal four-week consultation period. Paragraph 17 provides detail about the consultation that has taken place.

## **What impact will this proposal have?**

- 8 The change to the age range and closure of the school's nursery is not anticipated to have any negative impact on families in terms of availability and choice of provision. Within the Rothwell, Robin Hood and Woodlesford Childcare Planning Area there is a cross-sector mix of providers with childcare offers including school nursery, childminders, full day care, children's centre, playgroup/pre-school and before and after school childcare across many school settings.

- 9 Due to the decline in the birth rate, the numbers of eligible 3- and 4-year-olds is expected to continue to decrease, and it is likely that there will be further surplus childcare places as a result. This could give providers an opportunity to develop additional provision for babies and younger children in accordance with the Governments plans to roll out early years' entitlement for working parents of children from 9 months of age.
- 10 Following the temporary closure of the nursery, the school and some parents have reported positive benefits for children in Reception class. These include: - increased indoor and outdoor space in which they can play, learn, and interact; children learning in smaller groups; a calmer environment. This is reported to have had positive benefits for all children and especially those children with Special Educational Needs and Disabilities. These benefits would be expected to continue should the nursery close permanently.
- 11 The closure of the school nursery would have a positive impact on the school's longer term financial sustainability as resources would no longer need to be diverted to support the provision.
- 12 An Equality, Diversity, Cohesion and Integration Screening (EDCI) form that considered the consultation and engagement process during the Statutory Notice period is attached as appendix A.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 13 This proposal, if approved, would help the school to remain financially viable for the future. The school is popular within the local community and providing places close to where children live allows improved accessibility to local and desirable places, is an efficient use of resources and reduces the risk of non-attendance. This in turn supports the ambition of 'ensuring that children in all areas of the city have the best start in life and enjoy a healthy, happy and friendly childhood'.
- 14 The proposal would also support priority 2 in the '3 A's plan' that 'all children, young people and families are supported to access and regularly attend early years education settings, schools, and post-16 education settings to benefit from learning opportunities, protective factors, and enrichment activities.' A well-resourced, planned suitable learning environment for the 45 reception children supports the 'starting well' ambition of closing the educational attainment gaps between most and least advantaged young people, against the legacy of COVID-19 disruption and the population profile of children and young people becoming more diverse and focused in communities most likely to experience poverty.

### What consultation and engagement has taken place?

Wards affected: Rothwell

Have ward members been consulted?       Yes       No

- 15 The process in respect of the proposal has been managed in accordance with the relevant legislation and with local good practice.
- 16 An initial public consultation on this proposal took place between 30 June and 21 July 2023. The outcome of this consultation was detailed in a report presented to Executive Board, at its meeting on 20 September 2023, who approved the recommendation for a statutory notice in respect of the proposal to be published.
- 17 The statutory notice was published in the Yorkshire Evening Post on 06 October 2023 and the full proposal was posted on the Leeds City Council website. All parents/carers at the school

received notification, along with any stakeholder who responded to the first stage of public consultation and provided their contact details. Details about the consultation were also sent to all local primary and early years settings in the area as well as ward councillors, community groups and other relevant stakeholders. Copies of the notice were posted at entrances to the school and information about the statutory notice was shared on social media platforms.

- 18 Details of the statutory notice were shared with local ward members and no concerns have been raised about the proposal.
- 19 During the four-week representation period, following publication of the statutory notice, anyone could submit comments on or objections to the proposal via email or post. There were 0 representations received.

### **What are the resource implications?**

- 20 The nursery had been running at a loss and this has been negatively impacting on the school's budget and overall financial sustainability. The change to the age range and closure of the school nursery would have a positive impact on the school budget as it would no longer be necessary to divert resources to support the provision.
- 21 There are no perceived negative resource implications associated with this proposal.

### **What are the key risks and how are they being managed?**

- 22 There is a corporate risk associated with failing to provide sufficient school/learning places in good quality buildings that meet the needs of local communities. The closure of the nursery would help the school to continue to be financially sustainable for the future for children in reception up to year 6.
- 23 The governing body at RPS approached the LA following a fall in applications for their nursery, highlighting the financial impact this was having and would continue to have on resources and the wider school budget. The nursery had been running at a loss and this has been negatively impacting on the school's budget and overall financial sustainability. A short-term plan was to no longer allocate to the school nursery for 2 years whilst a demographic review was carried out for the area. This temporary closure gave the LA and governors time to consider the impact and future need for early years places in the area.
- 24 There is a risk, should the school nursery not permanently close, that resources would need to continue to be diverted to support its operation. This would take resources away from the rest of the school, including indoor and outdoor learning space in reception, which has been particularly beneficial for supporting the increasing number of reception children who have additional learning needs.
- 25 A review of the types of childcare available across the area has shown that there are several providers including school nurseries, childminders, pre-school and full day-care. These providers offer different types of childcare models such as 5 x morning sessions, 5 x afternoon sessions, 2.5 days, 5 full days for families eligible for 30 hours term time, and some that charge additional fees over and above the funded hours. This means that there is a flexible offer available for parents, whether they want to use their funded early education entitlement or pay for additional hours or wrap-around care.
- 26 During the temporary closure, families were able to secure alternative places for their children and neither the governors nor the LA were made aware of any families unable to secure appropriate childcare places.
- 27 As the number of 3- and 4-year-olds in the area is continuing to go down over future years, it is anticipated that there will be sufficient places across the area to meet demand.

## **What are the legal implications?**

- 28 The changes proposed form prescribed alterations under the Education and Inspections Act 2006 and are aligned with the statutory process set out in the Department for Education's guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (January 2023).
- 29 It is recommended that this report be exempt from the Call-In process, in line with Executive & Decision Making Procedure Rule 5.1.3, this report being exempt from Call-In if the decision maker considers that the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interest). Executive Board is the decision maker for this proposal and statutory guidance states that a final decision must be made within 2 months of the end of the statutory notice period, therefore by 3 January 2023, or be referred to the Schools Adjudicator.

Following the decision at Executive Board on 20 September 2023 to publish a statutory notice, this was done following expiry of the call-in period on 6 October 2023. The representation period ended on 3 November 2023 and the earliest that a report could be presented to Executive Board, following clearance, is 13 December 2023. If the decision was 'called-in' and Scrutiny Board subsequently referred the matter back to Executive Board with a recommendation to reconsider its decision, this could not be done until after 3 January, which would be outside of the 2 month decision period. The consequence would be that a local decision could no longer be made, and the matter would automatically be referred to the Office of the Schools Adjudicator to decide.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 30 The governing body at RPS approached the LA about how they could improve the school's long-term financial position. Governors gave consideration as to whether they could extend the nursery provision to provide a different offer to parents however due to staffing capacity and limitations of the school building, Governors did not feel that they would be able to offer the flexible wrap-around care and all year-round nursery provision which some families were seeking. It was therefore decided that the school nursery would temporarily close from September 2022 to give the LA and governors time to consider the impact of the temporary closure on families and other local providers, and for more work to be done to understand the future need for early years places in the area.
- 31 A review of the Leeds City Council run 'Little Owls' nurseries is currently taking place which includes the Little Owls setting in Rothwell and the outcome of this review will be made available once complete. As part of that review, consideration has been given to the impact of this proposal, and due to the continuing decline in birth rates across the area and financial challenges, there is no sufficiency concern. It should also be noted that RPS nursery historically served a different geographical area to that which Little Owls serves and children from as far away as Carlton, Woodlesford and Wakefield attended the school nursery, for whom there is existing, local provision available.
- 32 The number of 3- and 4-year-olds in the area is continuing to go down and currently there are sufficient places to meet demand. With birth rates continuing to decline, forecasts indicate over the next 4 years there will be more early years settings with surplus places and further reviews of the area may need to be carried out.

**How will success be measured?**

33 The proposal is to change the age range of the school and permanently close the school nursery with effect from 1 January 2024. If approved, the availability and demand for places for 3- and 4-year-olds would continue to be monitored to ensure sufficiency of places in future years.

**What is the timetable and who will be responsible for implementation?**

34 If the recommendations in this report are agreed by Executive Board, as the nursery is currently temporarily closed, the formal permanent closure would take effect from 1 January 2024.

**Appendices**

- Appendix A: Equality, Diversity, Cohesion and Integration Screening (EDCI) form.

**Background papers**

- None