

Outcome of consultation on a proposal to change the age range of Moor Allerton Hall Primary School from 3-11 years to 4-11 years and permanently close the local authority-maintained nursery.

Date: 24 July 2024

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

The report contains details of a proposal brought forward by Leeds City Council to change the age range of Moor Allerton Hall Primary School from 3-11 years to 4-11 years and permanently close the local authority-maintained nursery. 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).

Moor Allerton Hall Primary School currently has a nursery catering for 3- and 4-year-olds, with a sessional offer for parents during core school hours, term-time only. There has been a decline in families taking up places at Moor Allerton Hall Primary School's nursery. The staffing costs, alongside lower numbers in nursery, are negatively impacting on the school's budget and this is financially unsustainable. The nursery will temporarily close from September 2024 and if this proposal was ultimately approved, would permanently close from January 2025.

A public consultation on the proposal took place between 13 May and 28 May 2024. This report summarises the consultation responses and seeks approval from Executive Board on the recommendations below.

## Recommendations

Executive Board is requested to: -

- a) Note the outcome of the public consultation for this proposal.
- b) Approve publication of a Statutory Notice on the proposal to change the age range of Moor Allerton Hall Primary School from 3-11 years to 4-11 years and permanently close the local authority-maintained nursery at the school.

- c) Note that implementation of the proposal would be subject to the outcome of the proposed Statutory Notice.
- d) Note the intention for a further report to be presented to the November 2024 Executive Board meeting.
- e) Note the responsible officer for implementation is the Head of Learning Systems.

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

- 1 Moor Allerton Hall Primary School (MAHPS) currently has a nursery catering for 3- and 4-year-olds, with a sessional offer for parents during core school hours, term-time only. There has been a decline in families taking up places at MAHPS's nursery to the point where there are expected to be only a handful of children in nursery by September 2024. This is financially unsustainable and the staffing costs, alongside lower numbers in nursery, are negatively impacting on the school's budget during a time when redundancies are being made across school to manage the budget going forward. The school has considered changing their nursery offer, however, cannot provide the flexible wrap-around care and all year-round nursery provision which some families are seeking.
- 2 There is a broad range of childcare available across the local area that offer Funded Early Education (FEE) places, including school and private nurseries and childminders. 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.
- 3 The local authority-maintained nursery at the school will temporarily close from September 2024 and if approved, following a statutory notice period, would permanently close from January 2025.
- 4 Separate to this proposal, MAHPS's Governing Body have been exploring options for a private provider to run flexible, all year-round childcare from the school premises for children aged from 6 months. The school was concerned about there being a gap in provision for families, and wanted to work with a provider that would offer some funded hours alongside the more extended offer which some families want. This would also support the Government's plans to offer funded places for working families from age 9 months and the wrap-around programme which aims to ensure that families can access (paid for) before and after school childcare provision. At the start of consultation about this proposal the timescales for bringing in a provider were not known; however, the school has now written to parents to inform them that they plan for the new childcare provision to be in place from September 2024. The school has also taken the decision that the before and after school club for children in Reception to Year 6 will also be run by the new provider, for which competitive rates have been agreed.

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

- 5 The change to the age range and closure of the local authority-maintained nursery is not anticipated to have any negative impact on families in terms of availability and choice of provision. Within the Roundhay/Wigton Childcare Planning Area there is a cross-sector mix of providers with childcare offers including school nursery, childminders, full day care, playgroup/pre-school and before and after school childcare across many school settings. Additionally, if the new provider has their childcare offer in place at the school by September there should be no gap in

provision for families. The school has indicated that the new provider would offer some funded places alongside a more extended offer that some families want.

- 6 Due to the decline in the birth rate in Leeds over recent years, it is anticipated that the numbers of 3- and 4-year-olds will decrease in future years in this area, and it is likely that there will be 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 Government's plans to roll out early years' entitlement for working parents of children from 9 months of age.
- 7 The closure of the school nursery would have a positive impact on the school's budget as resources would no longer need to be diverted to support the provision.
- 8 An Equality, Diversity, Cohesion and Integration Screening (EDCI) form that considered the consultation process is attached as appendix 1.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 9 There is a broad range of childcare available across the local area that offer Funded Early Education (FEE) places, including school and private nurseries and childminders. 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.
- 10 MAHPS's Governing Body has explored options for a private provider to run flexible, all year-round care aged from 6 months from the school premises, which would add to the locally available options for parents/carers.
- 11 The range of childcare options available 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'.

### What consultation and engagement has taken place?

Wards affected: Roundhay

Have ward members been consulted?

Yes

No

- 12 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.
- 13 A public consultation about this proposal took place from 13 May to 28 May June 2024 to seek the views of parents/carers, staff, governors, local councillors, and other stakeholders. To maximise stakeholder engagement a variety of consultation methods were used, including email communications and an online survey. A 'drop-in' session was held at school for parents/carers and other interested stakeholders which gave attendees an opportunity to discuss the proposal with representatives from the council's Sufficiency and Participation Team and a school representative. Details about the consultation were also sent to all local primary and early years settings in the area. Posters raising awareness of the consultation were displayed at prominent locations in the local area. Information was available via the Leeds City Council website and through various social media platforms.

- 14 The Executive Member for Children and Families was briefed, and local Ward Members were consulted on the proposed changes and no concerns have been raised about the proposal.
- 15 During the consultation period, a total of 64 responses were received of which 10 (16%) either strongly supported or somewhat supported the proposal and 52 (81%) either strongly opposed or somewhat opposed the proposal. A further 2 (3%) neither supported nor opposed the proposal.
- 16 A document with the anonymised consultation responses received during the consultation period is included as a background document.
- 17 A summary of the views expressed by the respondents who strongly or somewhat supported the proposal is set out below:
- The nursery is currently undersubscribed.
  - The decline in the birthrate makes the nursery unviable for the future.
  - Closing the nursery will help the school to manage their budget.
  - The nursery is currently limited to school hours which isn't helpful for parents.
  - Having a nursery run by a private childcare provider will increase the availability of childcare options in the local area for working parents.

- 18 A summary of views and concerns expressed by the respondents who somewhat or strongly objected to the proposal are below:

- Concerns raised:** A number of respondents commented that it is convenient for parents to have nursery aged children attending the same site as their older siblings who attend MAHPS, which will not be possible if the nursery closes. One respondent commented that attending the nursery provides an opportunity to make friends who will be attending the school in Reception class.

**Response:** MAHPS's Governing Body have been exploring options for a private provider to run flexible, all year-round childcare from the school premises for children aged from 6 months. At the start of the consultation about this proposal the timescales for bringing in a provider were not known; however, the school has now written to parents to inform them that they plan for the new childcare provision to be in place from September 2024.

- Concerns raised:** A number of respondents made positive comments about the MAHPS nursery provision including: that it is an important community asset; provides a high quality educationally focused offer with experienced early years staff who have a passion for the children's development and wellbeing, which some respondents felt could not be matched in a private nursery; it is a nurturing environment and ensures children are well-prepared for the transition into Reception at the school. One respondent commented that the school would lose part of its culture and identity if the nursery closes. One respondent commented that as a Resource Provision the Nursery provides an early pathway for children who are deaf or have a hearing impairment. One respondent expressed concern that the private nursery may take up more space in school.

**Response:** All early years' settings are guided by the Early Years Foundation Stage Framework (EYFS). This framework states what areas of learning and provision must be made available to all children and includes staffing qualifications and safeguarding requirements.

Typically, less than half of the children entering Reception at MAHPS also attended the school nursery. The Reception staff team at the school have robust and effective transition arrangements in place which are used to support every new intake of children. They are experienced in welcoming and supporting children who have had differing pre-school

experiences, either with childminders, school nurseries, full day-care settings or in some cases, no pre-school experience.

MAHPS would work closely with the private nursery provider to ensure that the transition arrangements from nursery into Reception at school, for those children who stay on, is a key focus. This would include any children who might attend the Resource Provision in Reception. This would include visits, meeting key staff members and settling in days.

The private provider would be based in the same inside and outside areas that the current nursery occupies in school.

- c) **Concerns raised:** Some respondents commented that the childcare provision at MAHPS is more affordable than other local private nursery options. Some respondents expressed concern that families may be faced with increased costs, for example private nurseries make additional charges for consumables such as food and nappies, or not be able to afford the alternatives at all. Some respondents expressed a preference for a term time only school nursery setting and some expressed a preference for a school led nursery rather than a private run nursery. One respondent suggested that the current review of Little Owls might result in higher demand for other school nurseries.

**Response:** There is a good cross sector mix of provision in Roundhay/Wigton offering a combination of both term time and all year-round provision. In addition to childminders, there are 11 other early years settings within the Roundhay/Wigton childcare planning area (CPA), including four schools that have nurseries. Many providers offer various models of delivery of the 15- and 30-hour funded entitlement. 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.

MAHPS's Governing Body have been exploring options for a private provider to run flexible, all year-round childcare from the school premises for children aged from 6 months. The school has indicated that the new provider would offer some funded places alongside a more extended offer, which some families want, for which they will charge a competitive rate. Settings including schools are entitled to charge parents for additional costs/consumables as stated in their individual policies. Settings must make their invoicing clear to parents and explain any costs in addition to their funded hours, enabling parents to make informed choices.

- d) **Concerns raised:** Two respondents raised concerns about the transparency of the communications from school to parents regarding the proposal to close the nursery and the intention to invite a private provider to deliver childcare.

**Response:** To give the small numbers of parents/carers of children in the nursery, or on the waiting list to start in September, notice of the upcoming changes, the school informed these parents first so that they could explore other childcare options for their children. During the consultation when more details became available, the school followed up with an email to all parents/carers outlining plans for a private provider to run childcare provision from September 2024. School have aimed to keep parents/carers informed throughout the process as plans have developed and have engaged with parents directly who wish to discuss this further. The school did this with the best of intentions to help reassure parents/carers that they were working to ensure there would be no gap in provision.

- e) **Suggestions made:** Several respondents suggested that school should further investigate extending their wrap-around childcare to nursery age children to increase take-up of places. Some respondents suggested the closure should be delayed until September 2025 to give parents more notice. One respondent suggested the school should do more to advertise the nursery to increase take up of places and one respondent suggested that

if there are less children in nursery the school should reduce the number of staff rather than closing.

**Response:** MAHPS currently has a nursery catering for 3- and 4-year-olds, with a sessional offer for parents during core school hours, term-time only. The school advertised places using flyers, posters and banners with the offer of open days for prospective parents. However, there has been a decline in families taking up places at MAHPS's nursery to the point where there are expected to be only a handful of children in nursery by September 2024. This is financially unsustainable and the staffing costs, alongside lower numbers in nursery, are negatively impacting on the school's budget during a time when redundancies are being made across school to manage the budget going forward. The school has considered changing their nursery offer including exploring the establishment of a foundation stage, which would be combining nursery and Reception classes, however, felt that this would be financially unviable given the very low numbers expected in September. School cannot provide the flexible wrap-around care and all year-round nursery provision which some families are seeking. The School Governing Body have been exploring options for a private provider to run flexible, all year-round childcare from the school premises for children aged from 6 months. At the start of consultation about this proposal the timescales for bringing in a provider were not known; however, the school has now written to parents to inform them that they plan for the new childcare provision to be in place from September 2024.

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

- 19 Numbers of children attending the school's nursery have fallen over time. There are currently 24.5 (full time equivalent FTE) children attending nursery (summer term 2024) and this will reduce to 5.5 FTE in September 2024. Continuing to run the nursery with fewer than 19 FTE children is financially unsustainable and would result in a deficit budget. If the nursery remained open in September with 5.5 FTE children, this would equate to a deficit of approximately £78,000.
- 20 The school has worked to retain the existing nursery staff, some of whom have worked at the school for several years, and they have been offered alternative positions within the wider school.
- 21 The school has taken the decision that the before and after school club will also be run by the private provider. The staff who currently work in the before and after school club at the school may transfer to the new provider under the Transfer of Undertakings Protection of Employment rights (TUPE).
- 22 The change to the age range and closure of the local authority-maintained nursery at the school would have a positive impact on the school budget as it would no longer be necessary to divert resources to support the provision. There will be a potential income for the school from any lease arrangements associated with a new childcare provider operating from the school premises.

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

- 23 There is a 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.
- 24 Over the last few years, the Local Authority (LA) has supported the school to consider its nursery offer and models, including marketing its offer more widely. Despite this, numbers have fallen. Earlier this year the Governing Body 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. This is within the context of the school making redundancies to manage its budget.

- 25 There is a risk, should the local authority-maintained nursery not permanently close, that resources would need to be diverted to support its operation. This would take resources away from the rest of the school during a time when it is working to manage its deficit budget. In turn, this may then impact on delivery of the curriculum.
- 26 There is a broad range of childcare available across the local area that offer Funded Early Education (FEE) places, including school and private nurseries and childminders. 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.
- 27 As the number of 3- and 4-year-olds in the area is declining due to falling birth rates, it is anticipated that there will be sufficient places across the area to meet demand. Additionally, if the new provider has their childcare offer in place at the school by September there should be no gap in provision for families. The school has indicated that the new provider would offer some funded places alongside a more extended offer that some families want.

### **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 At its meeting in September 2021 Executive Board members agreed that in the future, and in response to the recommendation of the Children and Families Scrutiny Board, anonymised consultation responses be shared in full with Executive Board Members as 'background documents'. These would be published alongside the agenda papers, but not form part of the formal agenda. Executive Board members are asked to consider the summary of responses in this report as part of their decision making, with the full anonymised consultation responses being available for reference by Members as a published background document if needed.

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

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

- 30 The Governing Body at MAHPS 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. Governors gave consideration as to whether they could extend the nursery provision to provide a different offer to parents, however, 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 2024 and the Governing Body would explore options for a private provider to run flexible, all year-round care from age 6 months.
- 31 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 four years there will be more early years settings with surplus places and further reviews of the area may need to be carried out. This could, however, give providers an opportunity to develop additional provision for babies and younger children in accordance with the Government's plans to roll out early years' entitlement for working parents of children from 9 months of age.

### **How will success be measured?**

32 It should be noted that whilst the overall proposal is to change the age range of the school and permanently close the local authority-maintained nursery, the specific recommendation in this report is to approve the publication of a statutory notice on the proposal. If ultimately the proposal was 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?**

33 If the recommendations in this report are agreed by Executive Board, a Statutory Notice would be published, and we expect that a final decision on the proposal would be sought at Executive Board's November meeting. The nursery will temporarily close from September 2024 and if approved would permanently close from January 2025.

### **Appendices**

- Appendix 1: Equality, Diversity, Cohesion and Integration (EDCI) screening form.

### **Background papers**

- Anonymised consultation responses.