

Outcome of statutory notice 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: 20 November 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

This report describes the outcome of a statutory notice, published under the Education and Inspections Act 2006, regarding a proposal brought forward by Leeds City Council to change the age range of Moor Allerton Hall Primary School (MAHPS) from 3-11 years to 4-11 years and permanently close the local authority-maintained nursery with effect from 1 January 2025 and seeks a final decision in respect of this proposal.

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).

At its meeting in July 2024, 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 09 September 2024 marking the start of a four-week formal consultation. During this four-week period, which ended on 06 October 2024, 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 Moor Allerton Hall Primary School, from 3-11 years to 4-11 years and permanently close the local authority-maintained nursery with effect from 1 January 2025;
- c) Approve that the decisions from this report are exempted from the Call-In process for the reasons set out in paragraphs 30 and 31; and
- d) Note the responsible officer for implementation is the Deputy Director for Learning.

What is this report about?

- 1 This decision is being requested because the numbers of children attending MAHPS's nursery have fallen over time and by summer 2024 had dropped to 24.5 (full time equivalent FTE) children attending nursery, with only 5.5 FTE signed up for a place 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 had remained open in September 2024 with those lower numbers, this would have equated to a deficit of approximately £78,000 which would have impacted on the wider school budget.
- 2 The governing body at MAHPS 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 catering for 3- and 4-year-olds, with a sessional offer for parents during core school hours, term-time only. The number of families taking up places at MAHPS's nursery declined to the point where there were only expected to be only a handful of children in nursery by September 2024. This was financially unsustainable and the staffing costs, alongside lower numbers in nursery, were negatively impacting on the school's budget. The school have considered changing their nursery offer, however, cannot provide the flexible wrap-around care and all year-round nursery provision which some families are seeking. A joint decision was made, by the governing body and local authority, to temporarily close the local authority-maintained nursery from September 2024 due to low demand, pending the outcome of formal consultation to change the age range and permanently close the local authority-maintained nursery.
- 3 A review of the types of childcare available across the local area has shown that there is a broad range of childcare settings available 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.
- 4 Separate to this proposal, MAHPS's Governing Body have agreed for a private provider to run flexible, all year-round childcare from the school premises for children aged from 9 months from September 2024. 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 also supports 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.
- 5 Families have a variety of childcare and early education opportunities available in the local area. Since the local authority-maintained nursery has been temporarily closed, families have been able to secure alternative places for their children and neither the governors nor the local authority have been made aware of any families unable to secure appropriate childcare places.

- 6 At its meeting in July 2024, 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 16 provides detail about the consultation that has taken place.

What impact will this proposal have?

- 7 The change to the age range and permanent 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 nurseries, childminders, full day care, playgroup/pre-schools and before and after school childcare across many school settings. Additionally, MAHPS's Governing Body have agreed for a private provider to run flexible, all year-round childcare from the school premises for children aged from 9 months from September 2024. Families have a variety of childcare and early education opportunities available in the local area.
- 8 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.
- 9 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.
- 10 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

- 11 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.
- 12 Additionally, MAHPS's Governing Body agreed for a private provider to run flexible, all year-round childcare from the school premises for children aged from 9 months from September 2024, which adds to the locally available options for parents/carers.
- 13 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

- 14 The process in respect of the proposal has been managed in accordance with the relevant legislation and with local good practice.
- 15 An initial public consultation on this proposal took place between 13 May and 28 June 2024. The outcome of this consultation was detailed in a report presented to Executive Board, at its meeting on 24 July 2024, who approved the recommendation for a statutory notice in respect of the proposal to be published.
- 16 The statutory notice was published in the Yorkshire Evening Post on 09 September 2024 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.
- 17 The Executive Member for Children and Families was briefed, and details of the statutory notice were shared with local Ward Members and no concerns have been raised about the proposal.
- 18 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?

- 19 Numbers of children attending MAHPS's nursery have fallen over time and by summer 2024 had dropped to 24.5 (full time equivalent FTE) children attending nursery, with only 5.5 FTE signed up for a place 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 had remained open in September with 5.5 FTE children, this would have equated 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 from September 2024. The staff working in the before and after school club at the school were made an offer to 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 an income for the school from any lease arrangements associated with the new childcare provider operating from the school premises.
- 23 There are no perceived negative resource implications associated with this proposal.

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

- 24 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.

- 25 Over the last few years, the 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.
- 26 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.
- 27 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. Additionally, MAHPS's Governing Body agreed for a private provider to run flexible, all year-round childcare from the school premises for children aged from 9 months from September 2024, which adds to the locally available options for parents/carers. 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.
- 28 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.

What are the legal implications?

- 29 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).
- 30 It is recommended that this report be exempt from the Call-In process, in line with Executive & Decision Making Procedure Rule 8.1.2, 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 6 December 2024, or be referred to the Schools Adjudicator.
- 31 The statutory notice period ended on 6 October 2024. A report could not have been presented to Executive Board on 16 October due to the clearance process. The earliest date that a report could be presented to Executive Board, following clearance, is 20 November 2024. 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 would have to go to Executive Board on 11 December, 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?

32 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 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 9 months.

33 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?

34 The proposal is to change the age range of the school and permanently close the school nursery with effect from 1 January 2025. 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?

35 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 2025.

Appendices

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

Background papers

37 None.