

Outcome of consultation on a proposal to change the age range of Rothwell Primary School from 3-11 years to 4-11 years and permanently close the school nursery.

Date: 20 September 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

The report contains details of 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. 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' (October 2018).

Births across the Rothwell area have been falling in recent years. This has contributed to a decline in families taking up places at Rothwell Primary School's nursery and has impacted on the financial sustainability of the school.

It was decided that the school nursery would temporarily close from September 2022. This gave the local authority 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.

A public consultation on the proposal took place between 30 June 2023 and 21 July 2023.

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 Rothwell Primary School from 3-11 years to 4-11 years and to permanently close the school nursery.
- 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 December 2023 Executive Board meeting.
- e) 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 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 free early education entitlement (FEEE). 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 local authority 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 local authority 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 FEEE 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 FEEE 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, 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

Rothwell PS nursery, consideration has been given to the ongoing Little Owls review of which this proposal and demographic analysis has also fed into.

What impact will this proposal have?

- 7 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.
- 8 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.
- 9 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 Education Needs and Disabilities. These benefits would be expected to continue should the nursery close permanently.
- 10 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.
- 11 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

- 12 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'.
- 13 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

- 14 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.
- 15 A public consultation about this proposal took place during June and July 2023 to seek the views of parents, 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' consultation session was held at the 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. A separate meeting was held with the school's governors. 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 several prominent locations in the local area. Information was available via the Leeds City Council website and through various social media platforms and accounts.
- 16 Ward members were consulted, and no concerns have been raised about the proposal.
- 17 During the consultation period, a total of 71 survey responses were received of which 51 (72%) either strongly supported or somewhat supported the proposal and 19 (27%) either strongly opposed or somewhat opposed the proposal. A further 1 (1%) neither supported nor opposed the proposal.
- 18 A document with the anonymised consultation responses received during the consultation period is included as a background document.
- 19 A summary of the views expressed by the 51 respondents who strongly or somewhat supported the proposal is set out below by theme:
- Since the nursery temporarily closed in Sept 2022, reception children have been taught in two classrooms, each with dedicated teaching and support staff. Some respondents talked about the positive impact that they believe this arrangement has had, including:
 - The relatively small number of children in each group, typically 22 or 23, supports more effective teaching and learning.
 - There is more space for reception children and given that there are increasing numbers of children with additional learning needs in school, this is better for everyone's wellbeing and safety, including staff members.
 - The learning environment is calmer and less overwhelming, which is particularly helpful for children who have additional learning needs.
 - The additional inside and outside space provides better learning and play opportunities for all children.
 - The arrangement provides an improved transition experience when children start school.
 - The needs of all children can be met within the two classrooms due to the availability of carpet space, quieter areas and access to outdoors, meaning taking children out of the classroom for intervention or group work is now unnecessary.
 - It is a more efficient use of the space that benefits more children.
 - Some respondents commented that there are lots of alternative early years options available in the area, so families should not have any difficulties finding other provision. One person

said that if the nursery at RPS stayed open it could negatively impact on other early years settings that may already have relatively low numbers of children.

- Some comments were made about the nursery not being full enough to be financially viable, and with a falling birth rate in the area, numbers would be likely to decline further in the future.
- Some respondents suggested that most families need wrap-around nursery care, which wasn't offered at RPS, and these arrangements are more suited to the needs of working families.
- The governing body of RPS submitted a joint response to the consultation which set out that due to falling numbers in nursery, resources were having to be diverted to support it as it was becoming a financial burden. By permanently closing the nursery the school would be able to continue to increase the space used by reception, which in turn would improve the learning environment for these children.
- The head teacher of RPS explained that although it was a difficult decision to temporarily close the nursery for September 2022, it has delivered financial and other benefits. Without the nursery provision there were more resources available for the rest of the school, including more space in reception. This has been particularly beneficial for supporting the increasing number of reception children who have additional learning needs. The head teacher is supportive of this change becoming permanent.

20 A summary of views and concerns expressed by the 19 respondents who somewhat or strongly objected to the proposal are below:

- a) **Concerns:** Retaining the nursery at RPS is important to some local people, including some families with older children who previously attended. Some respondents value the nursery as an important community asset, and some said that children who attended were well-prepared for the transition to reception at the school. Some respondents also described the nursery as having a good reputation within the local area. The secure outside environment at the nursery was particularly important to one respondent. Concern was raised that if the school nursery were to permanently close, children entering reception at RPS will not know each other and it will be harder for them to make the transition to reception. One respondent was concerned that younger siblings might not secure a place at the school if they cannot attend nursery there.

Response: Typically, around half of the children entering reception at RPS did not attend its nursery, and none of the reception 2023 intake will have done. 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.

It is possible that groups of children arriving in reception will have accessed the same early years settings, and if so, there will be some familiarity and the possibility that friendship bonds will already have been formed.

Parents and carers of children in the 2021 reception class who had not used the school nursery were asked about their reasons for choosing alternative early years provision for their children. The main reason given was that the early years offer at RPS did not suit working parent's needs, many of whom required a longer day outside of core nursery hours and provision in the school holidays.

Attendance at nursery does not affect the likelihood of securing a reception place at the school. There is no priority for nursery attendance within Leeds City Council's admission policy for community and voluntary controlled primary schools. Siblings of children already on roll at RPS have a priority for admission based on this.

All early years' settings have mandatory safeguarding processes in place and as part of the daily routine, will risk assess all outdoor playing areas for hazards.

- b) **Concerns:** If the nursery at RPS permanently closes it will be difficult for families to get children to and from multiple school and early years settings, especially if parents/carers also need to get to work. If the start and finish times of these settings are the same or similar, this would restrict families' options. Families would have to travel further to access early years provision, and this may be dangerous and difficult to do on foot, so it may lead to more car journeys which would increase traffic in the area and have a negative environmental impact.

Response: There are several alternative early years options available in the local area including school nurseries, childminders, pre-school and full day-care providers. There are safe walking routes within the area that families could use to access these provisions. Many providers offer various models of delivery of the 15- and 30-hour entitlement. Any parents/carers experiencing difficulties with start/finish times would be advised to talk directly with the setting to establish if flexibility could be agreed.

It is not uncommon for families to travel some distance to access early years settings. When the nursery was open at RPS, this was not the nearest setting for many of the children who attended. It was not unusual for children to travel to it from Carlton, Woodlesford and Wakefield, where there is existing, local provision. Any additional traffic associated with these journeys would not be there if the nursery permanently closed.

- c) **Concerns:** It would be difficult for families to find alternative early years places and the closure of the nursery at RPS would reduce parental choice. One respondent commented that there is a shortage of early years provision available in the area. Some respondents explained that they want term time only school nursery provision and would not feel comfortable sending their child/children to a different type of early years setting. Concern was also raised that families may be faced with increased costs, for example if they used private nurseries instead of a school nursery. One respondent was concerned about the ratios and type of provision offered elsewhere.

Response: There is a good cross sector mix of provision in Rothwell offering a combination of both term time and all year-round provision. In addition to childminders, there are seven other early years settings within a mile of RPS, including two schools that have nurseries. One of the provisions is only 0.2 miles away. Providers were contacted recently with regards to their occupancy rates, and this confirmed that there are alternative places available locally.

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.

All early years' settings are guided by the Early Years Foundation Stage Framework (EYFS) which states what child: staff ratios must be adhered to. Childminders have separate regulations for staffing ratios. This framework also states what areas of learning and provision must be made available to all children and includes staffing qualifications and safeguarding requirements.

- d) **Concerns:** Demand for nursery places at RPS may increase again in the future, so it should not be closed. Some respondents were concerned that the impact of new local housing has not been factored in and that some local children who were born in Wakefield will be missing from the data used to estimate future demand. One respondent suggested that were RPS to extend its nursery offer it would attract more children.

Response: The birth rate across the area has fallen significantly over recent years. Across the Rothwell/Robin Hood/Woodlesford area, which is where RPS is situated, there were 319 births in the academic year 2017/2018 (children due to start reception in 2021). This had fallen to 227 in the year 2021/22 (children due to start reception in 2026) and demand for early years places across the area is expected to reduce over future years.

Current data suggests that even without the places at RPS's nursery, there would be sufficient early years provision in the area to meet future demand. Removing these places would support other settings to remain viable.

Children who are registered with GP surgeries in Leeds are included within the demographic data used to predict future demand, even if these children were born in other local authority areas. New housing is factored in when future demand is being considered and in this area there are no known significant housing developments coming forward.

Due to the limitations of the school building and staffing capacity, the school is not able to offer the flexible wrap-around care and all year-round nursery provision which some families are seeking.

- e) **Concerns:** Families were not consulted on the previous proposal to temporarily close the nursery at RPS. A respondent commented that because of this change, some families have already had to make other arrangements for early years provision, and therefore may not have put forward their views now. The suggestion was that the timing of the temporary closure has undermined the current consultation process.

Response: Parents and carers of all children attending RPS were informed via email and the school newsletter in February / March 2022 about the decision to temporarily close the nursery from September 2022. Families with children in the nursery were also informed in February 2022 and four of them took up an offer to discuss it with the head teacher. The school supported families with children already in nursery to find alternative early years provision, and to date neither the school nor Leeds City Council has been informed about any of these families being unable to make other arrangements for their child/children.

The current consultation has been advertised widely within the local community and there has been a good level of engagement with it. Families with children attending RPS and other schools in the area have been informed via email, and local early years providers were asked to let their parents/carers know about the consultation. Messages went out via social media and posters were displayed at various locations in the area.

- f) **Concerns:** The proposed closure is more about making reception easier to manage rather than the nursery being financially unviable. Alternative suggestions to enable the school to retain its nursery included reducing the Published Admission Number to 30 and relocating the nursery to a different location within the school site.

Response: Many schools are experiencing budget pressures, and the recent relatively low numbers in the nursery at RPS has had a negative financial impact. Governors commented that to keep the nursery open, monies would have to be diverted from other priorities, and this would reduce the resources available for other year groups. The reception offer at the school has been improved by the additional space created by the temporary closure of the nursery and some parents/carers, staff members, the head teacher and governing body have indicated that they would like this arrangement to continue.

The school currently has 45 places available in all year groups, and it would take time for any reduction in the Published Admission Number to take effect, the earliest possible date for implementation of this type of change being September 2025. Were this to go ahead, it would only affect reception numbers, so higher year groups would remain at 45 as they moved through school. This is not an approach that the governing body or senior leadership team is considering at the current time, and even if it were, it would be very unlikely to lead to an increase in nursery numbers or to offer any overall financial benefit.

There would be costs associated with moving the nursery to another location within the school site, and as there is an existing space suitable for early years provision, this would not represent good value for money. Even if the nursery were to be moved, the impact of low numbers would still present the same financial challenges for the school.

- 21 The one respondent who neither supported nor opposed the proposal made comments about how the lack of wrap-around care at RPS's nursery meant the provision did not meet the needs of working parents/carers. They suggested that if the nursery had provided this sort of offer there would have been a higher take up of places. The respondent also commented on the additional cost of accessing all year-round early years' provision for a child that is entitled to 30 hours Free Educational Entitlement.

Response: Prior to the temporary closure, the head teacher and Governors reviewed their nursery offer and sought feedback from parents/carers. This enabled them to assess what parents/carers were looking for and understand the needs of working families. Providing wrap-around care for nursery children was considered, however this was not a service the school felt could be offered due to the staffing requirements for children aged 3 and 4 and the impact on the resources and accommodation used by older children in school.

What are the resource implications?

- 22 The nursery has 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 enable the school to positively impact on its budget as it would no longer need to divert resources to support the provision.
- 23 There are no perceived negative resource implications associated with this proposal.

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

- 24 The governing body at RPS approached the local authority 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. 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 would give the local authority and governors time to consider the impact and future need for early years places in the area.
- 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 FEEE 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 local authority 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.
- 28 If the school nursery did not permanently close, it is very likely 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.
- 29 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.

What are the legal implications?

- 30 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' (October 2018).
- 31 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?

- 32 The governing body at RPS approached the local authority 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 local authority 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.
- 33 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 Rothwell Primary School 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.
- 34 As the number of 3- and 4-year-olds in the area is continuing to go down and currently there are sufficient places to meet current 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 vacancies and further reviews of the area may need to be carried out.

How will success be measured?

35 It should be noted that whilst the overall proposal is to change the age range of the school and permanently close the school 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 timescale and who will be responsible for implementation?

36 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 December meeting. As the nursery is currently temporarily closed, the formal closure would take effect with immediate effect should Executive Board approve.

Appendices

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

Background papers

- Anonymised consultation responses.