

Langenhoe School - closing the nursery provision and reverting age of intake to 4-11.

Forward Plan reference number: FP/650/03/20

Report title: Langenhoe School - closing the nursery provision and reverting age of intake to 4-11.	
Report to: Councillor Ray Gooding - Cabinet Member for Education and Skills	
Report author: Carolyn Terry – EYCC Sufficiency and Sustainability Manager	
Date: 10 June 2020	For: Decision
Enquiries to: Carolyn Terry, EYCC Sufficiency & Sustainability Manager Email: Carolyn.terry@essex.gov.uk	
County Divisions affected: Mersea and Tiptree, and Stanway and Pyefleet Divisions	

1. Purpose of Report

- 1.1. To approve the closure of the nursery provision at Langenhoe Community Primary School and revert to the school intake being children aged between 4-11 years from September 2020.

2. Recommendations

- 2.1. To approve the closure of the nursery provision at Langenhoe Community Primary School with effect from September 2020.

3. Summary of issue

- 3.1 The numbers of children on the register for the nursery provision at Langenhoe Community Primary School (the “School”) are low, which means that the nursery is not financially viable to continue to run.
- 3.2 Governors can agree a contribution from the School’s budget to fund nursery provision unless this will have a negative impact on educational achievement. The nursery is not financially viable so this would have an ongoing negative impact upon the School’s finances which could impact on the educational achievement of pupils at the School as it would need to reduce expenditure.
- 3.3 An early years and childcare provider has opened a new facility nearby, which offers flexible full day care from birth. The School are unable to offer provision for children this young which has resulted in local families choosing this provision rather than the School. It is therefore proposed that the nursery provision is closed with effect from 1 September 2020.
- 3.4 EYCC Summer 2018 sufficiency data indicates that there are sufficient numbers of early years and childcare places available in the neighbouring wards, that will meet the needs of local families if the nursery was to close with effect from September 2020.

Langenhoe School - closing the nursery provision and reverting age of intake to 4-11.

3.5 The School have undertaken the required consultation with the local community and no clear opposition to the closure was expressed.

3.6 Staffing implications can be mitigated as a result of factors unrelated to the proposed closure. For this reason, it is not envisaged that redundancies will be required at this stage.

4. Options

Option 1 - Keep the nursery open

4.1 It is not financially viable for the School to subsidise the nursery, as it will have a negative impact on the School's budget.

4.2 Demand for places at the nursery remains low and this is supported by the consultation outcome.

Option 2 - Closure of the nursery – recommended option

4.3 The impact on the School's budget is mitigated if the nursery is closed.

4.4 Demand for childcare places can be met by alternative provision within the area.

5. Next Steps

5.1 Formal notification to be given of the intention to close the nursery.

5.2 Nursery to close at the end of the summer term 2020.

5.3 Changes will be required to the Get Information About Schools (GIAS) system.

6. Issues for consideration

6.1. Financial Implications

6.1.1 The nursery is not financially viable due to the low number of children attending. There is a shortfall in funding of £19,000. Whilst Governors can support the nursery from the school's budget, they must consider the implications this would have on educational standards.

6.1.2 The preferred option to close the nursery will remove the need for financial support from the school's budget which will allow governors to use the resources available to improve educational standards.

6.1.3 There are no anticipated redundancy costs as the affected staff members can be re-deployed within the school.

Langenhoe School - closing the nursery provision and reverting age of intake to 4-11.

6.1.4 There are no financial implications for the Local Authority.

7. Legal implications

- 7.1.1. Local authorities must continue to plan for and secure sufficient schools and places for their area in line with their duties under section 14 of the Education Act 1996.
- 7.1.2. Under Section 6 of the Childcare Act 2006, ECC must ensure that there is sufficient childcare within the local area. Section 6 of the Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work.
- 7.1.3. Section 7 of the Childcare Act sets out a duty to secure free early years provision for preschool children. Currently every child aged three or four is entitled to 15 hours per week free early years provision for 38 weeks of the year. Eligible working parents are also entitled to an additional 15 hours per week of free early years provision over 38 weeks of the year, this is known as the 30 hours offer. ECC has a requirement to ensure that there are sufficient places available if the nursery is closed.

8. Equality and Diversity implications

- 8.1. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3. The equality impact assessment which has been carried out indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

Langenhoe School - closing the nursery provision and reverting age of intake to 4-11.

9. List of appendices

- 8.1 Appendix 1 - Equality Impact Assessment
Appendix 2 – Evidence of consultation
Appendix 3 – Chief Officer Decision paper for the commencement of the consultation

10. List of Background papers

- 10.1. Consultation documents

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education	18.06.20

In consultation with:

Role	Date
Executive Director for Finance and Technology (S151 Officer) Stephanie Mitchener	15.6.20
Director, Legal and Assurance (Monitoring Officer) Katie Bray on behalf of Paul Turner	10.6.20