

## LONDON BOROUGH OF CROYDON

To: Croydon Council website  
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### **STATEMENT OF EXECUTIVE DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN YOUNG PEOPLE & LEARNING ON 18 SEPTEMBER 2017**

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

The following apply to the decisions listed below:

**Reasons for these decisions:** are contained in the **attached** Part A report

**Other options considered and rejected:** are contained in the **attached** Part A report

**Details of conflicts of Interest declared by the Cabinet Member:** none

**Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Member:** none

The Leader of the Council has delegated to the Cabinet Member the power to make the executive decisions set out below:

#### **CABINET MEMBER'S DECISION REFERENCE NO. 2517CYPL**

**Decision title: Consultation on the proposed closure of Coulsdon Nursery**

The Leader of the Council (decision reference 2517LR) has delegated to the Cabinet Member the power to make the decisions set out below.

#### **RESOLVED:**

Having carefully read and considered the Part A report, including the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Children, Young People and Learning has agreed:

to undertake a public consultation on the proposed closure of Coulsdon Nursery School in September 2017 with a decision to be made by Cabinet in November 2017 whether or not to close the Nursery school. The consultation will be undertaken in accordance with the DfE statutory guidance; "Opening and Closing Maintained Schools (April 2016)" If, following consultation, the decision to close is agreed, the effective date would be anticipated no earlier than the 31 December 2017.

**Notice date: 19 September 2017**

<b>REPORT TO:</b>	<b>Cabinet Member for Children, Young People and Learning</b>
<b>SUBJECT:</b>	<b>Consultation on the Closure of Coulsdon Nursery School</b>
<b>LEAD OFFICER:</b>	<b>Denise Clements: Strategic Manager Best Start and Troubled Families</b>
<b>CABINET MEMBER:</b>	<b>Cllr Flemming, Cabinet Member for Children, Young People and Learning</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON</b>	
<p>The recommendations in this report contribute to achieving priority 3 of the independence strategy to provide people with the best opportunity to maximise their life chances and have a good quality of life through the provision of high quality universal services, including an excellent learning offer.</p>	

<p><b>FINANCIAL IMPACT:.</b></p> <p>Significant changes in the financial regulations of the Dedicated Schools Grant in April 2017 have imposed clear funding restrictions that have had a negative impact on the way in which the maintained nursery schools in the borough are funded. Whilst the Department for Education have made supplementary funding available to Local Authorities to support continuing provision this represents a reduced funding base in real terms. Reducing the number of maintained nursery schools through this proposal will help to manage the financial challenges with no direct impact on the number of high quality educational places available.</p> <p>There are no direct financial implications arising from undertaking this consultation. Any decision on the future of the nursery closure will be part of the wider consideration of the future sustainability of maintained nursery schools in Croydon. These will be addressed as part of the wider proposal that is expected to be considered in the autumn.</p> <p><b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> Not a key decision. The key decision will be in respect of the closure of Coulsdon Nursery School which will be considered by Cabinet following the consultation on closure of Coulsdon Nursery School.</p>
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The Leader of the Council has delegated (decision reference 2517LR) to the Cabinet Member for Children, Young People and Learning the power to make the decisions set out in the recommendations below in respect of undertaking a consultation in respect of the closure of Coulsdon Nursery School. The consultation will be undertaken in accordance with the DfE statutory guidance; "Opening and Closing maintained schools (April 2016)".

## **1. RECOMMENDATIONS**

That, under the delegation from the Leader of the Council , the Cabinet Member for Children, Young People and Learning, having considered the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of this report approve the recommendations below.

to undertake a public consultation on the proposed closure of Coulsdon Nursery School in September 2017 with a decision to be made by Cabinet in November 2017 whether or not to close the Nursery school. The consultation will be undertaken in accordance with the DfE statutory guidance; "Opening and Closing Maintained Schools (April 2016)" . If, following consultation, the decision to close is agreed, the effective date would be anticipated no earlier than the 31 December 2017.

## **2. EXECUTIVE SUMMARY**

2.1 This report details the recommendation to undertake a public consultation on the proposed closure of Coulsdon Nursery School in September 2017 with a decision to be made by Cabinet in November 2017 whether or not to close the Nursery school. The consultation will be undertaken in accordance with the DfE statutory guidance; "Opening and Closing Maintained Schools (April 2016)" . If, following consultation, the decision to close is agreed, the effective date would be anticipated no earlier than the 31 December 2017.

## **3. DETAIL**

### **Proposed Closure of Coulsdon Nursery School**

- 3.1 Coulsdon Nursery School is a sixty-four place maintained school offering education and care for children of three and four years old. In partnership with the governing bodies of Coulsdon Nursery School and Chipstead Valley Community Academy, we are proposing consulting on closing Coulsdon Nursery school.
- 3.2 Nursery places to serve the local area will be re-provided within the newly created nursery classes at Chipstead Valley School. The new provision will offer comparable capacity with 63 places created. The provision offers greater flexibility and is able to deliver the range of early learning and childcare funded places for 2, 3 & 4 year old children including the governments new 30 hour initiative for eligible families.
- 3.3 The two schools have worked in partnership for a number of years through federation arrangements prior to the academisation of Chipstead Valley School and latterly through a robust Service Level Agreement. The partnership is exceptionally strong and has been instrumental in sustaining an Ofsted grading of Outstanding since 2013.

- 3.4 Coulsdon Nursery School currently occupies rented premises that are outdated and do not lend themselves to the delivery of Early Years provision in a cost effective way. The current offer is limited and only available for the year before the child is due to enter their reception year at school. There are no opportunities to further develop provision and no capacity to deliver places for eligible two year old children or the new 30hr childcare offer. The new facilities have been developed as part of the overall expansion of the primary school. This will facilitate a learning environment across a 2-11 age range, maximising the opportunities for children to achieve good outcomes.
- 3.5 This proposal aligns to the necessity to re-model maintained nursery school provision in Croydon in order to move to a more financial sustainable provision. It builds on opportunities to minimise duplication of roles through the alignment of back office and leadership functions and yields additional cost saving benefits achievable through a single site provision. The added value is realised through the increase in the number of places available to deliver the new 30 hour early education and childcare offer and will create places for eligible 2 year olds in an area where provision is currently limited.
- 3.6 With a priority outcome for school readiness through the Best Start ( 0-5) programme, foundational across early childhood systems and programs, children are ready for school, families are ready to support their children's learning, and schools are ready for children. From conversations with the DfE greater investment and influence across children's outcomes is encouraged as an approach to achieving longer term sustainability of maintained nursery schools. As part of an overall review of these provisions we will explore opportunities for the nursery schools to become embedded in the Best Start programme as part of the transformative changes for a whole system change for children under 5 and their families
- 3.7 It is proposed that consultation would take place in September 2017 and that a decision would be made by Cabinet whether or not to close the Nursery school in November 2017. The consultation will be undertaken in accordance with the DfE statutory guidance; Opening and Closing Maintained Schools (April 2016). If, following consultation, the decision to close is agreed, the effective date would be anticipated no earlier than the 31 December 2017.

## **4 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

### **4.1 The effect of the decision**

There are no direct financial implications arising from undertaking this consultation. Any decision on the future of the nursery closure will be part of the wider consideration of the future sustainability of maintained nursery schools in Croydon. These will be addressed as part of the wider proposal that is expected to be considered in the autumn.

Approved by: Josephine Lyseight, Head of Finance (People) on behalf of the Director of Finance, Investment & Risk

## **5. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 5.1 The Solicitor to the Council comments that school closures are subject to statutory procedures as set out in the Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013. Local Authorities should also have regard to the statutory guidance, in this case “Guidance for Decision Makers April 2016” and “Opening and Closing Maintained Schools April 2016”. As set out in the body of the report, the Council will be following the statutory process for closing a maintained nursery school and consultation requirements as detailed in the “Opening and Closing Maintained Schools (April 2016)” statutory guidance.
- 5.2 The Guidance for Decision Makers April 2016 specifies that there is a presumption against the closure of nursery schools. The case for closure should be strong and the proposal must demonstrate that:
- Plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity as the provision provided by the nursery school with no loss of expertise and specialism; and
  - Replacement provision is more accessible and more convenient for local parents.
- 5.3 This proposal, while closing the nursery school, would continue to offer the same level of service at Chipstead Valley School, which is in the local area and therefore nursery provision will not change as a result of proposals contained within the report.

(Approved by Jacqueline Harris-Baker Director of Law and Monitoring Officer)

## **6. HUMAN RESOURCES IMPACT**

- 6.1 The proposed closure of Coulsdon Nursery School is likely to entail a service provision change to Chipstead Valley School, which would then invoke the effects of the Transfer of Undertakings (Protection of Employment) 2006 Legislation (amended 2014). However, where the activities of the new service are “fundamentally not the same”, TUPE may not apply, as provided for by the 2014 amendments to the Transfer of Undertakings (Protection of Employment) 2006 Legislation.
- 6.2 Where TUPE applies, the affected staffing group would transfer to Chipstead Valley School on their existing terms and conditions of service. The appropriate TUPE protocols will therefore apply; particularly the duty to consult with the recognised trade unions and affected staff groups, once the final decision has been made. However, early engagement with the staff and trade unions has begun.

(Approved by: Deborah Calliste, Head of HR – People Department Lead, on behalf of the Director of Human Resources)

## **7. EQUALITIES IMPACT**

- 7.1 The equality analysis for the closure of Coulsdon Nursery School indicates that the proposed change is likely to have a neutral or positive impact on equality groups that share a “protected characteristic” in terms of disability, race/ethnicity, gender, age, and religion/belief. Although the analysis focuses on specific equality groups, it is recognised that some people may fit into more than one group.
- 7.2 The Council will ensure that the proposed change is fair and equitable and non-discriminatory to school staff, current and prospective pupils and parents/carers, particularly those with protected characteristics.
- 7.5 The proposed strategy is in line with the Council’s Equality and Inclusion Policy and will enable the delivery of the following priorities:
- Make Croydon a place of opportunity and fairness by tackling inequality, disadvantage and exclusion.
  - Close gaps in educational attainment by working with local businesses and community groups to enable people of all ages to reach their full potential through access to quality schools and learning.
  - Work in partnership to lift people out of poverty by increasing employment opportunities across the borough ensuring local people have a pathway into employment, education and training.
- 7.6 The proposed strategy is consistent with the Council’s general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

## **8. ENVIRONMENTAL IMPACT**

- 8.1 N/A

## **9. CRIME AND DISORDER REDUCTION IMPACT**

- 9.1 N/A

## **10. REASONS FOR RECOMMENDATIONS**

The recommendations of this report are set out to:

- Discharge the Local Authority duty to consult on the proposed closure of a maintained school.
- Respond to the financial changes within the Dedicated Schools Grant (Early Years Block) and the impact on stability and sustainability across maintained nursery schools in Croydon.

## **11. OPTIONS CONSIDERED AND REJECTED**

### **Maintained Nursery Schools**

- 11.1 These proposals are part of an overall review of maintained nursery schools in Croydon to ensure financial stability and sustainability longer term.

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**CONTACT OFFICER: Denise Clements Strategic Manager for Best Start and Troubled Families Contact Number 0208604-7208**

**Appendices printed separately:**

There are no appendices that accompany this report

Background Documents: none