

## Cabinet

Wednesday 6 March 2024

11.00 am

Rooms GO2A, B and C, 160 Tooley Street, London SE1 2QH

# Supplemental Agenda No. 1

### List of Contents

Item No.	Title	Page No.
9.	<b>Closure of Ann Bernadt Nursery School</b> To agree to close Ann Bernadt Nursery School from the 31 August 2024 onwards.	1 - 48

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Date: 27 February 2024

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 6 March 2024	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Closure of Ann Bernadt Nursery School	
<b>Ward(s) or groups affected:</b>		Peckham	
<b>Cabinet Member:</b>		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees	

### **FOREWORD - COUNCILLOR JASMINE ALI, CABINET MEMBER FOR DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, EDUCATION AND REFUGEES**

Schools and nursery schools are the heart of our communities in Southwark so it is with great sadness that I ask Cabinet to approve the attached proposal to close Ann Bernadt Nursery School.

Ann Bernadt is one of five maintained nursery schools in the borough. Over time the school leadership, led by the governing body, have taken a number of steps to address financial issues in an attempt to become more sustainable. This includes federation with other schools, staffing restructures and a partnership with the River Peck Federation.

The number of children attending the nursery school has fallen by nearly 50% since 2016. The school leadership report that despite taking action to mitigate the effects of falling rolls, Ann Bernadt is no longer financially viable and governors requested a consultation on the proposed closure of the school in the academic year 2023/2024. This has been actioned by the council, and extensive consultation – as outlined in the attached report has been undertaken. The financial position for Ann Bernadt is not sustainable – it is increasing from a £100k deficit balance in 2021-22 to over £300k in 2022-23.

Throughout the consultation process, no viable alternative suggestions were proposed. An Equalities Impact Needs Analysis was undertaken as part of the process, and no equalities issues requiring mitigation were identified. Governors and the Council feel Ann Bernadt is no longer financially viable.

Pupil falling rolls is a serious issue for primary and more recently for nursery schools right across London. There are a number of reasons for this. A gradual fall in children entering reception was confirmed in 2018 as a trend. Contributing factors include; fall in birth rate, the uncertainty brought about by Brexit causing some families to leave the UK, rising costs of housing and more recently, the global pandemic demonstrating to more families how they can work in London while living further afield.

Following our £200m investment in to Southwark schools, the Council has been working closely with schools and nursery schools to weather this demographic storm.

As lead member for education I have written to two of the many recent education secretaries. The first letter was to the then Education Secretary Nadim Zahawi, on behalf of London Labour authorities to ask for financial support. More recently I wrote to Gillian Keegan Education Secretary - precisely to bring to her attention the crisis in nursery funding, again asking her to support. At the same time I pointed out that her own nursery places expansion scheme would be in jeopardy if she didn't support nurseries through the current funding crisis.

The River Peck Federation has another nursery that will be able to find some places for families from Anne Bernadt that need places. In all schools that have closed or amalgamated children have successfully managed the transition to the new school regardless of need. Most nursery pupils will transfer to a school within a few years months of taking a nursery place at a nursery school. Schools have "open doors" and welcome visits to reassure children and families.

Southwark Schools HR have worked previously with closing schools and will support staff to secure employment elsewhere in the borough wherever possible. They are given practical support and can be put forward for roles if available, and then undergo a normal recruitment process. Staff can also be suggested for secondments within the LA if they arise if they are willing to take this opportunity

I would like to thank Gregory Doey the Head Teacher at River Peck Federation for and Georgia Pritchard Southwark's Early Years Advisor for working tirelessly in making sure that the school staff, pupils and their families are held and supported through this - incredibly sad closure.

In the meantime we will continue to apply a strategic approach to this issue, do all we can to protect existing nursery school provision in Southwark and continue to put pressure on government to support our schools including our nursery school through this crisis.

## **RECOMMENDATION**

### **Recommendation for the Cabinet**

1. That the Cabinet agree to close Ann Bernadt Nursery School from the 31 August 2024 onwards

## BACKGROUND INFORMATION

2. Ann Bernadt Nursery School is a local authority maintained nursery school situated on the Willowbrook Estate in Peckham. The school is in a Hard Federation (a joint Governing Body with an Executive Head) with Nell Gwynn Nursery School, Bellenden Primary School and Pilgrims Way Primary School. In recent years the number of children attending Ann Bernadt has reduced from 123 (2016/17) to 42 (September 2023).
3. Falling numbers of pupils is an issue for schools right across the capital. London Councils (2023) has confirmed that *'London local authorities and schools are currently dealing with a significant and sustained period of reduction in demand for reception places, which has implications for school budgets and standards. The fall in demand reflects the decline in the birth rate since 2012 and changes in migration patterns'*.
4. In January 2024, London Councils published "Managing Falling School Rolls in London, which noted *"Most London boroughs are expected to see a decline in reception pupil numbers from 2023-24 to 2027-28. Over this four year period there is a forecast drop in demand of 4.4% at reception on average across London"*.
5. In Southwark this trend has previously been considered by Cabinet in relation to the Pupil Place Planning Reports in successive years (the latest being in October 2023). In December 2022, Cabinet agreed a Strategy to address this issue: *'Keeping Education Strong: Strategy for future proofing primary schools and protecting the quality of education in Southwark'*. While *'Keeping Education Strong'* focuses on the position with primary schools, the decline in birth rates since 2012 and changes in migration patterns has also had an impact on demand for nursery provision across the borough. Southwark has seen a drop in birth numbers of 33% since 2012 – a reduction of around 1,650 childbirths; the Peckham and Nunhead locality has seen an even larger fall of 35%. This decline is having a severe impact on finances for providers and in particular on those of school based early years provision
6. Funding for all early years providers, including schools is based on the number of children on roll - whilst rolls are falling, funding therefore decreases. Schools in particular have to continue to pay for maintenance of buildings and staffing structures for more places than there are pupils.
7. As small schools with high overheads, maintained nursery schools are facing significant pressures nationally, locally and individually that severely affect their sustainability. It is a principle of the Council to protect Southwark's high quality of education across all age ranges and this may be compromised where the cost of teaching staff, equipment and enrichment activities become unaffordable.
8. Ann Bernadt Nursery School is one of five maintained nursery schools in Southwark. Over time the school leadership, led by the governing body,

have taken a number of steps to address financial issues in an attempt to become more sustainable. This has included a federation with Nell Gwynn Nursery School, staffing restructures and a partnership with Pilgrims Way and Bellenden Primary Schools that form the River Peck Federation. For the current academic year 2023-2024, following staffing restructures, the school has a capacity of 59 children and employs 16 staff (some of whom are employed across the federation with Nell Gwynn e.g. administration staff). The school leadership report that despite taking action to mitigate the risks of falling rolls and increasing costs, Ann Bernadt is no longer financially viable and the governing body have notified the local authority of their decision to request a consultation on closure of the school in the academic year 2023/2024.

9. In line with the Department for Education's (DFE) guidance: "*Opening and closing maintained schools, Statutory guidance for proposers and decision-makers, January 2023*", and Schedule 2 of the Education and Inspections Act (EIA) 2006 (as amended by the Education Act 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013) Southwark Council will be following the statutory process for closing a maintained school. The process is outlined in the guidance, and addressed in detail in paragraphs 11 to 14. In line with the above guidance, Southwark Council must also have regard to the '*Presumption against closure of nursery schools*'. This consideration is outlined in page 25 of the guidance, and addressed in detail in a Report at Appendix 2.
10. In the event of the closure of Ann Bernadt Nursery School, the building would be repurposed for other education and/or community use with primary consideration being given to the use of site in support of the Council's SEND strategy.

### **The procedure for the consideration of a school closure**

11. The five stages to a school closure consideration outlined in the guidance and mentioned in paragraph 9 are set out below:
  - *Stage 1: Statutory Consultation with interested parties (completed)*
  - *Stage 2: Publication of proposals (completed)*
  - *Stage 3: Representation from publication; (completed)*
  - *Stage 4: Cabinet decision, and finally, (this paper requests this)*
  - *Stage 5: Implementation of proposals, if agreed*
12. The local authority undertook Stage 1 – Statutory Consultation with interested parties, details of which are provided in paragraphs 15 to 20 from the 18 October 2023 to the 6 December 2023. The Cabinet Member for Children, Education and Refugees was then required to consider this feedback before approval of publication, and then agreed to publish formal closure proposals in early January 2024 (Stage 2).
13. Stage 3 involved the receipt of formal representations from interested

parties and stakeholders for a 4-week period from 9<sup>th</sup> January 2024 to the 6<sup>th</sup> February 2024. Feedback from this and previous consultation should be considered by Cabinet when the decision to close is determined (Stage 4). Should the Cabinet agree to the closure of the school (Stage 5 of the process) the formal closure of the school would take place on the 31 August 2024.

14. The timetable outlined above is given in tabular format below

<b>Stage</b>	<b>Dates</b>
Stage 1: Statutory Consultation with interested parties	18 October 2023 to 6 <sup>th</sup> December 2023
Stage 2: Publication	19 December 2023
Stage 3: Representation	9 January 2024 to 6 <sup>th</sup> February 2024
Stage 4: Cabinet decision	6 March 2024
Stage 5: Implementation	31 August 2024

### **Responses to the pre-publication consultation (Stage 1)**

15. It is a statutory requirement for the Proposer (in this case the local authority) to consult any parties they think appropriate before publishing statutory proposals. The process included a statutory element of consultation that lasted for 6 weeks to allow the widest possible opportunity for views/comments to be made by parents, carers, local residents and other stakeholders. Two parent meetings and one staff meeting took place on the 15<sup>th</sup> November 2023. Trade unions were present at the staff meeting.
16. The purpose of the consultation was for the local authority to seek the views of and engage with those that could potentially be affected by the proposed closure of Ann Bernadt Nursery School. It was also an opportunity for interested parties to suggest other options for consideration on the proposed closure of Ann Bernadt in August 2023. In addition to this, Southwark sought the views of:
- *All schools/admission authorities in Southwark, governing bodies and academy trusts (via the Headteacher and the Chair of Governors).*
  - *Neighbouring Councils (Lambeth and Lewisham)*
  - *Southwark local ward Councillors and the local MP*
  - *The Southwark Diocesan Board of Education and the Catholic Diocese*
  - *Appropriate Trade Unions*
17. Consultation has been undertaken by:
- *Placing a note on the school website containing the consultation documents*
  - *Providing an online form to allow parents, carers and stakeholders to feed back on the pre-publication proposals*

- *Providing an email address to allow for parents, carers and stakeholders to feed back on the pre-publication proposals (questions.education@southwark.gov.uk)*
  - *An email to all of the five, additional stakeholder groups listed above was sent by the LA*
  - *Consultation meetings for parents, carers, community and stakeholders were held in November 2023,.*
  - *Consultation with staff, and their professional associations/trade unions is ongoing and presently being undertaken*
18. The results of the initial stage 1 pre-publication consultation are outlined below.
19. There were 91 responses (89 online) – with 78 respondents saying they did not agree to the closure (86%). Of respondents who provided information about their characteristics:
- a. 16% were staff employed at the school, 19% were staff employed at other schools, and 25% were parents.
  - b. 46% identified themselves as White British, 54% from Global Ethnic Majority (GEM) communities
  - c. 13% reported a disability;
  - d. 20% of the respondents were men.
20. An objection to the closure was received from UNISON, representing the non-teaching staff at the school. Staff and the trade unions had numerous operational queries, and liaised extensively with the school's Human Resources (HR) advisors. No other trade unions formally objected to the school's closure. At the conclusion of the statutory consultation outlined above, the local authority has reviewed the feedback. No viable alternative proposals have been put forward and therefore the recommendation is to proceed to the next stage of the process.
21. The issues raised and alternative proposals from this consultation are outlined below:

<b>Issues Raised</b>	<b>LA Response</b>
Excellent work with children and parents	This is not in question – the problem is the viability of the school – not enough children are attending
Promotion of the nursery needs to be improved	Further work to promote the Nursery School would be unlikely to significantly reverse the trend in falling numbers sufficiently to improve its viability.
Difficulties in finding alternative early years places (for parents and carers)	A substantial amount of alternative provision exists with the locality, including two Nursery Schools with vacancies and two primary schools

<b>Issues Raised</b>	<b>LA Response</b>
	with nursery classes.
Difficulties in finding alternative employment for staff	Vacancies exist across the Early Years sector
Facilities at the school not available elsewhere	There are similar facilities available at other schools in the immediate vicinity
<b>Alternatives proposed</b>	
Nell Gwynn Nursery School to close rather than Ann Bernadt.	This would not address the viability of Ann Bernadt Nursery School.
Conversion to residential accommodation	There are other tenants of the building that would render this suggestion unviable
Merger with the Grove Nursery	Grove is already in a federation with Kintore Way and is stable in this arrangement. Ann Bernadt is already in a federation.
Opening a SEND resource base on the site	A considerable number of responses proposed this. This will be considered as one of the options for future use of building.
Open the school to under 2s	There is already considerable provision in the private and voluntary sector for this, and it would be unlikely to be financially viable for the Nursery School to deliver this
Reduce the operating hours of the nursery	This would render the school even less viable than it already is – as early years settings are funded according to the number of hours of education they provide

### **Publication of the notices and representation (Stages 2 and 3) and responses to issues raised in the post publication consultation**

22. The local authority proceeded to the next stages of the process (**Stage 2**) with the publication of the proposals, requesting responses from 9<sup>th</sup> January 2024 to 6<sup>th</sup> February 2024. Formal notices (Appendix 4) were published and displayed at the school, placed on the school website and in the local press (the Southwark News) inviting comment on the Statutory proposal. (Appendix 5). All the stakeholders written to at Stage 1 were written to again in January 2024, outlining that the Cabinet Member had agreed formal publication of the closure proposals, and requesting their observations and representations
23. This action completed Stages 2 and 3 of the statutory process.

### **Responses to the Post-Publication Consultation**

24. The results of the Stage 3 publication consultation were as follows. A



total of 4 responses were received, all of which opposed the closure. With such a small turnout, an analysis of the characteristics of the respondees would not be meaningful. The responses were not substantially different to those made in the first phase of consultation, including a suggestion that the school be transformed into a specialist facility for children with special health and learning needs.

25. No substantive, formal representations have been received from neighbouring councils, ward councillors, the SDBE or the Catholic Diocese.

#### **Cabinet decision (Stage 4)**

26. In line with the statutory guidance, the decision maker is then the Cabinet of the Council and the proposals and such observations, feedback, objections and comments are herewith presented to the Cabinet for scrutiny and decision. The Cabinet is empowered to:

- a. Agree the closure proposal*
- b. Agree the closure proposal with modifications*
- c. Refuse the closure proposal*

27. If Cabinet does not take a decision on the school closure within 2 months of the expiry of the formal notice (i.e. by 8<sup>th</sup> April 2024), the matter would then be referred to the Office of the Schools Adjudicator (OSA) for final decision.

28. The following bodies have the right to have the decision referred to the Schools Adjudicator in any case, independent of the local authority after the Cabinet decision is taken.

- a. The Diocesan Board of Education of any C of E Diocese in the relevant area.*
- b. The Bishop of any Roman Catholic Church in the relevant area.*
- c. The governing body of any foundation of the foundation or voluntary aided school specified in the proposals.*

29. As Ann Bernadt Nursery School is neither a foundation nor voluntary aided school, the right of appeal by the federated governing body does not apply in this case.

#### **Formal closure of the school (Stage 5)**

30. If Cabinet agrees to the proposals to close, this will be effective from 31st August 2024.

#### **Actions undertaken for the pupils, parents and carers affected**

31. The local authority, as the body responsible for school admissions in Southwark, has had to plan for every eventuality to ensure that all

children attending Ann Bernadt Nursery School have a school or early years place for September 2024.

32. The majority of children at Ann Bernadt will be leaving the school in any event to start Primary School Reception Year in September 2024. Support will be offered to parents, carers and pupils to manage the transition to other early years' provision for those who would otherwise be remaining at Ann Bernadt. As with previous school closures, individualised support will be provided to children with special educational needs and/or transport needs.
33. In the local area, Ann Bernadt Nursery School is located within walking distance of two other maintained nursery schools - Nell Gwynn Nursery School, (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt, and Grove Nursery School (approximate distance and walking time 0.3 miles and 6 minutes). Both schools have vacancies and sufficient space to absorb pupils displaced by the closure of Ann Bernadt. Parents also have a choice of school based early years provision available catering for 3 and 4 year olds. The provision is teacher led in line with nursery schools so an equivalent quality can be assured with no loss of expertise or specialism.
34. Ann Bernadt is located in walking distance of two maintained primary schools that have teacher led nursery provision for 3 and 4 year olds. Both Oliver Goldsmith Primary School and Brunswick Park Primary School have an equivalent Ofsted rating ("Good") as Ann Bernadt.

#### **Actions undertaken for the teachers and non-teaching staff affected**

35. The situation at the start of the process was that the local authority informed their staff at the earliest possible opportunity that there was a potential that the school would close in August 2024. The trade unions were also involved at this stage.

#### **Policy framework implications**

36. With regard to the Council's delivery plan, the closure of Ann Bernadt will address the "*Work with schools to keep standards high*" work stream, as with low pupil numbers, this would be increasingly challenging for the school in the future.
37. The proposed closure also accords with the council's value of "*spending money as if it were from our own pocket*", as the proposed closure will ultimately mean that schools' expenditure will be deployed where most demand is concentrated.

### **Community impact statement and Equalities (including socio-economic) impact statement**

38. The Public Sector Equality Duty, at Section 149 of the Equality Act 2010, requires public bodies to consider the protected characteristics of individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.
39. Public bodies should have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.
40. The council's "Equality Framework" explains how the council is putting equality at the heart of everything we do.
41. "Protected characteristics" are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues to consider in terms of place planning. In terms of age, disability, race, religion or belief, any concrete proposals that emanate from the consultations with stakeholders will naturally be equality impact assessed.

### **Equalities (including socio-economic) impact statement**

42. A detailed Equality Impact Needs Assessment (EINA) (that includes socio-economic impact) has been completed. and is attached at Appendix 4. The statutory guidance requires the Cabinet to consider the impact of this proposal on local integration and community cohesion objectives when they are taking a decision on the proposals.
43. Given that most children are remaining within the locality it is not felt that there will be any discernible impact on integration and community cohesion.
44. The majority of children attending Ann Bernadt Nursery School will move on to Primary School Reception Year in September 2024 whether or not the school remains open. Any impact of a school closure would affect the smaller number of children who would continue to need nursery provision, for which many alternative options are available locally.

### **Health impact statement**

45. We understand that making changes, such as having to move school or employment, can have an impact on mental health. We have provided school leaders of all of our schools with access to support resources for

their staff and have also provided support to our children and families through our education services.

### **Climate change implications**

46. Following the Council Assembly meeting on the 14th July 2021, the Council has now committed to considering the implications of climate change of any decisions made. This report has not directly considered the impact of climate change in the main body of the report, as the recommendation will have a minimal effect on climate change. As the numbers of pupils in the authority area falls, and the numbers of pupils attending schools reduce, then it is likely that less pupils will be travelling to schools, thereby potentially reducing car use, travel and carbon emissions overall. No direct measures have been taken to reduce or enhance the impact on climate change as part of this work, as no substantive negative effects have been identified. Additionally, as no direct measures have been taken to reduce or enhance the impact on climate change as part of this work, no monitoring will be required.
47. Reducing the number of school places will not directly enhance the environment and green space, nor will it create "green" jobs and businesses, or benefit sustainable energy or reduce waste, albeit that less pupils in a particular school could potentially use less energy and produce less waste. Therefore, there is no expected substantive negative climate change effect arising from this proposal.

### **Resource implications**

48. The Council aims to ensure that demand for early years' places is as closely matched to supply as possible. The closure of a school where there is considerable overcapacity supports this process. The level of existing and anticipated vacancies and the compact nature of Southwark's geography mitigate considerably against any risk of there being insufficient places to house pupils affected by the closure.
49. The Nursery School is located in an area where there exists a choice of equivalent, well established and accessible maintained nursery school provision for children and parents to access as well as a choice of other types of provision including teacher led (school) based provisions and Private, Voluntary and Independent (PVI) provision. The freehold of the building belongs to the Council, who would ultimately decide what use the building would be put to, if closure were agreed.
50. Planning constraints presently limit the use of the building for anything other than education or training purposes. Southwark council's intention is for the building to remain in use as an educational or community amenity, with primary consideration being given to use of site in support of the council's SEND strategy.

### **Risk implications**

51. There is a risk that if Cabinet does not take a decision on the school closure within 2 months of the expiry of the formal notice (i.e. by April 2024), the matter would then be referred to the Office of the Schools Adjudicator (OSA) for final decision, and that this decision may be to keep the school open. To remedy this, if it was expected that a decision would need to be made later in the year (i.e. for June or July 2024 Cabinet), publication could be postponed until March 2024 or June 2024.

### **Legal implications**

52. The council's general duty under the Education Act 1996 in relation to securing sufficient school places in its area, and its functions in relation to making alterations to its existing maintained schools, is described in the body of the report.
53. The council also has a statutory duty under section 1 of the Childcare Act 2006, which specifically requires local authorities to improve the outcomes for all young children, reduce inequalities, and to ensure that there is sufficient high quality integrated early year's provision and childcare for parents locally. Section 6 of the Act further places a duty on local authorities to secure – in partnership with the private, voluntary and independent sector – sufficient childcare for all parents who choose to work or are in training in preparation for work. Section 7 (as substituted by section 1 of the Education Act 2011), places a duty on English local authorities to secure early years provision free of charge.
54. Early Education and Childcare, April 2023 statutory guidance goes on to provide at A2.17 that local authorities "*Ensure that the early years expertise and experience of their maintained nursery schools, if they have them, are used to benefit the whole local area. Maintained nursery schools (MNS) are almost exclusively good or outstanding, the majority are located in disadvantaged areas and. Local authorities should ensure that they have a role in the pedagogical leadership for the local early years system. What this means in practice will depend on local need, but it might include for example: commissioning nursery schools to develop and deliver a quality improvement strategy for the area; having nursery schools work with other providers to share their experience and expertise to raise the overall quality of provision across the area; helping nursery schools to work in partnership with other providers to offer parents who choose a MNS the 30 hours entitlement.*".
55. There is an additional need in this case for the council to provide a strong case for the closure of Ann Bernadt, as there is a statutory presumption *against* the closure of maintained nursery schools.
56. Statutory guidance provides that "*Where a proposal is for the closure of a maintained nursery school, the proposer should set out:*

- *plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and*
- *how replacement provision is more accessible and more convenient for local parents".* The report at Appendix 2 addresses this issue.

57. Where the council is considering a proposal to close a maintained school, the Cabinet Member is reminded that certain proposals will be subject to statutory notification and consultation procedures under Education and Inspections Act 2006, and regulations and guidance issued under that that Act.
58. The Cabinet Member is also reminded that the public sector equality duty under section 149 Equality Act 2010, as set out in the Community Impact section of the report, applies to the exercise any of its functions. In line with Equality and Human Rights Commission guidance, an equality and health analysis has been undertaken to indicate the extent of any impact on those with protected characteristics.

### **Financial Implications**

59. Maintained nursery school (MNS) balances in Southwark have consistently declined since the introduction of the Early Years National Funding Formula (EYNFF) in 2017-18, despite supplementary funding in recognition of higher costs in MNS with 60% of Southwark's MNS now in deficit.
60. Ann Bernadt Nursery School's financial position has significantly deteriorated over the course of 2022-23, increasing from a £100k deficit balance in 2021-22 to over £300k at the end of 2022-23.
61. This position is considerably unstable and arguably unsustainable in the short to medium term without significant changes to the structure of the school, in terms of either staffing, governance arrangements or closure.

### **Human Resource Implications**

62. The Council is the employer of all staff at the school, and will follow formal staff redundancy processes in consultation with trade unions and staff as per the Restructure, Redeployment and Redundancy Policy. This may or may not result in staff redundancies

### **Consultation**

63. When it is proposed to close a maintained school, the statutory consultation procedures defined by the DfE are required to be undertaken.

64. This process is outlined in Appendix 6; it involves a mixture of formal and informal consultation processes that needs to be carried out by the local authority. Initially, this involves ensuring all stakeholder are informed of the proposals and plans to follow a statutory consultation process.
65. Cabinet Member approval was required to initiate the statutory consultation process, which ran for six weeks during term time and included meetings with parents/carers, staff, trade unions and governors, as well as alerting local MPs, the Southwark Diocesan Board and Education Commission, and neighbouring authorities to elicit their views on the proposed closure.
66. All comments obtained through the statutory consultation process have been considered and the comments have been summarised in paragraphs 20 and 23.
67. The final decision to close Ann Bernadt Nursery School rests with Cabinet. If this is agreed, Ann Bernadt Nursery School will close on the 31 August 2024.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Head of Procurement**

68. A concurrent from the Head of Procurement was not required.

### **Assistant Chief Executive of Governance and Assurance REF: [JH ON 09.02.24]**

69. The Cabinet will be asked to approve proposals to close Ann Bernadt Nursery School, which is a community school maintained by the council. A school closure is an executive decision of the council, which has been reserved in the council's constitution to be made by the Cabinet.
70. A decision to close the school therefore has to be made by the Cabinet and in accordance with sections 15 and 16 and schedule 2 of the Education and Inspections Act 2006, and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.
71. The 2006 Act prescribes that one of the following decisions has to be made in relation to the proposals:
  - (a) reject the proposals*
  - (b) approve the proposals without modification*
  - (c) approve the proposals with such modifications as the Cabinet thinks desirable after any relevant consultation*

72. When making the decision, Cabinet must also have regard to the statutory guidance “*Opening and closing maintained schools*” issued by the Department for Education in January 2023 when making a decision to close a maintained school.
73. The Cabinet will be asked to make this decision following the publication of proposals by the local authority for the closure of the school. These proposals have been set out in a statutory notice and follow a period of statutory consultation required to take place prior to the proposals being published.
74. This consultation has to have been with anyone who appeared to the local authority to be appropriate.
75. Recommended consultees are set out in the statutory guidance. Details of this consultation are set out in the report, together with the results. The Cabinet should conscientiously take account of the outcomes of the consultation in taking this decision.
76. Any objections or comments will need to be provided to the Cabinet and conscientiously taken into account when making its decision. The Cabinet decision in relation to these proposals has to be made within two months of the close of the representation period of the publication of the statutory proposals, or the decision has to be referred to the Schools Adjudicator to make. If the decision is made to approve the proposals to close the school, the 2006 Act requires these to be implemented by the council.
77. The statutory guidance referred to above sets out considerations that should be made by the council when deciding on proposals including:
- *The information in the proposals set out in Appendix 5*
  - *Being satisfied that the Council has carried out the statutory process satisfactorily*
  - *Giving due regard to all responses received during the representation period*
  - *Being satisfied there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils and the likely supply and future demand for places in the medium and long term*
  - *The overall quality of alternative places in the area balanced with the need to reduce excessive capacity*
  - *The local context in which the proposals are being made, taking account the nature of the area, the age of the children involved and any alternative options for reducing excess surplus capacity*
  - *The impact of any proposal on local integration and community cohesion objectives*
  - *Will the decision unreasonably extend journey times or increase travel costs or result in too many children being prevented from being able to travel sustainably*
  - *The effect on the balance of denominational provision in the area*



*including the pupils currently on roll and the medium and long term need for places*

- *Is the school a focal point for family and community activity providing extended services for a range of users? If so provision should be made for the pupils and their families to access similar services through their new schools or other means*

78. The Cabinet needs to apply the public sector equality duty in section 149 Equality Act 2010 in making this decision, which requires it to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

79. The relevant protected characteristics are referred to in the community impact paragraphs above. An equalities impact analysis has been produced and needs to be considered by the Cabinet in making this decision.

80. Cabinet also needs to have regard to the council's statutory duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for their area.

81. The schools available for an area shall not be regarded as sufficient for these purposes unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

82. "Appropriate education" means education which offers such variety of instruction and training as may be desirable in view of

- (a) the pupils' different ages, abilities and aptitudes, and*
- (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.*

#### **Strategic Director of Finance REF: [CAS23/39]**

83. The Strategic Director of Finance and Governance notes the proposal to close Ann Bernadt Nursery School. Maintained schools receive the majority of their funding via the Dedicated Schools Grant, which is broadly distributed on a per-pupil basis.

84. As a result, falling rolls over a period of time can result in significantly reduced grant income, which can impact the ability of a school to balance its budget.

85. Schools in financial difficulty contribute to wider financial stresses within the maintained schools estate and so it is important that the financial position of all schools are reviewed regularly to ensure they are living within their means.
86. Section 22 of the Schools and Standards Framework Act (SSFA) 1998 sets out the Local Authority's responsibilities with respect to the funding of schools and includes a duty to defray all the expenses of maintaining a school.
87. When a maintained school closes, any outstanding deficit falls to the council to be written off. Whilst the financial management of maintained schools is delegated to their governing bodies, ultimate responsibility lies with the local authority and it is incumbent upon officers and members to ensure robust governance and controls are in place, both with respect to falling rolls and financial deficits, to limit any further exposure to financial risk arising from schools in deficit.

#### Other officers

6. There were none.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Opening and closing maintained schools - Statutory guidance for proposers and decision-makers DfE, January 2023	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/851585/Opening_and_closing_maintained_schools1012.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/851585/Opening_and_closing_maintained_schools1012.pdf</a>		
Education and Inspections Act (EIA) 2006, HMSO, 2006 Education Act 2011, HMSO, 2011	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://www.legislation.gov.uk/ukpga/2006/40/contents">https://www.legislation.gov.uk/ukpga/2006/40/contents</a> <a href="https://www.legislation.gov.uk/ukpga/2011/21/contents/enacted">https://www.legislation.gov.uk/ukpga/2011/21/contents/enacted</a>		

Background Papers	Held At	Contact
The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013), HMSO, 2013	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://www.legislation.gov.uk/uksi/2013/3109/contents/made">https://www.legislation.gov.uk/uksi/2013/3109/contents/made</a>		
Southwark Council Delivery Plan, January 2023	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://www.southwark.gov.uk/council-and-democracy/fairer-future/fairer-greener-safer-southwark-s-council-delivery-plan">https://www.southwark.gov.uk/council-and-democracy/fairer-future/fairer-greener-safer-southwark-s-council-delivery-plan</a>		
Southwark Council Values, January 2021	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://www.southwark.gov.uk/council-and-democracy/fairer-future/values">https://www.southwark.gov.uk/council-and-democracy/fairer-future/values</a>		
Public Sector Equality Duty, EHRC, 2014	Children and Families Directorate, 4 <sup>th</sup> Floor, Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Georgia Pritchard 02075252344
<a href="https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty">https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty</a>		

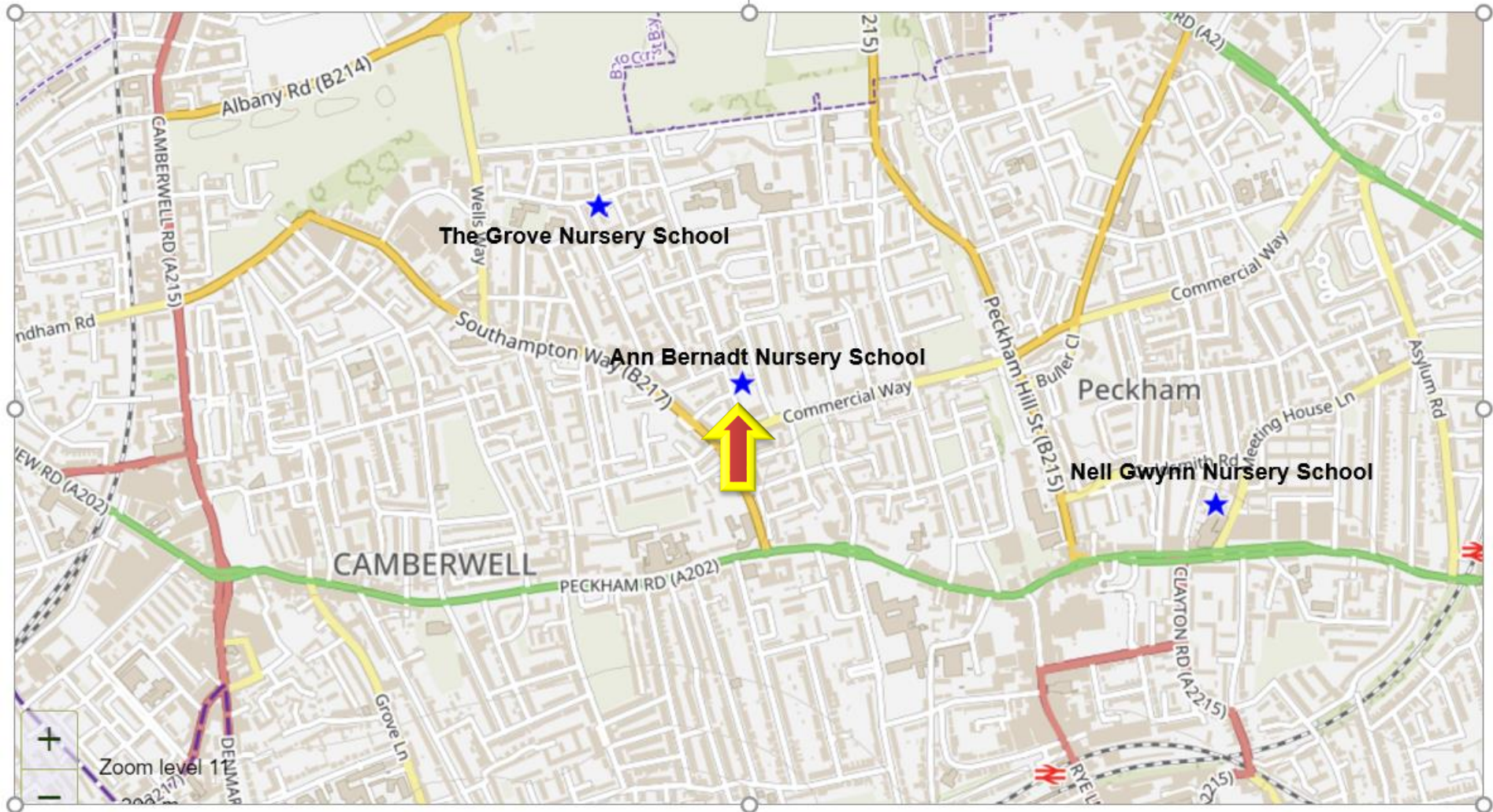
## APPENDICES

No.	Title
Appendix 1	Map of location of Ann Bernadt Nursery School
Appendix 2	Response to presumption against closure of nursery schools - response to guidance
Appendix 3	Statutory Notice for Closure
Appendix 4	Statutory Proposal to close Ann Bernadt Nursery School
Appendix 5	Equality Impact and Needs Assessment
Appendix 6	Decision Flow Chart - Closure of Ann Bernadt Nursery School

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children and Adult Services	
<b>Report Author</b>	Georgia Pritchard, Early Years Education Advisor	
<b>Version</b>	Final	
<b>Dated</b>	27 February 2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		27 February 2024

APPENDIX 1 – LOCATION OF ANN BERNA DT NURSERY SCHOOL AND OTHER COMMUNITY NURSERIES IN PECKHAM



## APPENDIX 2 – RESPONSE TO PRESUMPTION AGAINST CLOSURE

### Premise

The council is required to demonstrate that the case for closure of a maintained nursery school is strong as part of meeting the statutory requirements for the 'presumption against closure of a maintained nursery school'.

### Guidance

Guidance from the **Opening and closing maintained schools statutory guidance for proposers and decision makers January 2023** states that;

*'Proposers should be aware that decision makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong. Where a proposal is for the closure of a maintained nursery school, the proposer should set out:*

- *plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and*
- *how replacement provision is more accessible and more convenient for local parents.*

*When proposing to close a school which includes early years provision, proposers should set out whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families' Page 25*

The purpose of Maintained Nursery Schools is outlined in the **Statutory guidance for LA's, Statutory guidance for local authorities April 2023,**

*'Ensure that the early years' expertise and experience of their maintained nursery schools, if they have them, are used to benefit the whole local area. Maintained nursery schools (MNS) are almost exclusively good or outstanding, the majority are located in disadvantaged areas and Local authorities should ensure that they have a role in the pedagogical leadership for the local early years' system. What this means in practice will depend on local need, but it might include for example: commissioning nursery schools to develop and deliver a quality improvement strategy for the area; having nursery schools work with other providers to share their experience and expertise to raise the overall quality of provision across the area; helping nursery schools to work in partnership with other providers to offer parents who choose a MNS the 30 hours entitlement' A2.17, page 17*

### **Case for closure- response to requirements in Opening and closing maintained schools guidance**

If the decision was taken to close Ann Bernadt Nursery School, alternative and well established early years provision is already available, that is of equal quantity to that offered by Ann Bernadt and would not result in a loss of expertise or specialism in that area. The alternative provisions available are Nell Gwynn Nursery School and Grove Nursery School.



**Requirement one; *'outline plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism'***

- Nell Gwynn and Grove are both maintained nursery schools as opposed to primary school based early years' provision or private, voluntary and independent provider provision.
- Both nursery schools have an offer available for 2 year olds and 3 and 4 year olds as is the case with Ann Bernadt Nursery School.
- Both nursery schools have vacancies and capacity within their buildings to expand
- Both nursery schools have an equivalent Ofsted rating (Good) as Ann Bernadt which was inspected in February 2018. Nell Gwynn was inspected in July 2023 and Grove was inspected in January 2019.
- As maintained nursery schools they offer an equivalent quality of provision (source; Effective Provision of Pre-school Education (EPPE) report) as they are constituted in the same way with a Head teacher and teacher or teachers within their staffing structures and are designated as teacher-led provision e.g. Ann Bernadt has an Executive Head teacher, a Head of School/SENCO and the equivalent of 1.4 teachers. Nell Gwynn has an Executive Head teacher, Head of school/ SENCO and the equivalent of 1.8 teachers. The Grove has an Executive Head teacher, an Assistant Head teacher, SENCO and 2 teachers.
- As maintained nursery schools, it is well documented that they cater for a higher proportion of children with SEND when compared with other early years provision (information from schools and PVI census). As a result each school has similar expertise and experience in meeting a broad range of needs, and offer an equivalent level of specialism for children with SEND.
- As local authority maintained nursery schools the LA is able to hold the schools to account for the quality of their offer. Nell Gwynn and Grove have the same support and challenge offer from the LA ensuring that they maintain standards, improve outcomes and meet need.
- In the local area parents also have a choice of school based early years provision available catering for 3 and 4 year olds. The provision is teacher led in line with nursery schools so an equivalent quality can be assured with no loss of expertise or specialism.
- Ann Bernadt is located in walking distance of two maintained primary schools which have teacher led nursery provision for 3 and 4 year olds. Both Oliver Goldsmiths Primary School and Brunswick Park Primary School have an equivalent Ofsted rating (Good) as Ann Bernadt. Oliver Goldsmiths was inspected in May 2022. Brunswick Park was inspected in April 2019.

**Requirement two; *'replacement provision is more accessible and more convenient for local parents'***

- Ann Bernadt Nursery School is located within walking distance of two maintained nursery schools. Nell Gwynn Nursery School (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt

Nursery School. Grove Nursery School (approximate distance and walking time 0.3 miles and 6 minutes).

- There are a variety of transport options available to and within postcode area SE15 (Peckham), which supports ease of travel to both Nell Gwynn and Grove.
- The majority of home addresses for the children and families currently at Ann Bernadt Nursery School is postcode area SE15 (Peckham) (source: postcode data produced by school). This is the same postcode area that Nell Gwynn and Grove Nursery Schools are located in. Depending on home address for some parent's Nell Gwynn and Grove may offer a closer provision than Ann Bernadt. For example the majority of children that attend Nell Gwynn Nursery School live within the postcode area SE15 (Peckham) (source: postcode data produced by school).
- As maintained nursery schools Nell Gwynn and Grove have a similar ethos of accessibility and inclusivity for all children and families regardless of need. Both schools offer an equal level of accessibility for parents as Ann Bernadt, with experienced staff who are able to meet the broad range of needs of children and families.
- Ann Bernadt is located within walking distance of two maintained primary schools that have teacher led nursery provision. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes).

**Further consideration: *'When proposing to close a school which includes early years provision, proposers should set out whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families'*.**

- Both Nell Gwynn Nursery School and Grove Nursery School have a similar Children's Centre offer available as Ann Bernadt, which integrates education with childcare services and enables them to support and signpost children and families to other services. This is a key factor in improving outcomes for the most disadvantaged (source; Effective Provision of Pre-school Education (EPPE) report).

**Case for closure- response to requirements in statutory guidance for LA's, Statutory guidance for local authorities - April 2023**

**Requirement- *'Ensure that the early years' expertise and experience of their maintained nursery schools, if they have them, are used to benefit the whole local area. Local authorities should ensure that they have a role in the pedagogical leadership for the local early years' system. What this means in practice will depend on local need'***

#### Context

- Southwark has a number of LA officers that are employed to support development and maintain quality in the early years, with support offered to schools early years provision through the Learning and Achievement division and to PVI settings



through the Early Years Quality Improvement Team. The posts are funded via the early years block of the Dedicated Schools Grant (DSG).

- The improvement and development market across the country and within borough is highly competitive and providers are free to select where they procure their continuous professional development support from.
- The quality of early years' provision in the borough is high. 98% of school based early years provision is judged as good or better by Ofsted (school inspection framework). 99% of group based PVI provision is judged as good or better by Ofsted (early years' inspection framework).
- Following the introduction of the early years national funding formula, capacity within the maintained nursery schools has become increasingly limited due to pressures on resource.
- Pressures on budgets has resulted in fewer funding resource being available from the LA for in-borough initiatives..

#### **Examples provided in guidance**

- ***'commissioning nursery schools to develop and deliver a quality improvement strategy for the area;***
- ***having nursery schools work with other providers to share their experience and expertise to raise the overall quality of provision across the area;***
- ***helping nursery schools to work in partnership with other providers to offer parents who choose a MNS the 30 hours entitlement'***

#### **Southwark context**

- No commissioning arrangements have been agreed between the LA and maintained nursery schools, as in Southwark quality improvement is led by LA officers.
- Informal support has been brokered from the maintained nursery schools for other school based providers for development and to share expertise, for example peer to peer support for managing the needs of children with SEND. This has been undertaken on an informal basis.
- All providers are supported to work in partnership with each other to offer parents access to their child's entitlement. However due to the competitive nature of the childcare market and child funded places the nursery schools have moved away from their initial remit of around 15 hours and can now offer 30 hours places too. In the few cases where a parent has chosen two different provisions the nursery schools have supported this choice and worked alongside the other provider.
- Where practicable and possible, the early years expertise and experience of the maintained nursery schools is used to benefit some providers in the local area. The schools have a small informal role in the pedagogical leadership of the local early years system.

#### **Further context**

- Across the borough in most wards there is a recognised issue with falling rolls and over supply of places. This includes over supply of places within the early years age group. Within the Peckham ward the birth rates are predicated to continue to

fall from a high in 2012 of 298 births to 170 births in 2031. This signals a growing excess of nursery spaces in a highly competitive market.

- Within walking distance from Ann Bernadt Nursery School is also a choice of PVI providers providing places for a similar age group. Little Rabbit Day Nursery (approximate distance and walking time 0.2miles and 4 minutes) and Nicki Day Nursery (approximate distance and walking time 0.2 miles 5 minutes).

### **Conclusion**

- Due to the financial circumstances that Ann Bernadt Nursery School is in, decisive action must now be taken. The governors do not believe that any further internal actions can be taken to make the school sustainable. They have therefore agreed a request for a formal consultation on the closure of the school.
- The Nursery School is located in an area where there exists a choice of equivalent, well established and accessible maintained nursery school provision for children and parents to access as well as a choice of other types of provision including teacher led (school) based provisions and Private, Voluntary and Independent (PVI) provision.

APPENDIX 3 – STATUTORY NOTICE FOR  
CLOSURE



## Statutory Notice

**Closure of Ann Bernadt Nursery School, 29 Chandler Way, London SE15 6DT**

Notice is given in accordance with section 15 (1) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that Southwark Council has published proposals to discontinue Ann Bernadt Nursery School with effect from 31<sup>st</sup> August 2024.

Should the decision to close Ann Bernadt Nursery School be taken, all children attending Ann Bernadt Nursery School would be offered places at alternative early years' settings in line with parental preferences and/or within the area for September 2024. The School currently has 42 children on roll. Southwark Council are publishing the proposals and will decide whether to implement the proposals and close Ann Bernadt Nursery School.

The proposals are **not** related to any other school organisation proposals that have been or are about to be published. This notice is an extract of the complete proposals. A copy of the complete proposals can be viewed on the school website at <https://www.annbernadtnursery.co.uk/>, a paper copy of the proposal can be requested via email to: [questions.education@southwark.gov.uk](mailto:questions.education@southwark.gov.uk).

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by emailing them to

[questions.education@southwark.gov.uk](mailto:questions.education@southwark.gov.uk). Or in writing to: Georgia Pritchard, SELA, Children's and Adults' Services, Southwark Council, 160 Tooley Street, London SE1 2QH

Responses must be received by 5pm on 8th February 2024.

Signed

Alasdair Smith  
Director of Children Services

### Explanatory Notes

Southwark Council will need to take the decision on whether or not to close Ann Bernadt Nursery School within two months of the end of the representation period (i.e. by 8th April 2024). If the Council fails to take the decision within this time, it will pass all relevant material to the Office of the Schools Adjudicator (OSA), which will itself take the decision.

## APPENDIX 4 – STATUTORY PROPOSAL TO CLOSE ANN BERNADT NURSERY SCHOOL

Southwark Council publishes these proposals under section 15(2) of the Education and Inspections Act 2006 to close Ann Bernadt Nursery School with effect from 31<sup>st</sup> August 2024.

Category	Information																																								
<b>1. Contact details</b>																																									
a. School contact details and category	Ann Bernadt Nursery School is a Community Nursery School. Ann Bernadt Nursery School's address is 29 Chandler Way, London SE15 6DT  Ann Bernadt Nursery School's phone number is 020 7703 1905 and the school's email address is <a href="mailto:office@annbernadt.southwark.sch.uk">office@annbernadt.southwark.sch.uk</a>																																								
b. Local Authority contact details	The London Borough of Southwark, 160 Tooley Street, LONDON, SE1 2QH. Phone number is 020 7525 5000																																								
<b>2. Implementation</b>																																									
The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.	Ann Bernadt Nursery School is proposed to be closed from the 31 <sup>st</sup> August 2024 onwards.																																								
<b>3. Reason for closure</b>																																									
3. A statement explaining the reason why closure of the school is considered necessary.	3. The closure of Ann Bernadt Nursery School is considered necessary because it is no longer financially sustainable. The pupil roll has fallen consistently over the past five years resulting in reduced funding which the school receives based on pupil numbers. From the start of the next academic year, the funding gap due to falling pupil numbers is anticipated to be approximately £300,000, incurring further debt every year thereafter, due to the number of vacant places if the school remains open. The Council believe that, were Ann Bernadt Nursery School to remain open, a reduced staffing model would be required from September 2024, which would not enable children to continue receiving the high quality education they deserve and need.																																								
<b>4. Pupil Numbers and Admissions</b>																																									
4. The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.	4. The reduction of (non-compulsory Year E2 to N2) pupil numbers at of Ann Bernadt Nursery School is self-evident – there has been a <b>42%</b> loss of pupils ( <b>51</b> children less) since 2016/17 (Source, School Censuses 2019-23) particularly in the N1 year group ( <b>-57%</b> ). There is no boarding provision and no specialist SEND provision.  <b>Ann Bernadt Roll by year group 2016-23</b> <table border="1"> <thead> <tr> <th>Year</th> <th>E2</th> <th>N1</th> <th>N2</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2016/17</td> <td>3</td> <td>61</td> <td>59</td> <td>123</td> </tr> <tr> <td>2017/18</td> <td>0</td> <td>42</td> <td>74</td> <td>116</td> </tr> <tr> <td>2018/19</td> <td>0</td> <td>45</td> <td>54</td> <td>99</td> </tr> <tr> <td>2019/20</td> <td>0</td> <td>14</td> <td>70</td> <td>84</td> </tr> <tr> <td>2020/21</td> <td>0</td> <td>22</td> <td>45</td> <td>67</td> </tr> <tr> <td>2021/22</td> <td>0</td> <td>23</td> <td>32</td> <td>55</td> </tr> <tr> <td>2022/23</td> <td>0</td> <td>26</td> <td>45</td> <td>71</td> </tr> </tbody> </table>	Year	E2	N1	N2	Total	2016/17	3	61	59	123	2017/18	0	42	74	116	2018/19	0	45	54	99	2019/20	0	14	70	84	2020/21	0	22	45	67	2021/22	0	23	32	55	2022/23	0	26	45	71
Year	E2	N1	N2	Total																																					
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2021/22	0	23	32	55																																					
2022/23	0	26	45	71																																					

Category	Information
<b>5 to 7. Displaced pupils</b>	
<p>5. A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.</p> <p>6. Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including</p> <p>6 (a) any interim arrangements</p> <p>6 (b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and</p> <p>6 (c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.</p> <p>7. Details of any other measures proposed to be taken to increase the number of school or FE places available in consequence of the proposed discontinuance.</p>	<p>5. Demand for nursery places in the area has reduced dramatically in the last 5 years, This school is situated in the Southwark's school place planning area 3 – (PA3) – “Peckham &amp; Nunhead”.</p> <p>Demand in this locality has decreased substantially, due to consistently falling birth rates, as well as a variety of socio-economic factors that have led to fewer families living in the area. The table in Section 4 shows a substantial drop in pupil numbers</p> <p>6. Ann Bernadt Nursery School is located within walking distance of two maintained nursery schools. Nell Gwynn Nursery School (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt Nursery School. Grove Nursery School (approximate distance and walking time 0.3 miles and 6 minutes) Depending on home address for some parents Nell Gwynn and Grove may offer a closer provision than Ann Bernadt. Ann Bernadt is located within walking distance of two maintained primary schools that have teacher led nursery provision. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes)</p> <p>6a) there are no interim arrangements required</p> <p>6b) there is no SEND specialist reserved provision at this school - this section does not apply. There are five children with EHCPs – transition arrangements for these children into alternative schools are being managed by caseworkers on the local authority's Special Educational Needs and Disability (SEND) team to ensure appropriate placements are made.</p> <p>6c) Ann Bernadt Nursery School is not a special school, this does not apply</p> <p>7. There is no need for additional places to be provided in order to accommodate the children displaced by the closure of Ann Bernadt Nursery School, as there are currently numerous nursery and early years spare places within half a mile of the school available across year groups to accommodate displaced pupils.</p>
<b>8. Impact on the community</b>	
<p>8. A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.</p>	<p>8. The decision to propose closure of Ann Bernadt Nursery School has been taken to protect the education of children attending the school, and ensure that, should the school close they can have a managed transition to other local schools. Southwark Council is working in partnership with the school as they move through this statutory process. Southwark Council acknowledge that the closure of the school will have an impact on the community, and by many</p>

Category	Information
8. A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact (cont'd)	families/local residents due to the significant, community links and emotional ties developed at Ann Bernadt Nursery School. However, given the significant level of capacity at high quality schools in the locality and across Southwark as a whole, families will be able to access alternative school places in the community. The closure of Ann Bernadt may enable some of the surrounding schools with low rolls to strengthen their intake and as a result, to become more financially viable. No mitigation will be required because of the availability of alternative school places at other schools in the local community.
<b>9. Rural primary schools</b>	
9. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the local authority or the governing body (as the case may be) considered section 15(4).	9. Ann Bernadt Nursery School is not in an area that has been classified as "rural", nor has it been designated as such by an order made for the purposes of section 15.
<b>10. Balance of denominational provision</b>	
10. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.	10. The school does not have a religious character
<b>11. Maintained nursery schools</b>	
11. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out  (a) the local authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and	11. The proposals relate to the discontinuance of a maintained nursery school. As regards  <i>(a) Southwark's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available</i>  Ann Bernadt Nursery School is located within walking distance of two other maintained nursery schools. Nell Gwynn (approximate 0.9 miles 18 minutes walking time the federation partner of Ann Bernadt Nursery; Grove Nursery School (approximate 0.3 miles and 6 minutes walking distance. The majority of home addresses for the children and families currently at Ann Bernadt are within postcode area SE15 - the same postcode area that Nell Gwynn and Grove Nursery Schools are located in. The schools concerned are both Ofsted rated "Good" and have sufficient vacancies to take on the pupils displaced by the closure. Staff can be redeployed within the federation meaning that the expertise and specialism would continue to be available  Depending on home address for some parents, Nell Gwynn and Grove may actually offer a closer provision than Ann Bernadt. For example the majority of children that attend Nell Gwynn Nursery School live within the postcode area SE15

Category	Information
(b)the accessibility and convenience of replacement provision for local parents.	<p>As regards (b) the accessibility and convenience of replacement provision for local parents.</p> <p>As maintained nursery schools Nell Gwynn and Grove have a similar ethos of accessibility and inclusivity for all children and families regardless of need. Both schools offer an equal level of accessibility for parents as Ann Bernadt, with experienced staff who are able to meet the broad range of needs of children and families. Ann Bernadt is located within walking distance of two maintained primary schools that have teacher led nursery provision. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes)</p>
<b>12. Sixth form provision</b>	
12. Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of (a)their educational or training achievements; (b)their participation in education or training; and (c)the range of educational or training opportunities available to them.	12. Ann Bernadt is a 2-4 nursery school, it does not include sixth form provision, this section does not apply.
<b>13. Special Educational Needs Provision</b>	
13. Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children	13. There is no special educational needs provision reserved for SEND pupils at Ann Bernadt, so no specialist provision is proposed for discontinuation.
<b>14-15 Travel</b>	
14. Details of length and journeys to alternative provision.	Ann Bernadt Nursery School is located within walking distance of two other maintained nursery schools. Nell Gwynn (approximate 0.9 miles 18 minutes walking time the federation partner of Ann Bernadt Nursery; Grove Nursery School (approximate 0.3 miles and 6 minutes walking distance. The majority of home addresses for the children and families currently at Ann Bernadt are within postcode area SE15 - the same postcode area that Nell Gwynn and Grove Nursery Schools are located in.

Category	Information
14. Details of length and journeys to alternative provision ( <i>continued</i> )	Depending on home address for some parents, Nell Gwynn and Grove may actually offer a closer provision than Ann Bernadt. Ann Bernadt is located within walking distance of two maintained primary schools that have teacher led nursery provision. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes)
15. The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.	15. As outlined above, the pupils displaced by the school closure may not be unduly inconvenienced by lengthier travel, as there is plenty of provision within walking distance of Ann Bernadt Nursery School. This would help to mitigate against any increase in car use, as no more car journeys will be necessary than at present.
<b>Making objections to or comments on these proposals</b>	<p>Within four weeks from the date of publication of these proposals, by 5 pm on February 2024 any person may object to or make comments on the proposals or, request a paper copy of the proposal by emailing</p> <p><a href="mailto:questions.education@southwark.gov.uk">questions.education@southwark.gov.uk</a></p> <p>or by post to: Georgia Pritchard, SELA, Children's Services, Southwark Council, 160 Tooley Street, London SE1 2QH</p>

Signed

Alasdair Smith  
Director of Children Services





# **Equality & health analysis for the proposed closure of Ann Bernadt Nursery School**

***November 2023***

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## Guidance notes

### Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the effect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the protected characteristics and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to

the following meetings: the Cabinet, individual decision makers, scrutiny, regulatory committees and community councils.

Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English.

Equality analysis may be published under the council's publishing of equality information, or be present with divisional/departmental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and [www.southwarkadvice.org.uk](http://www.southwarkadvice.org.uk)).

Whilst the equality analysis is being considered, Southwark Council recommends considering Socio-Economic implications, as socio-economic inequalities have a strong influence on the environment we live and work in. As a major provider of services to Southwark residents, the council has a legal duty to reduce socio-economic inequalities and this is reflected in its values and aims. For this reason, the council recommends considering socio-economic impacts in all equality analyses, not forgetting to include identified potential mitigating actions. Similarly, it is important for the Council to consider the impact of its policies and decisions in relation to tackling the climate emergency. This includes both the potential carbon emissions of a policy or decision and its potential effect on the borough's biodiversity. You are asked to consider the impact on climate of your policy and decision under discussion by competing the Climate impact section below.

### Section 1: Equality impact and needs analysis details

<b>Proposed policy/decision/business plan to which this equality analysis relates</b>		Consultation on the closure of Ann Bernadt Nursery School in August 2024			
<b>Equality analysis author</b>		Ric Euteneuer			
<b>Strategic Director:</b>		David Quirke-Thornton			
<b>Department</b>		Children's' & Adults'	<b>Division</b>	Education	
<b>Period analysis undertaken</b>		November 2023			
<b>Date of review (if applicable)</b>		Not applicable			
<b>Sign-off</b>	Alasdair Smith	<b>Position</b>	DCS	<b>Date</b>	

## Section 2: Brief description of policy/decision/business plan

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### 2.1 Brief description of policy/decision/business plan

Ann Bernadt is a maintained nursery school near to the Willowbrook Estate and to Burgess Park, in the Peckham ward of Southwark. In their latest inspection visit in 2018, Ann Bernadt was rated “Good” by Ofsted, the third time the school has received this rating. The school has significant vacancy levels: it has previously accommodated 123 pupils – it presently has 42. It is proposed to **close** Ann Bernadt Nursery School, as the school is no longer financially or organisationally viable. This paper requests commencement of consultation on this proposal.

## Section 3: Overview of service users and key stakeholders consulted

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### 3. Service users and stakeholders

<p><b>Key users of the department or service</b></p>	<ul style="list-style-type: none"> <li>• Children (2-4 years old) attending a standalone nursery, primary, or attached nursery setting in Southwark</li> <li>• Parents, carers and families of those children.</li> <li>• School staff (teaching or non-teaching)</li> <li>• Governors of those schools</li> <li>• Local Authority departments (Children’s Social Care, Education)</li> </ul>
<p><b>Key stakeholders were/are involved in this policy/decision/business plan</b></p>	<ul style="list-style-type: none"> <li>• Head teachers of all primary schools in Southwark</li> <li>• Governors of all primary schools in Southwark</li> <li>• Ward Members of the Council</li> <li>• Leadership teams in Education and Children’s and Adults’ services</li> <li>• Finance, Sustainable development, Schools’ HR, Legal, Communications colleagues</li> </ul>

## Section 4: Pre-implementation equality impact and needs analysis

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This section considers the potential impacts (positive and negative) on groups with ‘protected characteristics’, the equality information on which this analysis is based, any mitigating actions to be taken and importantly any improvement actions to promote equality and tackle inequalities. It is important to also understand impacts as including needs of different groups.

**Due regard is about considering the needs of different protected characteristics in relation to each part of the duty as relevant and proportionate to the area at hand.**

An equality analysis also presents as an opportunity to improve services to meet diverse needs, promote equality, tackle inequalities and promote good community relations.

It is not just about addressing negative impacts. It is important to consider any actions which can be considered to advance equality of opportunity through positive actions, for example.

The columns include societal issues (discrimination, exclusion, needs etc.) and socio-economic issues (levels of poverty, employment, income). As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics.

The aim is, however, to ensure that socio-economic issues are given special consideration, as it is the council's intention to reduce socio-economic inequalities in the borough. Key is also the link between protected characteristics and socio-economic disadvantage, including experiences of multiple disadvantage.

**Socio-economic disadvantage may arise from a range of factors, including:**

- *poverty*
- *health*
- *education*
- *limited social mobility*
- *housing*
- *a lack of expectations*
- *discrimination*
- *multiple disadvantage*

The public sector equality duty (**PSED**) requires us to find out about and give due consideration to the needs of different protected characteristics in relation to the three parts of the duty:

1. *Eliminating discrimination, harassment and victimisation*
2. *Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken; increasing the participation of underrepresented groups*
3. *Fostering good community relations; promoting good relations; to be a borough where all feel welcome, included, valued, safe and respected.*

The PSED is now also further reinforced in the two additional "Fairer Future For All" values: that we will

- *Always work to make Southwark more equal and just*
- *Stand against all forms of discrimination and racism*

<b>Age</b> – Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential Socio-Economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b>
<p>The closure of Ann Bernadt Nursery School and the consequent reduction in the overall capacity of the nursery school estate would ostensibly reduce choice for parents. Therefore it could potentially differentially affect all age groups from 2-4 (children) and parents (generally 18-50). This, however, does not take into account the</p> <p><i>i) reduction in pupils numbers at the school</i>  <i>ii) reduction in the births in the locality</i>  <i>iii) reduction in projected numbers of 0-4 year olds</i>  <i>iii) the outmigration of children from the locality</i></p> <p>Due to i), ii) and iii), there has been a considerable fall in demand for places at the school, and numbers have fallen - therefore, the loss of “choice” will be largely theoretical. A considerable number of alternative early years’ places will be available at other schools and early years providers in close proximity to Ann Bernadt. There are two maintained nursery schools located within walking distance of Ann Bernadt. Nell Gwynn Nursery School (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt Nursery School and Grove Nursery School (approximate distance and walking time 0.3 miles and 6 minutes). There are also two maintained primary schools that have teacher led nursery provision within walking distance. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes). In addition there is a choice of Private, Voluntary and Independent providers in the local area who offer early years provision. Further information may be found on the Family Information Service website pages</p>	<p>As outlined in the “potential impacts (positive and negative) of proposed policy” column, the socio-economic impacts of closing the school as regards to age will be minimal, due to the availability of alternative maintained nursery schools, nursery units in schools and private nurseries in the locality.</p>
<b>Equality information on which above analysis is based</b>	<b>Socio-Economic data on which above analysis is based</b>
<p>i) The number of children attending Ann Bernadt Nursery School has reduced from 123 (January 2016) to 42 (September 2023). As the school is reliant on pupil numbers for funding, a fall on this scale has had a major impact on the school’s budget.</p> <p>ii) the school is situated in the “Peckham” ward of the Council.</p>	<p>Ann Bernadt is in the Peckham ward of the Council. Census 2021 data shows that a smaller percentage of the population aged 0-4 lives in the ward (<b>5%</b>) than lives in the borough (<b>7%</b>), so there is not a pressing need for additional school places in this locality</p>

The school population is mainly (93%) from Southwark, with 5% of pupils coming from Lewisham and 2% from Brent. Just under half the Southwark pupils at the school (43%) come from the Peckham ward, with 20% coming from St Giles ward, 10% from Old Kent Road, and 8% from Rye Lane.

Ward	%
Faraday	4%
North Walworth	4%
Old Kent Road	10%
Rotherhithe	2%
Nunhead & Queens Rd	4%
Peckham	43%
Rye Lane	8%
Camberwell Green	4%
Champion Hill	2%
St Giles	20%

(Source, Pupil Census January 2023, ONS Census)

Population estimates for the Peckham ward show a steady decline

Year	0-4 GLA Estimates Peckham Ward
2021/22	719
2022/23	712
2023/24	693
2024/25	670
2025/26	661
2026/27	658
2027/28	651

In terms of births in Peckham ward, numbers have reduced from 2018-2021 by 11 per annum (6%), and are projected to reduce further by 9% by 2027/8

Year	Births	Year	Births
2018/2019	188	2023/2024	166
2019/2020	175	2024/2025	166
2020/2021	173	2025/2026	164
2021/2022	170	2026/2027	161
2022/2023	163	2027/2028	159

iii) In terms of outmigration, there has been net outmigration of pupils aged from 0-4 in recent years, and this continues to be the case – the net migration figures since 2011 and projected to 2031 for 0-4 below show a steep decline for both (GLA migration estimates, 2023)

The under 4 component of the ward population has risen by 117 (+9%) since 2011, across the borough the percentage has fallen by 4,377 – 21%

Age	2011	2021	+/-	%
0-4 Peckham	1,228	1,345	+117	+9%
0-4 LBS	20,739	16,362	-4,377	-21%

However with birth numbers falling the number of children coming through each year of nursery school age is reducing. The GLA estimates that that the number of 0-4 year olds in this area will fall by 9% by 2027/28.

Outmigration has been affected by Brexit, housing affordability and, welfare reforms, and so the socio economic effects have potentially disproportionately affected poorer residents of Southwark

Year	Peckham ward	Cumulative migration	Cumulative migration since 2021
2011	-16		
2012	-80	-96	
2013	-91	-187	
2014	-117	-304	
2015	-125	-429	
2016	-84	-513	
2017	-76	-589	
2018	-90	-679	
2019	-54	-733	
2020	-11	-744	
2021	-2	-746	
2022	26	-720	24
2023	7	-713	31
2024	-1	-714	30
2025	-24	-738	6
2026	-23	-761	-17
2027	-21	-782	-38
2028	-16	-798	-54
2029	-12	-810	-66
2030	-19	-829	-85
2031	-17	-846	-102

#### Mitigating and/or improvement actions to be taken

As there have been no differential negative impacts relating to age identified, no mitigating or improvement actions are proposed. Parents and carers of children attending Ann Bernadt will have a wide choice of alternative early years provision to choose from including other nursery schools.

**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Please note that under the PSED due regard includes:

Giving due consideration in all relevant areas to "the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities." **This also includes the need to understand and focus on different needs/impacts arising from different disabilities.**

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

**Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)**

The closure of Ann Bernadt will have a negligible effect on disabilities. The facilities and services offered at the school will largely be reflected at other, alternative schools or early years provision available locally. Children with EHCPs and SEND Plus, will be assisted to ensure their needs are met wherever they are proceeding to.

There will be no potential socio-economic impact arising from disadvantage. Children or staff with a disability are no more or less likely to have a particular background, so the impact either way is unlikely to be disproportionate.



Equality information on which above analysis is based	Socio-economic data on which analysis is based															
<p>No central record of pupil disability is maintained by the LA, but a proxy measure is the number of children with Education and Healthcare Plans (EHCPs), or pupils identified as "SEND Plus". Ann Bernadt are above the local level of EHCPs, but below Londonwide and England &amp; Wales. The SEND Plus percentages are some way above local, regional and national averages.</p> <table border="1" data-bbox="132 465 965 618"> <thead> <tr> <th>Type</th> <th>Ann Bernadt</th> <th>Southwark</th> <th>London</th> <th>England</th> </tr> </thead> <tbody> <tr> <td>EHCP</td> <td>3.9%</td> <td>3.4%</td> <td>4.1%</td> <td>4.3%</td> </tr> <tr> <td>SEND+</td> <td>28.9%</td> <td>15.9%</td> <td>11.7%</td> <td>12.6%</td> </tr> </tbody> </table> <p>(Source, School Census January 2023- EHCPs and SEN Support, DfE Statistics 2022)</p> <p>In terms of staffing, no record of disability is maintained by the LA or school, but disability would not be a hindrance to recruitment or redeployment from Ann Bernadt to other schools.</p>	Type	Ann Bernadt	Southwark	London	England	EHCP	3.9%	3.4%	4.1%	4.3%	SEND+	28.9%	15.9%	11.7%	12.6%	<p>As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with disabilities</p> <p>No data has been identified that would indicate a disproportionate effect.</p>
Type	Ann Bernadt	Southwark	London	England												
EHCP	3.9%	3.4%	4.1%	4.3%												
SEND+	28.9%	15.9%	11.7%	12.6%												
<b>Mitigating and/or improvement actions to be taken</b>																
As there have been no negative impacts relating to disability identified, no mitigating or improvement actions are proposed.																
<p><b>Gender reassignment:</b> - The process of transitioning from one gender to another.</p> <p><b>Gender Identity:</b> Gender identity is the personal sense of one's own gender. Gender identity can correlate with a person's recorded sex or can differ from it.</p>																
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)</b>															
Gender reassignment is unlikely to involve children of nursery age. As regards staffing, gender reassignment would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing.	Children or staff with a gender reassignment background are no more or less likely to have a particular socio-economic background, so the impact either way is unlikely to be disproportionate															
<b>Equality information on which above analysis is based.</b>	<b>Socio-economic data on which above analysis is based</b>															
Data is not collected locally for children, parents or carers on gender reassignment though numbers are likely to be small. In the 2021 Census, 0.6% of the UK population identified themselves as not having the same gender they were born with. In London, this rose to 1.4%, and Southwark, 1.2%. Such a percentage would mean that the lack of a transgender staff member would not be statistically significant. (Source, ONS Census 2021)	As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with gender reassignment, no appropriate or useful data has been identified.															
<b>Mitigating and/or improvement actions to be taken</b>																
As there have been no negative impacts relating to gender reassignment identified, no mitigating or improvement actions are proposed.																

**Marriage and civil partnership** – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.)**

<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b></p>												
<p>Marriage or civil partnership will not directly involve children of nursery age, although they may be the children of married or unmarried parents or civil partners. The marital status of the parents or carers of school pupils forms no part of the admissions process for schools and early years settings.</p> <p>As regards staffing, no records of the marital status of staff are kept at either school at present, but, were this to be the case, the marital or civil partnership status of a staff member or potential applicant would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing.</p>	<p>As mentioned in the adjacent “potential impacts of the proposed policy”, the marital status of the parents or carers of school pupils forms no part of the admissions process. Children are admitted based on sibling, medical or distance criteria alone. Therefore there are no realistic socio-economic impacts, needs or issues arising from socio-economic disadvantage relating to marital status.</p>												
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Socio-economic data on which above analysis is based</b></p>												
<p>No records are maintained on the marital or civil partnership status of parents and carers, or staff members of the school. Figures at a ward, borough, regional and national level for the percentage of the local population by marital and civil partnership status are given below. Peckham ward is slightly higher than the Southwark average, but some way adrift on London and England averages (<i>Source, ONS Census 2021</i>)</p>	<p>As there is no perceptible potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage for people with marital status, no appropriate or useful data has been identified.</p>												
<table border="1"> <thead> <tr> <th>Area</th> <th>%</th> <th>Area</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Peckham</td> <td>27.5</td> <td>England</td> <td>44.5</td> </tr> <tr> <td>Southwark</td> <td>26.4</td> <td>London</td> <td>39.7</td> </tr> </tbody> </table>	Area	%	Area	%	Peckham	27.5	England	44.5	Southwark	26.4	London	39.7	
Area	%	Area	%										
Peckham	27.5	England	44.5										
Southwark	26.4	London	39.7										
<p><b>Mitigating actions to be taken</b></p>													
<p>As there have been no differential negative impacts relating to marriage or civil partnership status, no mitigating or improvement actions are proposed.</p>													

**Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b>															
<p>Pregnancy and maternity will not directly involve children of nursery age,</p> <p>As regards staffing, school employees contracts mean that they are paid for some of their pregnancy and maternity leave; the pregnancy status of a staff member or potential applicant would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing</p>	<p>As mentioned in the adjacent “<i>potential impacts of the proposed policy</i>”, pregnancy/ maternity status of the parents/carers of school pupils forms no part of the admissions process, and children not are admitted based this status. Similarly, this status is not part of the recruitment process. Therefore there are no realistic socio-economic impacts, needs or issues arising from socio-economic disadvantage relating to pregnancy or maternity status</p>															
<b>Equality information on which above analysis is based</b>	<b>Socio-economic data on which above analysis is based</b>															
<p>Fertility is measured at a range of rates and geographies by the ONS. These include the “GFR” and “TFR”. The “<i>General Fertility Rate (GFR)</i>” is the number of live births per 1,000 women aged 15-44. The Total Fertility Rate (TFR) is the number of births per woman aged 15-44</p> <table border="1" data-bbox="135 1265 790 1467"> <thead> <tr> <th>Area</th> <th>GFR</th> <th>TFR</th> </tr> </thead> <tbody> <tr> <td>Southwark</td> <td>44</td> <td>1.14</td> </tr> <tr> <td>Inner London</td> <td>48</td> <td>1.28</td> </tr> <tr> <td>London</td> <td>56</td> <td>1.52</td> </tr> <tr> <td>England</td> <td>56</td> <td>1.62</td> </tr> </tbody> </table> <p>(Source, GLA/ONS 2021 (latest figures))</p> <p>From this, we can see Southwark has low fertility rate compared the rest of London and England. This is another explanation, together with outmigration – why pupil numbers in Southwark are falling.</p>	Area	GFR	TFR	Southwark	44	1.14	Inner London	48	1.28	London	56	1.52	England	56	1.62	<p>As there is no perceptible potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage for people with pregnancy or maternity status, no appropriate or useful data has been identified.</p>
Area	GFR	TFR														
Southwark	44	1.14														
Inner London	48	1.28														
London	56	1.52														
England	56	1.62														
<b>Mitigating and/or improvement actions to be taken</b>																
<p>As there have been no negative impacts relating to pregnancy or maternity status identified, no mitigating or improvement actions are proposed.</p>																

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

**Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)**

A potential impact of the closure of Ann Bernadt could be that schools and early years provision that its pupils transferred to were to become more diverse racially than they are at present. Presently, Ann Bernadt school is **86.8%** Global Ethnic Majority (GEM) (i.e. non-White UK). For the local ward (Peckham), the GEM population is **81.1%**. As a whole, Southwark primary pupils are **78.5%** GEM as regards of Southwark's population as a whole is **62.5%**. There is no evidence therefore to show that closure of Ann Bernadt would be likely to contribute to de-diversification of other schools or early years provisions. The schools in the same locality are almost as diverse each other, and the same with the Peckham ward population. In terms of staffing, the school's workforce will – over time – adapt and fall to match a smaller intake of pupils. As race will not form part of the selection process of staff, then no discernible effects as regards race will be noted or action required.

A potential impact of the closure of Ann Bernadt could be that the school were to become less diverse socio-economically than it is at present. This is thought unlikely, as there has been no major development near the school, and the school's intake is predominately from Peckham. What is evident is that people in Southwark are having fewer children. Those that are tend to be from the families that have remained, and are the same socio-economic class as the present parents and carers – just fewer of them.

**Equality information on which above analysis is based**

**Socio-economic data on which above analysis is based**

A table giving the relative percentages of the local population at schools and in the locality is given below

None

Ethnic Group	Ann Bernadt	Peckham population	Southwark pupils	Southwark population
Bangladeshi	3.9%	2.1%	2.3%	1.8%
Indian	0.0%	0.9%	0.7%	2.0%
Pakistani	0.0%	0.8%	0.7%	0.7%
Other Asian Background	5.3%	3.0%	1.8%	2.7%
Black African	31.6%	29.8%	25.2%	15.7%
Black Caribbean	3.9%	10.6%	6.3%	5.9%
Any Other Black Background	9.2%	6.4%	5.2%	3.5%
Chinese	1.3%	3.2%	1.3%	2.7%
Mixed - White & Black African	0.0%	1.5%	2.2%	1.2%
Mixed - White & Caribbean	0.0%	2.7%	3.3%	2.1%
Mixed - White & Asian	2.6%	0.7%	1.7%	1.5%
Any Other Mixed Background	13.2%	2.4%	6.5%	2.4%
White British	9.0%	18.9%	21.1%	35.5%
White Irish	0.0%	1.2%	0.4%	2.0%
Gypsy / Roma	0.0%	0.3%	0.1%	0.5%
Traveller of Irish Heritage	0.0%	0.1%	0.1%	0.1%
Any Other White Background	9.2%	9.2%	9.3%	13.4%
Any Other Ethnic Group	6.6%	8.0%	7.7%	1.0%
Unknown / Missing	0.0%	6.7%	4.1%	5.3%
<b>Non-White UK/GEM</b>	<b>86.8%</b>	<b>81.1%</b>	<b>78.5%</b>	<b>62.5%</b>

(Source, Pupil Census, 2023)

**Mitigating and/or improvement actions to be taken**

As there have been no negative impacts relating to race identified, no mitigating or improvement actions are proposed.

**Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

Statutory guidance when deciding this type of decision requires the Council to consider the balance of religious places in the borough, and the balance between different denominations. As the school does not have a religious foundation, the closure of Ann Bernadt will not affect that balance. As regards staffing, there is no requirement for staff to practice (or not) any religion, so a reduction in the number of staff would not differentially effect one group of staff (religious or not) over another.

**Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)**

As outlined opposite, the school does not have a religious foundation, so the closure of Ann Bernadt will not affect the balance religious provision that exists. There are no potential religion-based socio-economic impacts/ needs/issues arising the change, nor any socio-economic disadvantage

**Equality information on which above analysis is based**

The percentages of religious/non-religious places (Non-R) in Southwark are given in the table below, both before (2022 and 2023) and after the proposals in 2024

Type	2022	2023	2024
RC	16%	16%	17%
CE	14%	13%	14%
Non-R	70%	70%	70%

No change in the percentage of non-religious places has been identified as a result of the proposed closure. As noted above, as regards staffing, there is no requirement for staff to be practicing Christians, and no record of staff's religious belief is maintained. It is therefore unlikely that a closure will have any discernible differential effect on staff's religious belief in Southwark. Similarly, any restructuring as regards staff is also unlikely to have repercussions on one religious group or another.

**Socio-economic data on which above analysis is based**

As outlined above, the school is not religious - the closure of Ann Bernadt Nursery School will not affect religious provision that exists. This means there will no potential socio-economic impacts/needs/issues arising the change, nor any socio-economic disadvantage resulting from that change. A table below shows level of religious observance extracted from the 2021 Census. No breakdown of Christian faith is recorded

Religion	Peckham	LBS
Christian	51%	46%
Buddhist	1%	1%
Hindu	0.5%	10%
Jewish	0.1%	0%
Muslim	14%	7%
Sikh	0.1%	0%
Other/ No religion /not stated	33%	37%

(Source, ONS Census 2021)

This shows that there is a slightly higher level of Christian and Muslim religious belief in the Peckham, but no solid conclusions can be drawn from this.



<b>Mitigating and/or improvement actions to be taken</b>																					
As there have been no negative impacts relating to religion or belief identified, no mitigating or improvement actions are proposed.																					
<b>Sex</b> - A man or a woman.																					
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)</b>																				
If there was a significant imbalance (there is not) in the provision or uptake of places at the school, then the closure of Ann Bernadt could disproportionately affect one or other gender. However, the school is co-educational and there is no entrance requirement based on gender.	There are no potential socio-economic impacts or issues arising from disadvantage as regards the closure of Ann Bernadt with respect to the gender of pupils. As regards staffing, it could be that female staff are affected more, due to their prevalence in the workforce																				
<b>Equality information on which above analysis is based</b>	<b>Socio-economic data on which above analysis is based</b>																				
Prevalence of male to female pupils in the school is broadly 55:45. Pupil percentages shown below by school by year group	As there is no gender based socio-economic impact for pupils, no data has been sourced.																				
<table border="1"> <thead> <tr> <th>Yr</th> <th>N1</th> <th>N2</th> <th>Total</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>F</td> <td>12</td> <td>28</td> <td>40</td> <td>56%</td> </tr> <tr> <td>M</td> <td>14</td> <td>17</td> <td>31</td> <td>44%</td> </tr> <tr> <td><b>All</b></td> <td><b>26</b></td> <td><b>45</b></td> <td><b>71</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Similarly as regards staffing, a large proportion of the staff are female, but this is normal for primary schools of any type across the UK</p>	Yr	N1	N2	Total	%	F	12	28	40	56%	M	14	17	31	44%	<b>All</b>	<b>26</b>	<b>45</b>	<b>71</b>	<b>100%</b>	
Yr	N1	N2	Total	%																	
F	12	28	40	56%																	
M	14	17	31	44%																	
<b>All</b>	<b>26</b>	<b>45</b>	<b>71</b>	<b>100%</b>																	
<b>Mitigating and/or improvement actions to be taken</b>																					
As there have been no negative impacts relating gender identified, no mitigating or improvement actions are proposed.																					

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)</b>
At age 2-4, it is unlikely that children will have identified with one sexuality or another, but they <i>may</i> have parents or carers who identify as LGBTQ+. In either case, admissions do not take into account the sexuality of the child or the parent/carer. Closing the school will therefore have no differential effect on parents whatever their sexuality. Similarly, with regard to staff, sexuality or sexual orientation forms no part of the selection for recruitment or redundancy, so a closure will not disproportionately affect staff members as regards their sexual orientation	There are no potential socio-economic impacts as regards the closure of Ann Bernadt Nursery School, nor issues arising from disadvantage with respect to the sexual orientation of pupils, parents/carers or staff.

Equality information on which above analysis is based										Socio-economic data on which above analysis is based
The prevalence of different sexualities was covered in the 2021 Census for the first time. This is not (yet) available at a ward level, but the figures for Southwark show the following figures for the population over 16.										As mentioned above, there are no potential socio-economic impacts as regards the closure of Ann Bernadt, nor issues arising from disadvantage with respect to the sexual orientation of pupils, parents/carers or staff. The figures for prevalence are given in the column adjacent to this one.
Area	Straight or Heterosexual	Gay/Lesbian	Bisexual	Pansexual	Asexual	Queer	All other sexual	Not answered	Non heterosexual	
LBS	82.7	4.5	2.6	0.7	0.1	0.2	0.1	9.2	8.1	
LDN	86.2	2.2	1.5	0.4	0.1	0.1	0.04	9.5	4.3	
England	89.4	1.5	1.3	0.2	0.1	0.03	0.02	7.5	3.2	
Southwark is lower than the national and London-average for heterosexuality and more than twice the London average for gay and lesbian residents over 16										
Mitigating and/or improvement actions to be taken										
As there have been no negative impacts relating to sexual orientation identified, no mitigating or improvement actions are proposed or required.										

Human Rights
There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
Potential impacts (positive and negative) of proposed policy/decision/business plan
In respect of the 16 rights listed, the proposal to close Ann Bernadt Nursery School will not affect any of those listed. This said, the "First Protocol", this states " <i>The first sentence of Article 2 of Protocol No. 1 guarantees an individual right to education. The second guarantees the right of parents to have their children educated in conformity with their religious and philosophical convictions</i> ". Closure of a school will not endanger this freedom, as there are numerous places available in other schools and early years provision nearby. There are two maintained nursery schools located within walking distance of Ann Bernadt. Nell Gwynn Nursery School, the federation partner of Ann Bernadt Nursery School and Grove Nursery School There are also two maintained primary schools that have teacher led nursery provision within walking distance - Oliver Goldsmiths Primary School and Brunswick Park Primary School. In addition there is a choice of Private, Voluntary and Independent providers in the local area who offer early years provision. Further information may be found on the Family Information Service website pages
Information on which above analysis is based
The closure of Ann Bernadt Nursery School will not interfere with " <i>a [...] right to education</i> ", as there are numerous other school run and privately run nurseries with spaces available in the immediate locality. This plethora of choice would also cover the right of parents to have their children "educated in conformity with their religious and philosophical convictions".
Mitigating and/or improvement actions to be taken
As there have been no negative impacts relating to human rights identified, no mitigating or improvement actions are proposed or required.

## Conclusions

**Summarise main findings and conclusions of the overall equality impact and needs analysis for this area:**

### **Section 5: Further equality actions and objectives**

<b>5. Further actions</b>				
Based on the initial analysis above, please detail the key mitigating and/or improvement actions to promote equality and tackle inequalities; and any areas identified as requiring more detailed analysis.				
<b>Number</b>	<b>Description of issue</b>	<b>Action</b>	<b>Timeframe</b>	
As no mitigating or improvement actions to promote equality and tackle inequalities have been proposed, no further actions are required or proposed				
<b>5.1 Equality and socio-economic objectives (for business plans)</b>				
Based on the initial analysis above, please detail any of the equality objectives outlined above that you will set for your division/department/service. Under the objective and measure column, please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
<b>Objective and measure</b>	<b>Lead officer</b>	<b>Current performance (baseline)</b>	<b>Targets</b>	
			<b>Year 1</b>	<b>Year 2</b>
N/A	N/A	N/A	N/A	N/A
<b>6. Review of implementation of the equality objectives and actions</b>				
As no mitigating or improvement actions to promote equality and tackle inequalities have been required or proposed, no further reviews of <b>the equality objectives and actions</b> are required				

## **7. Implementation Equality Impact and Needs Analysis**

No issues as regards equalities and needs have been identified – therefore no mitigating or improvement actions to promote equality and tackle inequalities have been proposed as a result of this analysis

In any event, Ann Bernadt is a Nursery School at which most children attend for one year only. As such children currently attending the School would move on to Primary School at the end of the school year whether or not the School remains open. Any impact on children currently attending the School would therefore be minimal.



## APPENDIX 6

### APPENDIX 6 – DECISION FLOW CHART

#### Closure of Ann Bernadt Nursery school

<b>Process stage</b>	<b>Key Dates</b>	<b>Notes</b>
<b>i) Informal consultation with schools and parents</b>	September 2023	Completed in September 2023
<b>ii) Cabinet member decision (IDM) agreeing to statutory consultation</b>	October 2023	Completed in October 2023
<b>iii) Statutory consultation period</b>	18 October 2023 – 6 December 2023	4-6 weeks consultation. “At least 4 weeks” is in the guidance. This completed on the 6 <sup>th</sup> December 2023
<b>iv) IDM decision agreeing to publish statutory proposals</b>	19 December 2023	Completed December 2023
<b>v) Publication of statutory proposals and representation period</b>	9 January 2024 to 6 February 2024	Publication must be within 12 months of the statutory consultation period being complete. Representation period must last for 4 weeks This completed on the 6 February 2024
<b>vi) Cabinet final decision following statutory proposals</b>	6 March 2024	Cabinet decision must be within 2 months of the end of the representation period (6 April 2024) otherwise this is referred to the Office of the Schools Adjudicator (OSA).
<b>vii) Implementation</b>	31 August 2024	Council decisions are expected to be implemented no longer than 2 years after Cabinet decision (by March 2026)

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