

### 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.