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Consultation outcome on the viability of Ashgate Nursery School

Purpose

- 1.1 Ashgate Nursery School is located on the outskirts of the Mackworth Ward, just off Ashbourne Road, and has been federated with Central Nursery School for many years. The nurseries share the same Headteacher and Governing Body but have separate financial budgets. Both nurseries have a 'Good' Ofsted judgement.
- 1.2 Ashgate Nursery School has, unfortunately, experienced falling numbers of children on roll over several years. The COVID-19 pandemic has also had a significant impact on the take up of early years provision at Ashgate Nursery School. In addition, as more parents now routinely work from home, this has reduced the number of parents purchasing additional childcare sessions. Income from these sessions helped support running costs and the nursery's financial position. All of these factors have impacted significantly on the projected income streams of Ashgate Nursery School.
- 1.3 The Council has worked together closely with the Governing Body of Ashgate Nursery School and Central Nursery School to try to find a solution but this has not been possible due to the scale of the financial deficit, which has continued to increase over the years, and is forecast to increase further. To minimise any potential disruption to children, parents and families, the proposal is to keep Central Nursery School open, as it has space available to accommodate the children attending Ashgate Nursery School.
- 1.4 Following Council Cabinet approval on 7 December 2022, initial consultation has now taken place on the proposal to consider the future viability of Ashgate Nursery School. Consultation was undertaken over a seven-week period, with the Consultation Document circulated widely to all key stakeholders and interested parties. The Consultation Document and response form were also made available online on Let's Talk Derby. A copy of the Consultation Document is attached as Appendix 1 to this report.
- 1.5 A total of 225 responses were received during the consultation period. Of those responses, 204 (91%) were in objection to the proposal. A summary of responses received is outlined in Appendix 2. In addition, detailed responses were received from the Governing Body of Ashgate Nursery School and Central Nursery School (Appendix 3) and from UNISON (Appendix 4), both objecting to the proposal. In order to thoroughly consider the implications, a comprehensive Equalities Impact Assessment has been carried out on the proposal, as set out in Appendix 5 to this report.

- 1.6 In view of the ongoing low occupancy levels and now irreversible financial difficulties at Ashgate Nursery School, the proposal is for Council Cabinet to consider approval to progress to the next stage of the consultation process. This includes the publication of a required statutory notice, and a further four-week representation period. Subject to approval, the statutory notice will be published in May 2023. The outcome of the statutory consultation will then be reported to Council Cabinet in July 2023, when a final decision will be taken on the proposal.

Recommendation(s)

- 2.1 To approve the publication of a statutory notice on a proposal to close Ashgate Nursery School from January 2024.
- 2.2 To approve a further four-week statutory consultation on a proposal to close Ashgate Nursery School from January 2024.
- 2.3 To note that, subject to the approval of 2.1 and 2.2 (above), the outcome of the statutory consultation will be reported to Council Cabinet in July 2023 for a final decision to be made on whether or not to close Ashgate Nursery School.

Reason(s)

- 3.1 The Local Authority has a statutory duty, under Section 7 of the Childcare Act 2006, to provide sufficient funded places for eligible children to access. If a decision is taken that Ashgate Nursery School is financially unviable and should close, there are alternative maintained nursery places available at Central Nursery School, and in other areas of the City, for any potentially affected children to access a place. Information on early education and childcare providers within one mile of Ashgate Nursery School, including Ofsted ratings, is set out in Appendix 6.
- 3.2 The Council is committed to delivering and funding services that evidence value for money. In view of the ongoing low occupancy levels and irreversible financial difficulties at Ashgate Nursery School, the proposal is for Council Cabinet to consider approval to progress to the next stage of the consultation process.

Supporting information

- 4.1 Ashgate Nursery School is located on the outskirts of the Mackworth Ward, just off Ashbourne Road, and has been federated with Central Nursery School for many years. The nurseries share the same Headteacher and Governing Body but have separate financial budgets. Central Nursery School is located a short distance away in the Darley Ward. Both nurseries have a history of good Ofsted inspections with the most recent Ofsted inspections having 'Good' outcomes. The majority of children who attend Ashgate Nursery School live very locally.
- 4.2 Ashgate Nursery School has, unfortunately, experienced falling numbers of children on roll over several years. The COVID-19 pandemic has also had a significant impact on the take up of early years provision at Ashgate Nursery School. In addition, as more parents now routinely work from home, this has reduced the number of parents purchasing additional childcare sessions. Income from these sessions helped support running costs and the nursery's financial position. All of these factors have impacted significantly on the projected income streams of Ashgate Nursery School.
- 4.3 Ashgate Nursery School's predicted end of year financial deficit (31 March 2023) is £134,580. Central Nursery School's predicted end of year financial deficit (31 March 2023) is £311,835. This has resulted in a combined deficit position across the two nursery schools of £446,415. The Council and the two Nursery Schools have been working closely together to establish a deficit recovery plan, but this has not been possible due to the scale of the deficit, which has continued to increase over the years, and is forecast to increase further.
- 4.4 To minimise disruption to children, parents and families, and to help ensure the future viability of one of the two nursery schools, the proposal is to keep Central Nursery School open, which has the larger site and accommodation, and to close Ashgate Nursery School from January 2024. The children attending Ashgate Nursery School would have the option to transfer to Central Nursery School, which would be able to accommodate these children, together with other local early years providers. The proposal is for no further children to be admitted to Ashgate Nursery School from September 2023, with the majority of children on roll in Summer 2023 transferring to school Reception in September 2023.
- 4.5 Council Cabinet approved the commencement of the initial consultation on the future viability of Ashgate Nursery School on 7 December 2022. A copy of the Consultation Document is attached as Appendix 1 to this report. The initial seven-week consultation period ran from 9 January to 27 February 2023 and Appendix 2 sets out a summary of the consultation responses received. In addition, detailed responses were received from the Governing Body of Ashgate Nursery School and Central Nursery School (Appendix 3) and from UNISON (Appendix 4), both objecting to the proposal. A consultation meeting for staff was held on 17 January 2023 and a meeting for parents of children attending the nurseries was held on 18 January 2023. A total of 225 responses were received within the consultation period.

- 4.6 The sustained deficit budget position at both nursery schools raises significant concerns about the future viability of both nursery schools, resulting in this proposal to close Ashgate Nursery School and to retain Central Nursery School as a nursery school provision for the locality. In view of the ongoing low occupancy levels and irreversible financial difficulties at Ashgate Nursery School, the proposal is for Council Cabinet to consider approval to progress to the next stage of the consultation process.

Public/stakeholder engagement

- 5.1 A statutory process is required in respect of any proposed nursery school closure. Following Council Cabinet approval on 7 December 2022, the initial consultation period ran for seven weeks from 9 January to 27 February 2023. During this period, a consultation meeting was held with staff on 17 January 2023 and a consultation meeting held with parents on 18 January 2023. The Consultation Document was circulated widely to all interested parties, including parents of children on roll at Ashgate Nursery, Staff, Governors, Ward Members and Trade Unions. A copy of the Consultation Document is attached as Appendix 1.
- 5.2 This report sets out the outcome of the initial consultation and requests Council Cabinet to consider whether or not to proceed to the next stage of the process, which includes the publication of a statutory notice. If approval is given to move to the next stage of the process, there will be a further four-week statutory consultation period. The four-week statutory consultation period is prescribed in legislation (School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013) and cannot be shortened or lengthened. Following this, the outcome will be reported to Council Cabinet in July 2023 for a final decision on closing Ashgate Nursery School. Subject to this decision, Ashgate Nursery would close from January 2024.

Consultation responses

- 6.1 The initial consultation period ran for seven weeks from 9 January to 27 February 2023. The Consultation Document was circulated widely to all key stakeholders and interested parties. The Consultation Document and response form were also made available online on Let's Talk Derby. A copy of the Consultation Document is attached as Appendix 1 to this report.
- 6.2 A total of 225 responses were received during the consultation period. Of these responses, 204 (91%) were in objection to the proposal. A summary of responses received is outlined in Appendix 2. In addition, detailed responses were received from the Governing Body of Ashgate Nursery School and Central Nursery School (Appendix 3) and from UNISON (Appendix 4), both objecting to the proposal.

Summary of Response: Governing Body of Ashgate Nursery School and Central Nursery School

- 6.3 The full response received from the Governing Body of Ashgate Nursery School and Central Nursery School is attached as Appendix 3. A summary of the main points raised in the response is set out below.

- The importance of sustaining maintained nursery schools and the presumption against the closure of maintained nursery schools.
- There should be sufficient surplus places elsewhere in the local area to accommodate displaced pupils.
- The number of children on roll may increase. Immigration has not been considered and the impact of Covid may be temporary. Covid set back the recovery plan and more time should be allowed for the nursery to recover.
- The financial issues relate to SEND funding, combined with the effects of COVID.
- Central Nursery School cannot accommodate the ongoing demand for Ashgate Nursery School places. The current 2 year-olds cannot all be accommodated at Central Nursery School because the combined numbers exceed capacity.
- Ashgate Nursery School is located in a disadvantaged part of Derby City. It takes in a disproportionate number of children from low-income families and a disproportionate number of children with SEND.
- Children with protected characteristics will need to be admitted to Central Nursery School as a priority. This may displace general provision thereby increasing the proportion of SEND children within Central Nursery.
- There are issues with SEND funding which have resulted in both Ashgate Nursery School and Central Nursery School moving into deficit including delays in processing Education, Health and Care Plans, inadequate SEND inclusion funding and delays in allocation of funds generally.
- There was no support or guidance from the Council in relation to the increasing deficit or how we might mitigate this until we received a warning notice.
- Closure will have a negative impact on the families of children currently attending Ashgate Nursery School and those who would have liked to have attended in the future who will no longer have the additional support offered.

Summary of Response: UNISON

6.4 The full response received from UNISON is attached as Appendix 4 to this report. A summary of the main points raised in the response is set out below:

- Members feel as though the decision is a foregone conclusion.
- Where will the children go and how will they be impacted?
- The potential loss of experienced staff would be detrimental to the local area and the city.
- UNISON considers that the consultation does not meet the criteria on Equalities and does not offer enough alternative options for families with additional needs.
- There are insufficient local places in a maintained setting to meet the needs of the children and future children.
- Maintained nursery schools have been recognised for their vital role in areas of deprivation, closing educational gaps and providing support for children with additional needs.

Council Comments on the Responses from the Governing Body and UNISON

- 6.5 The Council welcomes the responses to the consultation. It is acknowledged that both Ashgate Nursery School and Central Nursery School offer good education and care for the children on roll. However, the scale of the financial deficit, which has continued to increase over the years, and is forecast to increase further, is currently putting both Ashgate Nursery School and Central Nursery School at risk. It is important to recognise that whilst there is a presumption against the closure of maintained nursery schools, this does not mean that a maintained nursery school will never close but the case for closure should be strong.
- 6.6 With regard to the financial deficit, the Scheme for Funding Schools requires Council Cabinet to approve a licenced deficit. Licenced deficits are usually approved where there has been a significant reduction in pupil numbers or an overspend has arisen because of large items of expenditure, which could not have been anticipated. The maximum period allowable for any licenced deficit is 3 years and the maximum permitted size of a licenced deficit is 5% of a school's budget.
- 6.7 In this case, the deficit is significantly above the threshold and it has not been possible to develop a recovery plan to balance the budget within three financial years. The Governing Body's response acknowledges that a number of meetings have taken place with Senior Council Officers, over a period of time, to try and find a solution and develop a sustainable model for the nursery but this has, unfortunately, not been possible due to ongoing significant financial challenges.
- 6.8 In terms of sufficiency of places, an assessment has been made of the quality and quantity of alternative provision, should the proposal to close Ashgate Nursery School move forward. The proposal is for children attending Ashgate Nursery School to be offered a place at Central Nursery School, although there are a number of other early years providers in the area, providing choice for families. There is an option for Central Nursery School to use the available space to create more places to accommodate additional children.
- 6.9 Information on early education and childcare providers within one mile of Ashgate Nursery School, including Ofsted ratings, is set out in Appendix 6. With regard to supporting the inclusion, participation and progress of children with SEND, the Early Years Inclusion Fund can be accessed for children with emerging SEND needs. All early years settings, nursery schools and infant and primary schools with nursery classes in Derby City can make requests to the fund. The vast majority of providers in the City are graded Good or better by Ofsted. This means that there is alternative provision of a comparable quality within a reasonable and accessible distance from Ashgate Nursery School.

- 6.10 With regard to the consultation process, a fair and open consultation has been carried out with a wide range of interested parties and this has included meetings with staff and parents. In order to thoroughly consider the implications, a comprehensive Equalities Impact Assessment has been carried out on the proposal, as set out in Appendix 5 to this report. No decision has been taken on the proposal and the Council is fully committed to carefully considering all consultation responses and the Equalities Impact Assessment, as part of the decision-making process.

A total of 28 consultation responses used the following response:

- 6.11 *'I wish to put forward my opposition to the closure of Ashgate Nursery. I am aware that Ashgate and Central nurseries are federated and am deeply concerned that Derby City Council's proposal to move all children to Central will mean they become oversubscribed. I am also aware that they support a high level of children with special educational needs and disabilities (who often come to them after a failed placement in a private nursery). Changes to the funding they receive for these children, plus late EHCP's issued by the council with no back-pay have contributed massively to this financial deficit and I urge the Council to instead address these issues so that a sustainable, equal and inclusive future exists for all young children in Derby. In addition, the consultation document does not provide adequate information on the alternative SEN early years education provision in the area. Without that, at the very least I feel it is extremely unwise to lose not only a valued nursery but with it the exceptional level of highly-skilled, professional, knowledgeable, caring and dedicated people who work there.'*
- 6.12 Comments in response to the consultation fell into the following themes:
- The impact of the proposed closure on families
 - The impact of the proposed closure on nursery staff
 - Family ties or history with the nursery
 - Children with Special Educational Needs and Disabilities (SEND)
 - Ashgate Nursery
 - Central Nursery
 - Ideas or suggestions to make Ashgate Nursery viable and improve marketing
 - The decision to propose the closure of Ashgate Nursery rather than Central Nursery
 - Other comments
- 6.13 The tables below provide a detailed breakdown of the number of responses received in relation to each of those key themes.

6.14 The impact of the proposed closure on families

Ashgate makes an important contribution and provides support to families and the community	33
Worry about negative effects on children and families who will be affected, some of whom are vulnerable	27
Extra commute for families who live closer to Ashgate than Central or have to travel to other providers	6
Some families will not access other Early Years settings	4
Closing the nursery will lead to more social care referrals and children needing more support as they get older	4
The family support provided at Ashgate will not be replicated elsewhere	3
Closure will have a detrimental effect on my child's health and wellbeing	2
Maintained nurseries promote creating community	2
Ashgate has supported me in various ways	2
Ashgate's Stay and Play group would be lost	2
Children will start school with developmental delays if Ashgate closes	2
Closure of Ashgate would be a major loss to the community	2
Closing Ashgate will cause stress for parents and children	2
Children who do not attend an alternative setting if the nursery closes will be disadvantaged in a number of ways	2
My child will be upset by having to move nurseries	2
My children attended Ashgate after a negative experience at another setting	1
Ashgate is close to home	1
Hard to balance childcare and working without having less childcare options available	1
I would be heartbroken if Ashgate closes	1
The community needs the nursery and children need continuity of care	1
The area is in need of positive things for the local community and it seems that so many community facilities are being taken away	1
Ashgate provides support to families from a number of different countries	1
Children from disadvantaged and vulnerable families need the high level of provision that Ashgate provides to be ready to start school	1
Financial issues should not come before appropriate provision for disadvantaged children and families	1
Every effort should be made to shield parents and children from the effects of the budget deficit	1
I would not send my child to another setting if Ashgate closes	1
Closure of the nursery would directly affect 67 families who currently have children attending	1
Women, people with mental health issues and people with physical disabilities will be disproportionately affected	1
All children will have to go through an unnecessary additional transition before the move to primary school	1
Ashgate serves a disproportionate number of disadvantaged families	1
Lack of nursery service would prevent me from continuing my education	1

6.15 The impact of the proposed closure on nursery staff

Loss of highly skilled, professional, knowledgeable, caring and dedicated staff	33
Praise for staff	29
Loss of jobs	6
Closure would have a negative impact on staff	3
Parents and children build excellent relationships with staff	1
This is the best staff team I have ever worked with	1
I may lose my job at Central Nursery if I have to reapply due to the closure of Ashgate Nursery	1
The training requirements for staff at maintained nurseries are higher than those in the PVI sector, leading to a high level of provision	1
It is disrespectful to Ashgate's staff to suggest that maintained and PVI nurseries offer the same level of quality (reference to research published by the DfE)	1

6.16 Family ties or history with the nursery:

My children have been attending Ashgate Nursery over a number of years	3
I am now a parent and I attended the nursery myself	2
Ashgate has served the community for over 40 years	2
My grandchildren loved attending the nursery	1
Closure of the nursery would be a tremendous loss after more than 40 years	1
Ashgate Nursery has made a difference throughout the years	1
My children went to the nursery 25 years ago; now the area has a problem with students	1

6.17 Children with Special Educational Needs and Disabilities (SEND)

Changes to SEND funding and late issue of Education, Health and Care Plans (EHCPs) need to be addressed	36
Loss of support for children with SEND who have had a failed placement at a non-maintained setting	33
Consultation document does not provide adequate information about alternative provision for children with SEND in the local area	29
Ashgate provides good support for children with SEND	7
Ashgate Nursery recognised that my child has SEND	2
The decision would be indirect discrimination against disabled children (Equalities Act 2010)	5
The Council does not hold enough information on Early Years provision for children with SEND to say that there is adequate alternative provision	5
Maintained nurseries take children with SEND that other settings turn away	5
The deficit is linked to the changes to the Early Years Inclusion Fund, compounded by COVID	4
The consultation report does not cover the impact of the loss of SEND/ERF funding on Central's budget	2
Despite falling birth rates, more and more children are being diagnosed with autism, which Ashgate and Central can cater for	2
Ashgate and Central never turn away children with SEND	2
Without the expertise of Ashgate staff, SEND may not be recognised early in other settings, which would have a knock on impact on schools	2
Maintained providers are the first choice for professionals referring vulnerable children	2
Ashgate and Central offer a SENCO with a masters level qualification, which will not be replicated elsewhere	2
Parents of children with SEND may have to give up work to look after their children at home	2
The EYIF pays up to £5.70 an hour, which is significantly less than the cost of employing a teaching assistant	2
The nursery is being punished for systematic failings, and in the case of EHCPs, the Council's failings	1
The funding deficits could be easily remedied by changes to SEND funding	1
It will be difficult for children with SEND to attend schools if they have been prevented from going to nursery	1
Closing Ashgate Nursery would directly oppose the Council's obligation to support children with SEND	1
How will the Council mitigate against disadvantaging children with SEND if the closure goes ahead?	1
Closing this nursery says there is no space for children with SEND in maintained nurseries	1
Support for children with SEND is vital and it would be a travesty if Ashgate closed	1
Children with SEND may not be able to access Early Years provision if Ashgate closes, as evidenced by a recent parliamentary cross-party enquiry	1
The proposed closure flies in the face of the Derby City SEND Strategy	1

My child with SEND will not be able to get the support he gets at Ashgate elsewhere	1
Ashgate is in deficit as funding for children with SEND is insufficient	1
How many children with SEND are in private nurseries? Can they provide the same quality and expertise as Ashgate?	1
As a teacher, I feel confident in supporting children with SEND	1
As a maintained nursery, Ashgate must offer a place to any child with SEND, whether or not the resources are in place to support them	1
If Ashgate closes, there will be a loss of invaluable Early Years SEND provision	1
The Council's funding model does not support the indispensable role that support staff play in supporting children with SEND	1
The consultation document marginalises the impact of closure on children with SEND in favour of financial considerations	1
Early diagnosis of SEND, as facilitated by Ashgate and Central, improves children's life chances	1
My child would not have an EHCP if they did not attend Ashgate	1
Removal of ERF funding does not take away Central and Ashgate's reputation as centres of excellence for children with SEND	1
SEND support needs to increase as more premature babies survive	1
The LA says that maintained nurseries cannot refuse places to children with SEND	1
The LA is prepared to close valuable SEND resources, such as Ashgate, before reviewing its SEND funding model	1
Children with SEND will be disproportionately disadvantaged by this closure	1
Central will need to take more children with SEND, which will add to their deficit	1
Children with SEND will find the transition to a new setting particularly difficult	1
Ashgate supports a disproportionate number of children with SEND	1

6.18 Ashgate Nursery

Ashgate Nursery provides for more than just the basic needs	2
Ashgate Nursery offers extra-curricular opportunities	2
The Council needs to support Ashgate (reference to various academic texts on the importance of Early Years education for children from disadvantaged backgrounds)	2
Maintained nurseries were not able to furlough staff during COVID or receive the same level of recovery funding as schools	2
£134k should be relatively easy to find; the deficit is small in terms of the Council's overall budget	2
The birth rate may be falling, but immigration and the popularity of the nursery also need to be taken into account	2
The LA never responded to the nursery's marketing plans or allowed the nursery to see through its business plan	2
Ashgate Nursery deserves to stay open	1
The smallness of Ashgate Nursery makes it special	1
No evidence that COVID is behind falling pupil numbers	1
Closing Ashgate will lead to increased costs for the Council	1
Ashgate Nursery makes children feel special	1
My children have made good progress at Ashgate	1
Hard to understand how the budget deficit has become so high	1
My child loves the Stay and Play sessions	1
Closing Ashgate will be detrimental to the children's entitlement to quality early years provision	1
Settings like Ashgate need support, not threat of closure	1
It is not sensible to close Ashgate when the government is about to announce more support for the Early Years sectors nationally	1
Children with limited opportunities at home will miss out on outdoor learning and trips if Ashgate closes (reference to "Birth to 5 guidance 2021")	1
The training requirements for staff at maintained nurseries are higher than those in the PVI sector, leading to a high level of provision	1
Ashgate should be funded to support other settings and share expertise	1
It should be incumbent on the Council to support Ashgate	1
The Council needs to save money and stop spending money keeping the nursery open	1
Ashgate offered my child a place after other nurseries did not	1
The Council should have engaged with the nursery far earlier to address the budget situation	1
Ashgate Nursery does not create noise or parking issues	1
Ashgate Nursery is viable in terms of numbers	1
It is more likely that Covid led to parents becoming unemployed rather than working from home, but the employment situation is now improving	1
The LA has not worked closely with the nursery to resolve funding issues, despite approaches from the school's governing body	1
The nursery has done all it can to reduce the financial deficit	1
The LA could fix the deficit without closing Ashgate if it had the will to do so	1
The nurseries have a lot of debt, so maybe it's best to close Ashgate and use the saving to invest in other services	1

It is a misconception that parents of children at the nursery are working from home	1
Ashgate supported me when all hope was lost	1
Closure will destroy a healthy, supportive environment	1
Funding for 2-year-old places has been inadequate	1
The nursery has been proactive in offering extended 3- and 4-year-old provision	1
Will other providers offer the holiday funding, kitchen and charity that Ashgate provides?	1
A decision to close Ashgate would be a betrayal of our young people	1
I don't want my child to go to another nursery	1
Why close a nursery where children are settled and have friends?	1

6.19 Central Nursery

Central Nursery will become oversubscribed	36
Central Nursery is not within walking distance/too far to go	6
More pressure on Central Nursery	6
It will be difficult to drop children at Ashgate Primary School and Central Nursery	5
Additional children at Central could have a negative impact on my child who already attends	4
If Ashgate closes, Central won't be far behind	3
There is no plan for dealing with Central's deficit, which points to a managed, staged closure of both nurseries	2
Closing Ashgate will not secure Central's future	2
Additional children at Central could limit Central's ability to take children on trips	1
The child to teacher ratio will increase if there are more children at Central	1
I support the option of children moving to Central	1
Travelling to Central shouldn't have a large impact on families	1
Ashgate and Central are both good settings	1
Central Nursery couldn't offer all the hours I wanted and the closure of Ashgate would make this worse	1
I would struggle to cross the main road to get to Central Nursery	1
I am happy to children would have another nursery to go to, but it would be better if they could stay where they are	1
Children will struggle with a change of nursery, especially those with SEND	1
Central won't be able to provide its current level of care for all the additional children	1
Moving to Central does not allow children and families to build relationships in their local area	1
My child has done a few sessions at Central, but I believe the provision at Ashgate is better	1
If Ashgate closes, a number of parents will choose a private nursery instead of sending their child to Central	1
Central and Ashgate provide a platform for personalised growth without sacrificing fun	1
Central and Ashgate strike a better balance than any of the private nurseries in the local area	1

6.20 **Ideas or suggestions to make Ashgate Nursery viable and improve marketing**

Numbers at the nursery are rising	9
There should be a marketing campaign for the nursery	6
Need to give the nurseries time to rebuild their numbers post-pandemic	4
Efforts should be made to promote both nurseries in the local area	2
Rising population	1
Open a baby unit	1
Maintained nurseries should provide childcare from an earlier age	1
The consultation document does not accurately reflect the number of children at Ashgate Nursery	1
Planning should be long term and this proposal is short sighted	1
Offer a minibus service so that children who live further away can attend Ashgate	1
Offer parent and toddler or extra-curricular classes for a small charge	1
Offer parenting lessons	1
Ask parents to volunteer	1
Raise money in the short term and attract children from further away in the long term	1
Parents no longer hear about maintained nursery provision from health visitors and baby clinics	1
This is part of a bigger plan to close maintained nurseries in favour of school nurseries	1
Ashgate's location is good	1
Offer stay and play sessions	1
Offering affordable childcare will lead to having a waiting list	1
What about creating links with the university?	1
Ashgate's website could be improved	1
Offer more places to children with SEND	1
Ashgate Nursery should become a resource for children with additional needs	1
The Council should improve signage and advertising	1

6.21 **The decision to propose the closure of Ashgate Nursery rather than Central Nursery**

The federation has chosen to put resources into Central and neglect Ashgate	2
Central Nursery is not a suitable alternative	1
Ashgate has a much smaller deficit than Central	1
What would happen to the building and the excellent outdoor area at Ashgate?	1
Children will get better provision at Central than Ashgate	1
Both nurseries have been under-funded or poorly financially managed	1
Ashgate's families have different needs to Central's families, so require different support	1
Central will have to make cuts to reduce its deficit; with extra children from Ashgate, ratios will have to be cut, leading to safeguarding issues	1
Whatever happens to the Ashgate Nursery building will disadvantage local residents and the local area	1

6.22 **Any other comments**

The Council's money should be spent on essential services like nurseries instead of on Christmas lights and failed schemes	3
The consultation document does not meet the requirements for a presumption against closure of maintained nurseries	3
Closing the nursery will have a knock on effect on primary schools	3
Even the Princess of Wales is talking about the importance of Early Years education	2
Stand-alone nurseries are more affordable for parents than private nurseries	2
The consultation document does not provide enough information about the availability of alternative places	2
The consultation is not easily accessible for people with literacy issues or English as an Additional Language	2
The root cause of the proposed closure is financial issues, not falling pupil numbers	2
Nursery places for all should be future-proofed	1
Short-sighted to remove provision seeing as Early Years was an Opportunity Area objective	1
The focus on child development is much stronger at maintained nurseries than in private settings	1
This is due to the need in the area and how it feeds the school	1
Getting Early Years education right saves thousands of pounds down the line	1
Closing Ashgate will just move financial difficulties to other settings, who may then also have to close	1
Nurseries in disadvantaged areas are suffering from government cuts, as parents cannot afford to pay top ups	1
Maintained nurseries are a jewel in the city's crown	1
The idea that parents are working more from home seems a convenient generalisation	1
Bearing in mind the effects of the pandemic on small children, it seems counter-productive to close Ashgate Nursery	1
The consultation document is lacking some pertinent information	1
Closing Ashgate will put additional pressure on other local nurseries	1
The closure of Ashgate will have a knock-on effect on local schools; all schools in the city should have been involved in the consultation	1
Maintained nurseries were designed to help close the attainment gap between children from disadvantaged and more advantaged backgrounds	1
The Council's Childcare Sufficiency Assessment states that the Council has a limited grasp on the number of Early Years children with SEND and the number of places available to children with SEND	1
We need more nurseries like Ashgate and Central	1
Good nurseries are essential to community resilience and growth	1
The proposal feels like a knee jerk reaction to a short-term problem	1
Maintained nurseries are a vital part of the education system	1
Parents wish to avoid using costly private nurseries that are already oversubscribed	1
The Council is responsible for the debt and shouldn't disadvantage families by closing the nursery	1

The costs of running a maintained nursery are higher than for a private setting, but they provide better value for money as their outcomes are better	1
It is disrespectful to Ashgate's staff to suggest that maintained and PVI nurseries offer the same level of quality	1
The EIA has not been carried out thoroughly or in good time	1

Council Responses to the Themes raised through the Consultation

Impact of the proposed closure on children, staff and families

- 6.23 Many of the responses focus on the impact of the proposed closure on children and staff, as well as family links to the nursery. In order to consider the implications, a comprehensive Equalities Impact Assessment has been carried out on the proposal, as set out in Appendix 5 to this report.
- 6.24 To help reduce any potential impact on children, the proposal is for children attending Ashgate Nursery School to be offered a place at Central Nursery School, although there are a number of other early years providers in the area, providing choice for families. Information on early education and childcare providers within one mile of Ashgate Nursery School, including Ofsted ratings, is set out in Appendix 6.
- 6.25 If the proposal moves forward, the Council's Childcare and Families Information Team (CFIT) would provide an individual childcare brokerage service, together with early support for any families affected. For each child, the move to an alternative setting would be carefully managed by the nursery teams to ensure that the individual education and care needs of the children and families are known and understood and any disruption to learning and care minimised.
- 6.26 In relation to staff, the Council's Consultation, Restructuring and Redundancy Policy and procedures would be followed to ensure a fair and consistent process. Where appropriate, the redeployment policy and procedures will also be followed. A range of comprehensive support will be offered through the appropriate Council services.

Children with Special Educational Needs and Disabilities (SEND)

- 6.27 Ashgate Nursery School does not include a specialist enhanced resource unit for children with SEND and the nursery accommodates and supports children with SEND in the same way as many other nurseries in Derby. It is important to note that all Ofsted registered providers must show due regard for the SEND Code of Practice 2014. As a result, other providers in the local area may be able to meet the needs of children with emerging needs and / or an EHCP.
- 6.28 The Early Years Inclusion Fund is intended to support the inclusion, participation and progress of children with SEND in the early years and can be accessed to support children with emerging SEND needs. All early years settings, nursery schools and infant and primary schools with nursery classes in Derby City can make requests to the fund.

Ashgate Nursery School and Central Nursery School

- 6.29 Some specific points were raised in relation to each of the nursery schools through the consultation. The Council acknowledges that both nurseries offer good education and care for the children on roll. However, it is important to be aware that, currently, there is a risk to both Ashgate Nursery School and Central Nursery School due to falling numbers of children on roll and significant financial difficulties. The proposal is to retain Central Nursery School to ensure an ongoing maintained nursery school provision for the locality.
- 6.30 Should Ashgate Nursery School close, the current children accessing funded places would need to be offered access to alternative provision of a comparable Ofsted grade. The vast majority of providers in the City are graded Good or better by Ofsted. This means that there is alternative provision of a comparable quality within a reasonable and accessible distance from Ashgate Nursery School.

Ideas or suggestions to make Ashgate Nursery viable and improve marketing

- 6.31 The Council welcomes the thoughts and suggestions on possible options for improving financial viability. Prior to consultation, very careful consideration was given to ways in which the financial position of the nurseries could be improved. The Council has worked together closely with Central Nursery School and Ashgate Nursery School to scope options and put a financial recovery plan in place but, unfortunately, this has not been possible due to the scale of the deficit, which has continued to increase over the years, and is forecast to increase further.

The decision to propose the closure of Ashgate Nursery rather than Central Nursery

- 6.32 Ashgate Nursery School has experienced falling numbers over several years. Loss of income and lower numbers has created financial difficulties. In view of these financial difficulties, there is risk to both Ashgate Nursery School and Central Nursery School. To minimise any potential disruption, and to help ensure the future viability of one of the two nursery schools, the proposal is to keep Central Nursery School open as the larger nursery. Should Ashgate Nursery School close there is an option for Central Nursery School to use the available space to create more places to accommodate additional children.

Other options

- 7.1 The Council has worked closely with Central and Ashgate Nursery Schools to seek other options, but no other viable options have been found for addressing the financial difficulties.
- 7.2 There is an option to stop the proposal and not proceed to the statutory consultation phase. However, it has not been possible to develop a sustainable financial model and the significant financial challenges are presenting a risk to both Ashgate Nursery School and Central Nursery School.

Financial and value for money issues

- 8.1 Nursery schools in Derby benefit from an enhanced hourly rate per place to deliver three and four-year-old funded places. This is to recognise the increased costs associated with stand-alone nurseries.
- 8.2 The falling numbers of children on roll, a reduction in additional childcare income due to COVID-19 (which is not returning to pre COVID-19 levels) and costs associated with the delivery of early year's provision for SEND children have resulted in a significant and now irreversible financial deficit for both Ashgate Nursery School and Central Nursery School.
- 8.3 Ashgate Nursery School's predicted end of year financial deficit (31 March 2023) is £134,580. Central Nursery School's predicted end of year financial deficit (31 March 2023) is £311,835. This has resulted in a combined deficit position across the two nursery schools of £446,415.
- 8.4 The Council and the two Nursery Schools have been working closely together to establish a deficit recovery plan, but this has not been possible due to the scale of the deficit, which has continued to increase over the years, and is forecast to increase further.
- 8.5 The sustained deficit budget position at both nursery schools raises significant concerns about the future viability of both nursery schools, resulting in this proposal to close Ashgate Nursery School and to retain Central Nursery School as a Nursery School provision for the locality.

Legal implications

- 9.1 The statutory process will be followed in relation to consulting on the future viability of Ashgate Nursery School. The Department for Education's guidance entitled 'Opening and closing maintained schools – November 2019' indicates that decision-makers are expected to adopt a presumption against the closure of maintained nursery schools. Whilst this does not mean that a maintained nursery school will never close, the case for closure should be strong.
- 9.2 This report requests that Council Cabinet considers whether or not to proceed to the next stage of the process, which includes the publication of a statutory notice. Where proposals relate to closure of a maintained nursery school, statutory proposals must include the following points:
 - a. **The LA'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.**

Ashgate Nursery School and Central Nursery School are federated. Currently, there is a risk to both Ashgate Nursery School and Central Nursery School due to falling numbers of children on roll and significant financial difficulties. The proposal is to retain Central Nursery School as a nursery school provision for the locality. In terms of quality of provision, both nurseries have a history of good Ofsted inspections with the most recent Ofsted inspections having 'Good' outcomes. Central Nursery School has sufficient space to accommodate the children attending Ashgate Nursery School.

To help reduce any potential impact on children, the proposal is for children attending Ashgate Nursery School to be offered a place at Central Nursery School, although there are a number of other early years providers in the area, providing choice for families. Information on early education and childcare providers within one mile of Ashgate Nursery School, including Ofsted ratings, is set out in Appendix 6.

The vast majority of providers in the City are graded Good or better by Ofsted. This means there is alternative provision of a comparable quality within a reasonable and accessible distance from Ashgate Nursery School. For each child, the move to an alternative setting would be carefully managed by the nursery teams to ensure that the individual education and care needs of the children and families are known and understood and any disruption to learning and care minimised.

b. the accessibility and convenience of replacement provision for local parents.

Central Nursery School is located a short distance away from Ashgate Nursery School. The proposal is for children attending Ashgate Nursery School to be offered a place at Central Nursery School. For children with a physical impairment, Central Nursery School is fully accessible. Parking is comparable in terms of distance and surface quality of other primary schools.

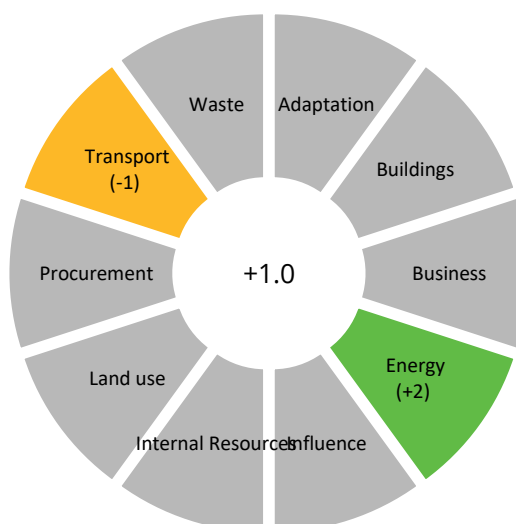
In addition, Whitecross Nursery School, Becket Primary School, a childminder and five private, voluntary, and independent day nurseries also offer early years provision within the immediate area. The Council's Childcare and Families Information Team (CFIT) would provide an individual childcare brokerage service together with early support for any families affected by this proposal.

- 9.3 Alongside this consultation, the Council is following its Schools Causing Concern policy and that process is currently underway with both schools. Further information on school finances, including the Scheme for Funding Schools, is available on the Council's website and can be viewed by clicking on the following link:

[Schools Financial Information](#)

Climate implications

10.1



- 10.2 In line with Council policy, a Climate Impact Assessment has been carried out for this proposal. If Ashgate Nursery School were to close, families may have further to travel to an alternative setting, which could mean a small impact. However, this would be offset by the closure of the Ashgate Nursery site and associated reductions in energy usage.

Socio-Economic implications

- 11.1 Ashgate Nursery School serves a community with significant levels of socio-economic disadvantage. The proposal to offer all children affected by the proposed closure of Ashgate Nursery School a place at Central Nursery School will help minimise the impact on these children, parents and families.

Other significant implications

Personnel

- 12.1 A consultation meeting was held with staff on Tuesday 17 January 2023. Any potential implications for staff will be managed in line with the Council's relevant employment policies and procedures.

Equalities

- 12.2 Equality implications on children, parents and employees have been assessed through an Equalities Impact Assessment. The consultation responses, as set out in this report, were taken into account as part of the assessment. The results of the Equality Impact Assessment are attached as Appendix 5.

Property and Asset Management







- 12.3 The Council will consider future options for the current site at the end of the statutory consultation period. These may include site disposal or use by another Council service. A budget is available to cover any maintenance and security costs if a decision is taken to close the nursery and the site is vacant for any period. Disposal

of the Ashgate Nursery site would require approval from the Secretary of State for Education, as set out in the Department for Education's School Land Transactions Guidance.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	1 March 2023
Finance	Janice Hadfield, Head of Finance	
Service Director(s)	Gurmail Nizzer, Director for Children's Integrated Commissioning	
	Pauline Melvin, Director for Learning, Inclusion and Skills	
Report sponsor	Andy Smith, Strategic Director of People Services	
Other(s)	Paula Nightingale, Head of Inclusion	
	Phil Derbyshire, Head of Property, Design and Maintenance	
	Jackie Mitchell, HR Advisor, Corporate Resources	

Background papers:	None
List of appendices:	Appendix 1 – Consultation Document Appendix 2 – Summary of Consultation Responses Appendix 3 – Response from the Governing Body of Ashgate Nursery School and Central Nursery School Appendix 4 - Response from UNISON Appendix 5 – Equality Impact Assessment Appendix 6 - Early education and childcare providers within one mile of Ashgate Nursery, including most recent Ofsted ratings.

Appendices	Title	Document
Appendix 1	Ashgate Nursery School Consultation Document	 Ashgate Consultation Document.pdf
Appendix 2	Summary of Consultation Responses	 Summary of Consultation Respons
Appendix 3	Response from the Governing Body of Ashgate Nursery School and Central Nursery School	 Consultation response - Governors
Appendix 4	Response from UNISON	 UNISON Response Ashgate Nursery Schc
Appendix 5	Equalities Impact Assessment	 Ashgate Equality Impact Assessment - I
Appendix 6	Early education and childcare providers within one mile of Ashgate Nursery, including most recent Ofsted ratings	 Childcare providers.pdf