

Report

Cabinet Member for Education & Young People

Part 1

30 May 2013

Item No 3

Subject **Nursery reorganisation programme – statutory notices**

Purpose To seek Cabinet Member approval to issue a Statutory Notice on the proposal to establish nurseries in Clytha, Glasllwch, High Cross, Mount Pleasant and Malpas Park Primary Schools and also St Michael's RC Primary School.

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Ward All

Summary The formal consultation stage of the statutory consultation process has been held during February / March 2013 on the proposal to establish the above-named nurseries. This report discusses the findings of the formal consultation which lasted for one month, where no objections were received in respect of any of the school nursery settings.

Proposal **To proceed with the publication of a Statutory Notice for the proposal to establish nurseries at Clytha, Glasllwch, High Cross, Mount Pleasant and Malpas Park Primary Schools and also St Michael's RC Primary School.**

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director – People
- Chief Education Officer
- Group Accountant
- Schools Resources Manager
- Education Human Resources Business Partner
- Education Business Manager
- Early Years Business Manager

Signed

Background

Individual school reorganisation proposals have been taken forward proposing to establish nursery schools on primary school sites across the city, under the statutory consultation process.

Part of that city wide nursery reorganisation programme included six separate formal consultations which were carried out specifically to establish a nursery on each the following school sites:

- Clytha Primary School
- Glasllwch Primary School
- Highcross Primary School
- Mount Pleasant Primary School
- Malpas Park Primary School
- St Michael's RC Primary School

No objections were received for any of the six proposals, with this in mind it is recommended to move to statutory notice stage of the statutory consultation process on each proposal.

The overall responses have highlighted the fact that governors, staff and parents welcomed each of the proposals for new nursery schools on their primary school sites and it is the opinion of the education officers that this should support the decision to now move to the statutory notice stage of the process for each of those proposals.

Statutory Notice Stage

This stage of the statutory consultation process is where a formal legal statement – a Statutory Notice is published locally in the South Wales Argus; and posted on the noticeboards of local amenities, it would also be seen on the school gates for the period of one month during which objections can be lodged with the Council.

Whilst there are six individual proposals, it is sensible to publish one statutory notice declaring all six nursery school proposals have been consulted on and that the statutory notice period of one month applies to each proposal.

Welsh Government have been consulted on the concept of publishing one statutory notice for six proposals where no objections have been received to date, the following guidance has emerged:

- *Caution must be exercised in the drafting of the notice(s) to ensure that each proposal has the correct associated information.*
- *A clear explanation in the Notice (possibly in the Explanatory Note) that each proposal was separate to the others on that Notice and if there were objections to any of the proposals objectors would have to specify exactly which they were objecting to.*

With this in mind, it is proposed to publish one statutory notice setting out all six proposals.

Options Considered/Available

Option 1: It has been a strong desire of all parties involved with the primary schools listed above, that a nursery school be established on each site, the consultation has been carried on each proposal and no objections have been received..

In accordance with Welsh Government guidance, the publication of a Statutory Notice is the next stage required in this school reorganisation process for each proposal.

Option 2: Not to proceed with a Statutory Notice at this time and to signpost parents / carers to other nurseries at other locations.

Preferred choice and reasons

Option 1: To proceed to publication of a Statutory Notice to ensure that any uncertainty that has been in existence over the future of the nursery schools can now be resolved appropriately and as speedily as possible. The option is recommended for the reasons given above.

Sustainability and Environmental Issues

N/A

Equalities Impact

This proposal to publish a Statutory Notice would not affect the equal opportunity of the public.

Crime Prevention Impact

N/A

Comments of Monitoring Officer

In taking and implementing these decisions about additional nursery education provision, the Council must comply with the requirements of the School Standards and Framework Act 1998 and the procedures set out in the Education (School Organisation Proposals)(Wales) Regulations 1999 (as amended). The Council also has to comply with Guidance issued by the Assembly, given that any proposals have to be approved by the Minister for Education if there are any unresolved objections. The key issues are in relation to standards of education and efficient use of resources and the previous Report set out the relevant considerations in terms of the need for additional nursery provision. The Council has undertaken a period of prior consultation with key stakeholders and no objections have been received. Therefore, if the Cabinet Member remains satisfied with the overriding education benefits of the proposals, the next step is for the Council to publish a formal statutory notice and undertake formal statutory consultation. If there are no objections within the one month statutory consultation period, then the Cabinet Member will be able to confirm the proposals, but otherwise the matter will need to be referred to the Minister. Each separate proposal will need to be the subject of consultation and will need to be considered on its own merits. Therefore, if a single composite statutory notice is to be published, the notice must separate out the relevant proposals in relation to each nursery and indicate that each one will be considered individually.

Comments of Chief Financial Officer

There are no financial consequences arising from the proposal at this stage.

Staffing Implications: Comments of Head of People and Transformation

There are no HR implications as a result of this report. The establishment of 6 nursery classes in these six primary schools will lead to increased pupil numbers and potentially mean an increase of resource is required to deliver nursery provision at these sites. If additional resource is required, the Governing Bodies of these schools will be asked to give prior consideration to employees on the Council's redeployment list prior to any external advert.

Comments of Non Executive Members

None received.

Other Relevant Consultation

Background Papers

Date: 30 May 2013