1. SUMMARY

1.1 This report sets out a proposal for the closure of Snowberry Nursery which is a currently a Council run nursery located at 1 Snowberry Close London E15 2AH and is currently registered by Ofsted under registration number 155051.

1.2 This report also outlines the Council’s statutory duties with regards to early education and childcare, and the rationale which underpins the proposal to close the nursery.

2. RECOMMENDATIONS

2.1 Cabinet is recommended to:

2.1.1 Agree to the closure of Snowberry Nursery by 30th August 2019.

2.1.2 Note the arrangements, as outlined in 3.1.8 and 3.2.9, that will be put in place to support families to find alternative provision and assist with transition arrangements for children, if the closure of the nursery is agreed.
3 PROPOSALS

3.1 Background information

3.1.1 Snowberry Nursery has operated as an early education and childcare nursery, for children 0-5 years old since 1992. The nursery originally operated from an address in Morris Road E15 2BQ, but subsequently moved to its current address in August 2000, when the new purpose-built nursery was created as part of the redevelopment of the Crownfield Road Estate. The nursery is located in Cathall Ward in Leytonstone. It currently has a Good Ofsted inspection judgement and is registered by Ofsted to provide 53 places (9 x under 2’s, 20 x 2yr olds and 24 3&4 yr olds). A number of these places include the provision of free early education places for eligible 2, 3 & 4 year olds. The nursery was previously open for 48 weeks per year between the hours of 8am and 6pm but has recently changed to term time opening due to lack of demand for year round places.

3.1.2 According to January 2019 census information submitted to the Council by the nursery:

- 54 x 2, 3 and 4 year old children attend the nursery. The nursery is almost operating at maximum capacity, according to the current staffing establishment, but not to the maximum capacity allowed according to the size of the nursery due to lack of demand.

- 27 x of the 36 3-4 year olds attending in January 2019 are eligible to take up a school reception place in September 19.

- Of the 36 x 3-4 year olds currently attending the nursery 17 are entitled to the universal free early education entitlement (FEEE) of up to 15hrs per week. 19 x 3-4 year olds are entitled to up to 30hrs FEEE per week (for working families)

- 8 x 3-4 year olds attend for chargeable hours (in addition to their FEEE), which parents pay for at a rate of £7 per hour

- Of the 18 x 2 year olds currently attending the nursery 16 are entitled to FEEE of up to 15hrs per week. 2 x 2 year children attending are fee paying children who are not eligible for FEEE.

3.1.3 Snowberry Nursery is the only remaining Ofsted registered early education and childcare provision that the Council directly provides. Historically two other early education and childcare settings were run by the Council, one in Handsworth Road E4 and one in Sutton Road E17. These nurseries were closed many years ago following a consultation.

3.1.4 A range of DfE registered school provision and Ofsted registered early education and childcare provision is located within a 0.3 mile radius of Snowberry Nursery for children who require a place from September 2019.
These schools and Ofsted registered early years providers are able to offer FEEE childcare places.

3.1.5 For 15 of the children currently taking up a place at Snowberry Nursery, Snowberry Nursery is not the closest setting to the child’s home. For children where Snowberry Nursery is the nearest to their home address, there is alternative provision that is marginally further to travel.

3.1.6 There is sufficient capacity in the schools and PVI sector to meet current and future demand for free early education places for 2, 3 and 4 year olds, if Snowberry Nursery were to close, as number of schools are not currently operating at maximum capacity and/or are looking to expand their provision to provide additional free early education places. This is particularly true for Downsell and Mayville Primary Schools and Redwood Preschool, all of whom are based in the Cathall ward.

3.1.7 GLA population figures show that current numbers of 0-4 year olds in Cathall ward are expected to decrease by 1 to 1158 by 2021. Current numbers of 2 year olds are expected to decrease by 1 to 225 children by 2021.

3.1.8 If the recommendation to close Snowberry Nursery is agreed, the Council would provide a brokerage service for parents/carers to support a smooth transition to an alternative provider. Transition of children would be carefully managed, particularly for children with special educational needs or disability (SEND) and/or Education Health and Care Plans (EHCP’s). If necessary a familiar practitioner from Snowberry Nursery and/or SEND professionals from the Early Years, Childcare and Business Development Service would support with the transition.

3.2 Rationale and evidence to support the recommendations/Context and drivers for change

3.2.1 Section 6, 8 and 9 of Childcare Act 2006 provide details of the Council’s statutory requirements with regards to the provision of early education and childcare services. These include monitoring of sufficiency of places and working in partnership with schools and childcare providers to support them in creating places where there gaps are identified, delivery of support information and training to childcare providers and support and advice regarding childcare and support services to parents/carers.

3.2.2 The Local Authority has a statutory duty under Childcare Act 2006 to secure sufficient childcare, but the act says:

An English local authority may not provide childcare for a particular child or group of children unless the local authority are satisfied

a) that no other person is willing to provide the childcare (whether in pursuance of arrangements made with the authority or otherwise), or

b) if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.
3.2.3 Waltham Forest has a vibrant and sustainable early years sector (schools, preschools, day nurseries and childminders) that is able to operate more flexibly than local authority-run provision, across both the Schools and Private Voluntary and Independent (PVI) sector.

3.2.4 A number of schools in the locality are willing to provide FEEE places and childcare and have or are looking to also lower their age of admission and/or extended their early years and childcare offers to include provision of FEEE places to two year olds. This would meet the needs of families as well as increase occupancy of their schools/nurseries as they are currently operating under their full capacity. This is particularly true for Downsell Primary School and Redwood Preschool that are based within a 0.3 mile radius of Snowberry and Mayville Primary School which is within a 0.5 mile radius.

3.2.5 A number of Schools and PVI sector providers within a 0.5 mile radius of Snowberry Nursery are able to offer good quality provision, having achieved a good or better Ofsted inspection grade and have the capacity to deliver the places required that would be lost as a result of the closure of Snowberry Nursery, as outlined in Appendix A.

3.2.7 Children who meet the eligibility criteria for a free early education place will continue to be eligible for a place with any FEEE approved provider.

3.2.8 As 27 of the 54 children attending the nursery currently are eligible to take up a reception place in September 2019, the impact to users would be minimised if the nursery was closed in August 2019. The closure of the nursery would then be limited to the remaining 27 children.

3.2.9 Parents/carers who require a place at an alternative provider for their child from September 2019 would be supported by the LA’s Early Years, Childcare and Business Development Service to source one as required. Parents/carers would also be supported with transition arrangements, where possible that could potentially facilitate moving groups of children, if required, so that friendship groups were retained.

4 OPTIONS & ALTERNATIVES CONSIDERED

4.1 The Local Authority continues to provide early education and childcare at Snowberry Nursery. This was rejected as this is not in line with the legal requirement of the Children Act 2006 as outlined in 3.2.2 above. In addition, the resources required to oversee the strategic and operational management of the nursery provision would redirect valuable resources from delivering the Councils statutory duties with regards to Early Education and Childcare.

5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

Governments Free Early Education and Childcare policy
Waltham Forest Creating Futures for Young People - Our Plan to Improve Life Chances Report

6. CONSULTATION

6.1 Snowberry Nursery is not a Maintained Nursery, but one which is an Ofsted registered full day care nursery where the Local Authority is the registered responsible organisation. Notwithstanding that this is not a Maintained Nursery, a decision was taken to run a consultation and decision-making process in line with the statutory procedures which apply to maintained nurseries as good practice. Therefore, the consultation was a six week process between 2 April and 14 May 2019, followed by a decision to publish a notice on 21 May 2019, followed by a four week period between 22 May and 18 June 2019 during which further representations could have been made, and finally presenting a report to Cabinet for a decision.

6.2 Consultation was undertaken with the following nursery stakeholders:

- Parents, carers and local families who use the child care provision
- Members of the local community who do not use the childcare provision
- Trade union representatives
- Staff currently employed at the nursery
- Local Elected Members
- Local schools and childcare providers

6.3 There were 46 respondents to the survey. Details of responses by provider type are provided below:

<table>
<thead>
<tr>
<th>Provider Type</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Parent/Carer of a child currently attending Snowberry Nursery</td>
<td>26</td>
</tr>
<tr>
<td>A parent/Carer of a child who does not currently attend Snowberry Nursery</td>
<td>9</td>
</tr>
<tr>
<td>A member of staff of Snowberry Nursery</td>
<td>2</td>
</tr>
<tr>
<td>A member of staff of a DfE registered School in the area</td>
<td>3</td>
</tr>
<tr>
<td>A Member of staff of an Ofsted Registered Provision in the area</td>
<td>5</td>
</tr>
<tr>
<td>A Ward Councillor</td>
<td>0</td>
</tr>
<tr>
<td>An MP</td>
<td>0</td>
</tr>
<tr>
<td>Did not specify</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>46</strong></td>
</tr>
</tbody>
</table>

6.4 Two information sessions for parents were also held on 3 May 2019 between 8.30-9.30am and 3.30-4.30pm.

6.5 A Summary of Public Consultation outcome regarding the proposed closure of Snowberry Nursery can be found at Appendix B.

6.6 No further representations were received between 22 May and 18 June 2019.
7.  IMPLICATIONS

7.1  Finance, Value for Money and Risk

7.1.1  If the ten staff currently employed at the nursery were made redundant, this would equate to an estimated cost of approx. £50,000.

7.1.2  Snowberry Nursery has not achieved its income target in any of the last seven years meaning that it is effectively being subsidised by the Council’s general fund and diverting funding from other essential services. The net budget pressure from the £69,900 income target will need to be resolved as part of the Families and Homes Financial Sustainability Plan.

7.1.3  The nursery has made annual increases to its charges over the last few years. The nursery currently charges service users £7.00 per hour for childcare provided that is in excess of the child’s free early education entitlement hours, which is in line with market rates for other providers.

7.2  Legal

7.2.1  Section 6, 8 and 9 of Childcare Act 2006 provides details of the Council’s statutory requirements with regards to the provision of early education and childcare services.

7.2.2  Part B of The Early education and childcare statutory guidance for local authorities March 2018 outlines the Council’s duties regarding securing sufficient childcare.

7.2.3  In summary the key elements of the legislation outlined at 7.2.1 and 7.2.2 above which the Council must comply with and are relevant to this proposal are:

a)  To secure so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them to claim childcare related benefits to reduce the cost of childcare.

b)  Assess the state of the local childcare market, including the demand for specific types of providers in a particular locality and the amount and type of supply that currently exists;

c)  The provision of childcare which is suitable for disabled children

d)  Should encourage schools in their area to offer out-of-hours childcare from 8.00am until 6.00pm and in school holidays;

e)  Should encourage existing providers to expand their provision and new providers to enter the local childcare market.

f)  An English local authority may not provide childcare for a particular child or group of children unless the local authority are satisfied that no
other person is willing to provide the childcare or if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.

7.2.4 The Council has met its statutory requirements in respect of the legislation outlined at 7.2.1 and 7.2.2 above by establishing that there are sufficient surplus places to meet the likely supply, and future demand for places in the medium and long term in the local area to accommodate displaced children, and that these places are of a similar quality.

7.2.5 Details of the mini sufficiency assessment completed by the Council in May 2019 for the geographical area within 1 mile of Snowberry Nursery are outlined at Appendix A.

7.2.6 As indicated the Council has carried out consultation in line with the statutory procedures which apply to maintained nurseries as good practice. Cabinet must consider the responses received through the consultation undertaken and take those into account when making its’ decision.

7.2.7 If the decision by Cabinet is to close the nursery, the Council must follow its’ policies and procedures in respect of staff affected which deal with redeployment and redundancy.

7.3 Equalities and Diversity

7.3.1 All Ofsted registered early years providers must comply with the Statutory Framework for the Early Years Foundation Stage. All LA’s must ensure that providers commissioned by them to deliver free early education places to eligible 2, 3 & 4 years olds must comply with the Early Education and Childcare Statutory Guidance for Local Authorities June 2018. Compliance with these documents ensures that all children have equal access to quality, safe and inclusive provision.

7.4 Sustainability (including climate change, health, crime and disorder)

7.4.1 All Ofsted registered early years providers must comply with the Statutory framework for the early years foundation stage, this sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. This includes a requirement to ensure the safety and wellbeing of children.

7.4.2 As the building is proposed to be retained within the Families and Homes Directorate for alternative use it is unlikely to result in savings on utility bills or a reduction in carbon emissions.

7.4.3 Some parents / carers may need to travel slightly further to alternative provision, which may result in increase in travel and transport emissions. The Council would encourage parents and carers to walk, cycle or use public transport to reach the new provision - if they don't already use these methods. This would increase sustainable and active travel which would also have attendant health benefits.

7.5 Council Infrastructure

7.5.1 Snowberry Nursery currently employs 10 members of staff (equivalent to 8 fte), all are employed by Waltham Forest Council. These staff are employed on a range of part-time and full time contracts. The length of employment varies from 1 to 35 years.

7.5.2 A 21 day staff consultation process was undertaken between 24 April and 15th May in line with the HR Managing Change process. No alternative proposals were received by HR from staff as a result of this consultation.

7.5.3 If Cabinet agree to the closure of the nursery, the staff at the nursery would be subject to the LA’s redeployment and redundancy procedures as appropriate. The costs of redundancies associated with the closure of the nursery are outlined at 7.1.1.

7.5.4 In addition to redeployment opportunities that may be available within the Council, opportunities for alternative employment may be created if maintained schools that increase their nursery provision require additional staff.

7.5.5 The Snowberry Nursery premises will be retained within the Councils Families and Homes Division. The business case for the future use of the building are currently being worked up.

7.5.6 There are no Brexit implications with regards to this proposal.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None.