

SCHOOL ORGANISATION COMMITTEE OF CABINET

AGENDA

Meeting to be held remotely on Thursday 1 October 2020 at 3.30pm

The meeting will be livestreamed for the public to view on the Council's YouTube channel at <https://youtu.be/MDHaaARKyJU>

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 7 November 2019 Copy attached.	1
4.	Revocation of Decision to Discontinue Pennywell Early Years Centre Report of the Executive Director of Neighbourhoods (copy attached).	5

Elaine Waugh,
Assistant Director of Law and Governance

Civic Centre,
SUNDERLAND

23 September 2020

For further information and assistance, please contact:

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Email: gillian.kelly@sunderland.gov.uk

MINUTES OF THE SCHOOL ORGANISATION COMMITTEE OF CABINET

**Held in COMMITTEE ROOM 1, CIVIC CENTRE, SUNDERLAND
on THURSDAY 7 NOVEMBER 2019 at 3.30pm**

Present: -

Councillor Farthing in the Chair

Councillors G Miller and G Walker.

In Attendance: -

Julienne Collinson (representing the Assistant Director of Law and Governance), Alan Rowan (Retained Education Functions Lead, Neighbourhoods) and Hazel Mackel (Governance Services).

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Kelly and Stewart.

Minutes

4. RESOLVED that the Minutes of the meeting held on 17 July 2019 be agreed as a correct record.

Proposed Closure of Pennywell Early Years Centre

The Executive Director of Neighbourhoods submitted a report presenting a proposal to discontinue Pennywell Early Years Centre.

Pennywell Early Years Centre currently operates as a local authority maintained nursery provision, offering education and day-care in the St Anne's ward of the city for children between the ages of 0 and 5 years old. It has been recognised as an outstanding provision by Ofsted.

Although the nursery's outturn at the start of the 2019/20 financial year was a surplus of £249,715, financial projections estimated that the nursery will operate an outturn deficit by close of 2021-22. It was noted that 89% of the nursery's current costs related to staff salaries and on costs.

Should Pennywell Early Years Centre become unsustainable as a maintained nursery school setting, there would be limited alternative nursery places in the area to meet demand. The two school settings in closest proximity to Pennywell Early Years Centre, namely Academy 360 and Grindon Hall Christian School, did not currently offer a nursery provision. January headcount data indicated that available nursery places at St Anne's RC Primary School and South Hylton Primary School were not sufficient to provide the required places for those on roll at Pennywell Early Years Centre.

The Council received a proposal, from the Directors of the Laidlaw Schools Trust (LST) responsible for Academy 360 and the Governors of Pennywell Early Years Centre, to amalgamate the two bodies. This could only be achieved by undertaking the closure process for the Pennywell Early Years Centre. There were three approval tiers of decisions required to effect the change: -

- The Council to discontinue the Early Years Centre;
- LST to secure approval from the Regional Schools Commissioner to lower the age range of the Academy from 5 years old to 0 in advance of the nursery provision amalgamation with the Academy; and
- LST to attain Ofsted registration for the delivery of early years provision for 0 to 2 year olds attending the provision.

In order for the Council to support the proposal, there would be no change to the nursery provision with day care for young children and babies. The nursery provision would continue to be provided in the same facility but under the management of the LST.

The change in the date of proposed closure of the Pennywell Early Years Centre from 31 December 2019 to 31 March 2020 was explained and that it had been required in order to give the LST sufficient time to secure the approvals of the Regional Schools Commissioner and Ofsted. It was proposed that the nursery provision, previously offered by Pennywell Early Years Centre, would be operated by Academy 360 as part of LST from 1 April 2020. Should the approvals not be in place by that date the proposed delegations in the report would enable the determination of an extended, modified date to implement the discontinuance proposal. In the event that the approvals were not forthcoming delegated authority was also sought to allow the necessary revocation proposals (of the discontinuance proposal) to be published.

Following a report to Cabinet in May 2019, a pre-publication consultation exercise took place between 17 May and 28 June 2019. The pre-publication consultation contained the Council's proposal to discontinue the nursery to facilitate the proposed amalgamation with Academy 360. The following groups were consulted: -

- Parents of pupils attending Pennywell Early Years Centre
- Current staff
- Local schools and nurseries
- Trade Union Representatives
- The wider local community
- Sunderland's Schools Forum

Of the twenty responses received, 90% agreed with the proposal to close Pennywell Early Years Centre to facilitate the amalgamation.

On 2 September 2019, the Council published notification of the statutory proposal to discontinue Pennywell Early Years Centre. The statutory notice period ended on 30 September 2019 and the Council received no responses to the notice.

The attention of the Members was drawn to the two negative responses to the pre-publication consultation exercise. Members were reminded that as there would be no change to the nursery provision with day care for young children and babies and that the nursery provision would continue to be provided with the same expertise in the same facility, but under the management of the LST, this answered the issues raised by those respondents.

The Committee having given consideration to the proposal, it was therefore: -

5. RESOLVED that: -

- (i) the responses to the statutory and pre-publication consultations be noted.
- (ii) Subject to Laidlaw Schools Trust obtaining the approval and registration required as outlined in paragraphs 7.1 and 7.2 of the report before 1 March 2020, the implementation of the proposal to discontinue (close) Pennywell Early Years Centre, Portland Road, Sunderland, SR4 9AX on 31 March 2020 be approved.
- (iii) the Director of Neighbourhoods, in consultation with the Chair and Vice-Chair of the Committee, be authorised to: -
 - (a) modify the above implementation date in the event that Laidlaw Schools Trust have not received the approval and/or registration required as outlined in paragraphs 7.1 and 7.2 by 1 March 2020; or
 - (b) publish a further statutory notice to revoke the existing discontinuance proposal.

(Signed) L FARTHING,
Chair.

**SCHOOL ORGANISATION COMMITTEE OF CABINET
– 1st OCTOBER 2020**

EXECUTIVE SUMMARY SHEET – PART I

Title of Report: Revocation of Decision to Discontinue Pennywell Early Years Centre

Author(s): Executive Director of Neighbourhoods

Purpose of Report: The purpose of this report is to request the revocation of the School Organisation Committee of Cabinet's previous decision (November 2019) to discontinue Pennywell Early Years Centre.

Description of Decision: School Organisation Committee of Cabinet is asked to:

Note the responses and consider the statutory proposal which is:

- REVOCATION PROPOSAL: Revocation of the Decision to Discontinue Pennywell Early Years Centre

Under the provisions of the relevant Regulations, the Authority may approve published proposals with or without modification or may reject them.

The Committee is requested to approve the proposal as detailed above.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Reason for the Decision

Laidlaw Learning Trust has withdrawn from the proposed amalgamation of Pennywell Early Years Centre and Academy 360 but the requirement for the early years places at Pennywell Early Years Centre remains to ensure the Council can meet its statutory requirement to provide enough school places in the St Anne's Ward for nursery aged children

Alternative options to be considered and recommended to be rejected:

- Proceed with the discontinuation of Pennywell Early Years Centre

Impacts analysed;

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

Is this a “Key Decision” as defined in the Constitution?

No

Is it included in the 28 day Notice of Decisions?

No

REVOCATION OF DECISION TO DISCONTINUE PENNYWELL EARLY YEARS CENTRE

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

1. Purpose of the Report

The purpose of this report is to request the revocation of the School Organisation Committee of Cabinet's previous decision (November 2019) to discontinue Pennywell Early Years Centre.

2. Description of Decision

2.1 School Organisation Committee of Cabinet is asked to:

Note the responses and consider the statutory proposal which is:

- **REVOCATION PROPOSAL:** Revocation of the Decision to Discontinue Pennywell Early Years Centre

Under the provisions of the relevant Regulations, the Authority may approve published proposals with or without modification or may reject them. The Committee is requested to approve the proposal as detailed above.

3. Current Position

3.1 Pennywell Early Years Centre is a maintained nursery school in the St Anne's ward. It is maintained by Sunderland City Council.

3.2 On 7th November 2019, the School Organisation Committee of Cabinet approved a proposal to discontinue the nursery. The Council took the decision to discontinue Pennywell Early Years Centre on the basis that, post discontinuance, the Pennywell Early Years Centre provision and staff would be amalgamated within the educational offer at a neighbouring academy (Academy 360). This amalgamation was to occur on 1st April 2020.

3.3 Pennywell Early Years Centre was to continue to provide early years provision for the area under the management of Academy 360 post 1st April 2020.

3.4 Laidlaw Learning Trust, the sponsor of Academy 360, withdrew from the proposal to amalgamate Pennywell Early Years Centre within its Trust on 31st March 2020. Consequently, and given the requirement for nursery places in the area remains, the implementation of the proposal to discontinue Pennywell Early Years Centre would be unreasonably difficult and is no longer considered appropriate. Therefore, the Council proposes to revoke the decision to discontinue the nursery.

4.0 Statutory Representation

4.1 The Council published the statutory proposal to revoke the previous decision to discontinue the Pennywell Early Years Centre on 9th July 2020. The statutory notice period ended 6th August 2020. The statutory notice was published in the following places:

- Sunderland City Council's website
- Pennywell Early Years Centre's website
- The Sunderland Echo

The notice was also displayed at the entrances of the current buildings used by Pennywell Early Years Centre.

4.2 In addition to the publication of notices the following groups were consulted with as part of this process:

- Parents of pupils attending the Nursery
- Current staff
- The local Church of England diocese
- The local Roman Catholic diocese and
- The Secretary of State for Education.

4.3 The Council has received no responses to the notice. The statutory notice is attached as Appendix 1.

5. Reasons for the Decision

5.1 Laidlaw Learning Trust has withdrawn from the proposed amalgamation of Pennywell Early Years Centre and Academy 360 but the requirement for the early years places at Pennywell Early Years Centre remains to ensure the Council can meet its statutory requirement to provide sufficient school places in the St Anne's Ward for nursery aged children

6. Alternative Options

Proceed with the discontinuation of Pennywell Early Years Centre

6.1 There is no early years provision at the two schools closest to Pennywell Early Years Centre (Academy 360 and Christ's College). It is considered that the places offered by the nursery are required to ensure enough early years places are available to families in the area and to discontinue the provision without either recreating these places elsewhere or merging the provision with another setting while maintaining the current premises would lead to a deficit in local provision.

7. Impact Analysis

Sustainability – The above proposal will ensure the ongoing provision of early years school places in the St Anne's Ward remains sustainable.

Equalities Analysis – The proposal is not projected to disadvantage any individual, social group or organisation.

8. Other Relevant Considerations / Consultations

8.1 Co-operative values – At Annual Council in May 2015, it was resolved that the following statement be included in the Constitution to reflect the values of the “Co-operative Council”.

“Sunderland City Council is a co-operative council and in being so will act ethically in all its actions while adhering to and actively promoting its co-operative values of self-help, self-responsibility, democracy, equality, equity and solidarity. These values will underpin its decision making and actions.”

8.2 Financial implications

This decision will result in no change to the current financial requirements associated with the operation of Pennywell Early Years Centre.

8.3 Legal Implications

Throughout the process, from informal consultation to the publication of the statutory proposals (including the revocation proposals), the Council has complied with the requirements of the applicable legislation (the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013) and has also adhered to the Department for Education’s 2019 Statutory Guidance ‘Opening and Closing Maintained Schools’.

9. Appendices

Appendix 1 – Statutory Notice to Revoke Decision to Discontinue Pennywell Early Years Centre

10. Background Papers

7th November 2019 SOCOC report – Proposed Closure of Pennywell Early Years Centre

THE COUNCIL OF THE CITY OF SUNDERLAND

REVOCAION PROPOSAL: Discontinuation of Pennywell Early Years Centre

Notice is given in accordance with Schedule 2 to the Education and Inspections Act 2006 and Regulation 21 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 that Sunderland City Council seeks to revoke the decision to discontinue Pennywell Early Years Centre, Portsmouth Road, Pennywell, Sunderland, Tyne and Wear, SR4 9AX and to not implement the proposal.

The statutory notice for the original proposal was published on 02/09/2019 by Sunderland City Council and a decision was taken by the Council on 07/11/2019 to implement the proposal.

The Council took the decision to discontinue Pennywell Early Years Centre on the basis that, post discontinuance, the Pennywell Early Years Centre provision and staff would be amalgamated within the educational offer at a neighbouring academy (Academy 360). This amalgamation was to occur on 1st April 2020.

Pennywell Early Years Centre was to continue to provide early years provision for the area under the management of Academy 360 post 1st April 2020.

Laidlaw Learning Trust, the sponsor of Academy 360, withdrew from the proposal to amalgamate Pennywell Early Years Centre within its trust on 31st March 2020. Consequently, and given the requirement for nursery places in the area remains, the implementation of the proposal to discontinue Pennywell Early Years Centre would be unreasonably difficult and is no longer considered appropriate. Therefore, the Council proposes to revoke the decision to discontinue the nursery.

The full proposals can be viewed via the weblink below

<https://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/10151/Committee/1954/Default.aspx>

Within four weeks from the date of publication of this proposal, any person may object to or make comments on this revocation proposal by sending them to: Alan Rowan, Retained Education Functions Lead, Sunderland City Council, Civic Centre, Burdon Lane, SR2 7DN or by emailing school.organisation@sunderland.gov.uk. Copies of this revocation proposal may be obtained by contacting the same postal and e-mail addresses.

Signed: Patrick Melia

Chief Executive

Sunderland City Council

Publication Date: 9th July 2020

