

School Organisation Sub-Committee

Agenda

Date:	Wednesday, 3rd June, 2009
Time:	2.00 pm
Venue:	Macclesfield Library -Macclesfield

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Apologies**

To receive any apologies for absence.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

4. **Proposed Closure for Oakenclough Nursery** (Pages 1 - 56)

To consider proposals to close Oakenclough Nursery.

5. **Exclusion Resolution**

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Sarah Baxter
Tel: 01270 529786
E-Mail: sarah.Baxter@cheshireeast.gov.uk

The Sub Committee will meet in private to consider the decision as a result in accordance with Section 100A(4) of the Local Government Act 1972 the press and public will be excluded from this meeting on the grounds further consideration of the matter will involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act in the paragraphs indicated:

Paragraph 4-Information relating to any consultations or negotiations or contemplated consultations or negotiations connection with any labour relations matter arising between the authority and employees of, or office holders under, the authority.

Paragraph 5-Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

CHESHIRE EAST COUNCIL

CABINET SCHOOL ORGANISATION SUB-COMMITTEE

Date of meeting: 3 June 2009

Report of: Barbara Hughes – Interim Head of Service for Children & Families

Title: Proposal to close Oakenclough Children's Centre Day Nursery

1.0 Purpose of Report

- 1.1 The purpose of this Report is to enable the Cabinet School Organisation Sub-Committee to take a decision on the proposal to close Oakenclough Children's Centre Day Nursery, Handforth with effect from 17 July 2009. Closure of the Nursery will mean that full day childcare is no longer provided at Oakenclough Children's Centre premises. This proposal relates solely to the Nursery at Oakenclough Children's Centre and the provision of childcare; all other Children's Centre services will continue to be provided to the local community.

2.0 Decision Required

- 2.1 Whether Oakenclough Children's Centre Day Nursery should be closed with effect from 17 July 2009.

3.0 Financial Implications 2009/10 and beyond

- 3.1 There are 3 potential options:

1. Nursery closure on 17 July 2009 – Total cost of redundancy payments to 3 staff - £1,338.92.

2. Nursery to continue in its current form operated by a childcare provider from the private/voluntary sectors – ongoing revenue subsidy by the Local Authority of approximately £69,000 per annum. The cost of this option based on the actual occupancy level as at May 2009 (22%) and indicative figures based on higher occupancy figures is set out in the following table:

Occupancy % FTE	22%	32%	42%	52%	62%
Total Income	£113,000	£172,000	£235,000	£306,000	£380,000
Total Expenditure	£182,000	£214,000	£250,000	£287,000	£326,000
Surplus/Deficit	(£69,000)	(£42,000)	(£15,000)	£18,000	£54,000

Assumptions:

Achievement of sustainable levels of occupancy will be determined by market conditions.
Levels of occupancy illustrate the deficits at various occupancy levels and do not necessarily reflect anticipated rate of growth.
Inflation assume 3% income and costs
Nursery rent waived

3. Nursery to continue in its current form operated by the Local Authority – ongoing revenue cost of approximately £115,000 per annum. The cost of this option based on the actual occupancy level as at May 2009 (22%) and indicative figures based on higher occupancy figures is set out in the following table:

Occupancy % FTE	22%	32%	42%	52%	62%
Total Income	£113,000	£172,000	£235,000	£306,000	£380,000
Total Expenditure	£228,000	£272,000	£321,000	£371,000	£423,000
Surplus/Deficit	(£115,000)	(£100,000)	(£86,000)	(£65,000)	(£43,000)
Assumptions: Achievement of sustainable levels of occupancy will be determined by market conditions. Levels of occupancy illustrate the deficits at various occupancy levels and do not necessarily reflect anticipated rate of growth. Inflation assume 3% income and costs.					

4.0 Legal Implications

4.1 The Childcare Act 2006 has imposed two key duties on local authorities regarding childcare: -

- A duty to secure sufficient childcare to meet the needs of working parents and those training for work (Section 6 Childcare Act 2006).
- A duty to secure free early years provision for all three and four year old children (Section 7 Childcare Act 2006).

The Local Authority therefore has a duty to ensure that, so far as is reasonably practicable, parents in its area are able to access the childcare they need to enable them to work or to undertake training to assist them to obtain work. This duty does not generally require the Local Authority to provide childcare directly itself; the Local Authority's role should be to assist the childcare market to respond to parental childcare needs through commissioning arrangements and providing financial and other support. The Local Authority is required to carry out a formal Childcare Sufficiency Assessment for its area every three years to compare the number of places required in each category of childcare with the number of places available, and to identify whether these places are at the correct times and in appropriate locations to meet demand.

4.2 As part of the review of childcare provision in the community served by Oakenclough Children's Centre, officers have considered whether the closure of Oakenclough Children's Centre Day Nursery could place the Local Authority in breach of its Childcare Act duties. It is advised that

closure of the Nursery is unlikely to result in a breach of these duties provided parents are supported to access alternative childcare, as there is sufficient alternative childcare provision within the local area to reasonably meet the needs of parents if the Nursery closes. This is based on the findings of Cheshire East's Childcare Sufficiency Assessment and data obtained in officers' subsequent review of childcare provision in the local area. There may be some parents who feel that alternative childcare provision available in the local area will not meet their childcare needs as effectively as Oakencrough Children's Centre Day Nursery, for example for reasons of accessibility or affordability. While the Local Authority should consider the needs of such parents, it does not have to meet these needs if it is not reasonably practicable to do so (e.g. if the costs are disproportionate to the take up by parents of the service offered).

- 4.3 The Childcare Act 2006 gives local authorities' powers to assist childcare providers, whether financially or otherwise. Local authorities also have the power to provide childcare directly, where appropriate provision cannot be secured through the private or voluntary sectors. However, these powers should only be used to address an actual or potential gap in childcare sufficiency within a local authority's area.
- 4.4 Sure Start Children's Centres across the country have gone through a designation process in order to secure funding and approval from the Department of Children, Schools and Families. All centres are designated by the DCSF as either 30% or 70% centres according to disadvantage with different requirements for each in relation to services offered. Oakencrough Children's Centre is located within one of the 30% most deprived Super Output Areas ("SOAs") in the country. When the Centre was being developed the Authority was advised by Government Office North West that it should deliver the children's centre "full core offer" of services from this Centre, which includes a requirement for full day childcare. The Centre received formal designation as a 30% centre in September 2006 on this basis. However as a result of a recent national Portfolio Framework Review of all centres undertaken by Together for Children (the Government's current delivery agent for children's centres) the advice on designation requirements has been clarified and a process established to change designations if this is judged to be appropriate.

The current advice is that a children's centre is only required to deliver the full core offer of services where the majority of children within the footprint it serves are in one of the 30% most deprived SOAs. The data analysis for Oakencrough Children's Centre footprint identifies that the majority of 0-5 year old children (700 out of 900) live in the 70% most advantaged areas. The Portfolio Framework Review has identified that the redesignation of Oakencrough Children's Centre as a 70% centre is appropriate. This redesignation removes the requirement for childcare to be delivered at this Centre, although the Authority could continue to commission childcare if its Sufficiency Assessment indicated that this

was appropriate. The redesignation has no other implications for children living in the 30% areas of the footprint who will continue to receive services according to their needs.

5.0 Risk Assessment

- 5.1 Closure carries the risk of the Local Authority not meeting its statutory duty to secure sufficient childcare to meet the needs of working parents and those training for work (Section 6 Childcare Act 2006) and a duty to secure free early years provision for all three and four year old children (Section 7 Childcare Act 2006). The findings of the Childcare Sufficiency Assessment and data obtained in officers' subsequent review of childcare provision in the local area indicate this is a very low risk. This risk can be further mitigated by providing assistance to parents to find alternative childcare for their children.
- 5.2 Delayed closure carries the financial implications outlined in this paper.
- 5.3 Strong feelings among some parents may result in their refusal to access the Children's Centre if the Nursery closes.

6.0 Background and Options

- 6.1 On 3 November 2004 the Executive Member for Education of Cheshire County Council approved a recommendation to close OakencloUGH County Primary School, Handforth with effect from 31 August 2005, on the basis that nursery provision would be maintained on the OakencloUGH site. It was subsequently decided that the most viable delivery model for retaining this nursery provision would be as part of a Children's Centre.
- 6.2 OakencloUGH Children's Centre has delivered services to children and families living in Handforth since January 2006 from the site of the former OakencloUGH County Primary School. These services include provision of a full daycare nursery. The Nursery is registered for 63 places for children aged 0-5 years. Since January 2006, three experienced childcare providers from the private and voluntary sectors have operated and/or managed OakencloUGH Children's Centre Day Nursery at different times, and none of these organisations have managed to achieve financial viability for the Nursery. At the end of July 2008 the third provider, Toc H (a voluntary sector childcare provider), withdrew at short notice. To prevent immediate closure of the Nursery the Local Authority took over provision on a short term basis as the provider of last resort using its powers under Section 8 of the Childcare Act 2006. Since August 2008 the Nursery has been directly delivered by the Local Authority.
- 6.3 In Autumn 2008 the Local Authority invited initial expressions of interest from three experienced childcare providers. These indicated

that a significant financial subsidy would be required to encourage a provider to take over the Nursery. In the light of low occupancy levels at the Nursery and availability of alternative provision in the local area, Cheshire County Council decided to carry out a formal review of whether the continued operation of the Nursery is the best use of available resources for children and families. This review included consideration of the financial viability of the Nursery (including the level of subsidy required to support a private or voluntary provider to deliver the Nursery) and a consultation exercise with parents, staff and other stakeholders.

6.4 There is no specific statutory consultation requirement regarding the closure of the Nursery, as it is not a maintained nursery and therefore is not subject to the statutory consultation and proposal processes under the Education and Inspections Act 2006. The original formal consultation period was from 5 January 2009 to 6 February 2009. In light of the consultation responses this was extended to 27 March 2009, with a commitment that if a decision was taken to close the Nursery this would not take place before 17 July 2009. This ensures that 4 year olds currently attending the Nursery can make a smooth transition into full time education. The consultation took the form of a consultation document circulated to interested parties and two consultation meetings with parents held at Oakenclough Children's Centre. Parents and other interested parties were given the opportunity to respond in writing to the proposal to close the Nursery, or to make oral representations which were noted at the consultation meetings. Details of the consultation and responses are set out in the Appendices 1-4. In addition, the Consultation responses included representations regarding specific issues surrounding the operation of the Nursery, its role within the community and the availability of alternative provision. These issues are identified and responded to by officers at Appendix 5.

6.5 The key arguments for and against closure of the Nursery are as follows: -

Arguments for the closure of the Nursery: -

- The Nursery has a very low occupancy (as at May 2009 this was 22.3% Full Time Equivalent occupancy rate).
- Since January 2006 the Nursery has not reached financial viability. The total financial support given by the Local Authority to the Nursery for the period January 2006 to March 2009 (through grant subsidy and directly borne operating costs) was £172,129. It would need ongoing subsidy of approximately £69,000 per annum from the Authority to keep it operating in its current form if a childcare provider from the private or voluntary sector takes over provision. The Nursery is being funded through the Local Authority's budget for early years services, and the allocation of

resources to this Nursery reduces the funding available for other service delivery.

- There is adequate alternative childcare within the local area to meet the childcare needs of local children and families (as evidenced by Cheshire's Childcare Sufficiency Assessment and data obtained in officers' subsequent review of childcare provision in the local area).

Arguments against the closure of the Nursery: -

- Strong support from some parents of children attending the Nursery for keeping the Nursery open, as evidenced by Consultation responses (see Appendix 4).
- The Nursery is co-located with a Children's Centre, providing good opportunities for integrated early years service delivery.
- The Nursery is located within a disadvantaged community, allowing easy access to early years childcare for members of this community.
- A commitment was given by Cheshire County Council Children's Services Executive in November 2004 to retain early years provision at the Oakenclough site.

6.6 If the Cabinet School Organisation Sub-Committee decides not to close the Nursery, the following options are available to continue its operation:

1. The Local Authority could continue to directly deliver the Nursery. This option is not recommended, as it is contrary to Government Guidance and the Local Authority does not have appropriate structures in place to effectively run a nursery directly on a long term basis. The Authority does not directly deliver any other Nursery provision in its area. The cost of this option to the Authority is estimated to be in the region of £115,000 per annum on current occupancy levels.
2. The Local Authority could commission a private or voluntary sector childcare provider to operate the Nursery. This option is not recommended as it is likely that the Local Authority will have to subsidise this childcare provider on a long term basis to ensure that the Nursery can be sustained. This subsidy is likely to be in the region of £69,000 per annum on current occupancy levels

7.0 Overview of Day One, Year One and Term One Issues

- 7.1 If the Nursery closes, the Local Authority will need to assist parents to find alternative childcare provision for their children.
- 7.2 If the Nursery remains open, the Local Authority will either need to undertake a commissioning process to select a private or voluntary sector provider to operate the Nursery, or will need to put in place

structures and recruit staff to enable the Local Authority to directly operate the Nursery on a long term basis.

8.0 Reasons for Recommendation

- 8.1 It is recommended that Oakenclough Children's Centre Day Nursery should be closed with effect from 17 July 2009, for the reasons stated in this Report. The financial cost to the Authority of keeping this Nursery open is disproportionate to the take up by children and their families of the service offered. There is sufficient alternative childcare provision available within the local area to enable the Local Authority to discharge its duties under the Childcare Act 2006 if this Nursery closes.

9.0 Political Process

- 9.1 This decision falls within the delegated responsibilities of the Cabinet School Organisation Subcommittee as it is a non statutory education organisation proposal which has attracted objections. The decision making process will follow the procedure set out in the paper on School Organisation Decision Making approved by the Cabinet on 21st April 2009.

For further information:

Portfolio Holder: Councillor Paul Findlow

Officer: Judith Thompson

Tel No: 01244973304

Email: Judith.Thompson@cheshireeast.gov.uk

Background Documents:

Report compiled by Save Oakenclough Day Nursery Parents Group

Documents are available for inspection at:

Oakenclough Children's Centre Reception or on request from Judith Thompson or Lynn McCrimmon (01244 972749)

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Oakenclough - Format and content of report

Report

Appendix 1 – Consultation document and pro forma for response

Appendix 2 – Q and A from first consultation meeting with parents 8 Jan

Appendix 3 – Q and A from second consultation meeting with parents 2 Feb

Appendix 4 – Summary of consultation responses

Appendix 5 – LA response to key points raised in the consultation

Background papers:

Report compiled by Save Oakenclough Day Nursery Parents Group

Appendix 1 – consultation document and pro forma for response

Oakenclough Children's Centre
Colshaw Drive
Wilmslow
SK9 2PZ
5th January 2009

Dear Parent

Important: Consultation on the proposal to close Oakenclough Day Nursery

As a parent/carer of a child/children at the nursery I am writing to seek your views on the future of Oakenclough Day Nursery.

Attached to this letter is a briefing document which outlines the reasons for the proposed closure of the nursery. County Councillors will be asked to consider the proposal in February. To inform their decision making, we are consulting with parents, staff and key partners across the children's centre footprint.

We are seeking your views on three questions:

- the proposal to close the nursery
 - the proposed timescale for this closure
 - the future use of the space
- } *Please read attached briefing note for more information*

Please note – the proposal relates to the nursery only. The children's centre will continue to deliver services for children and families.

We understand that this consultation may cause some uncertainty and you may have some questions about the proposal. Therefore, we are holding an **information session for parents** at Oakenclough Children's Centre on Thursday 8th January starting at 6.00pm. If you are unable to attend this session but would like to discuss this proposal further, please contact Jan Cooper, the Children's Centre Service Co-ordinator on 01625 374180.

If you have any comments to make, please complete the attached form and return to us by **Friday 6th February**.

Yours sincerely,
Debbie Watson
Children's Centre Network Co-ordinator

Oakenclough Day Nursery Consultation

Name:

Parent / Nursery Staff / Advisory Group / Local School / Local Nursery Provider (please ring)

1. Your comments on the proposal to close the nursery:

2. Your comments on the proposed timescale for closure:

3. Your comments on alternative uses for the nursery space:

Please return your completed form to: Mark Thornton, Children and Families, Merchants House,
Hamilton Place, CHESTER, CH1 2BE

or email your comments to: mark.thornton@cheshire.gov.uk

All comments to be received by Friday 6th February 2009



Oakenclough Children's Centre
Colshaw Drive
Wilmslow
SK9 2PZ

18th March 2009

Dear Parent

Important: Consultation on the proposal to close Oakenclough Day Nursery

As a parent/carer of a child/children at the nursery I wrote to you on 5th January to seek your views on the proposed closure of Oakenclough Day Nursery.

Cheshire East Elected Members will be asked to consider the proposal. To inform their decision making, we are consulting with parents, staff and key partners across the children's centre footprint.

We are again seeking your views on three questions:

- the proposal to close the nursery
- the proposed timescale for this closure
- the future use of the space

Please note – the proposal relates to the nursery only. The children's centre will continue to deliver services for children and families.

If you have any comments to make, please complete the attached form and return to us by **Friday 27th March**.

Jan Cooper, the Children's Centre Service Co-ordinator, is available on 01625 374180 if you would like to discuss this proposal further.

Yours sincerely,

Debbie Watson
Children's Centre Network Co-ordinator

Oakenclough Day Nursery Consultation

Name:

Parent / Nursery Staff / Advisory Group / Local School / Local Nursery Provider (please ring)

1. Your comments on the proposal to close the nursery:

2. Your comments on the proposed timescale for closure:

3. Your comments on alternative uses for the nursery space:

Please return your completed form to: Mark Thornton, Children and Families, Merchants House,
Hamilton Place, CHESTER, CH1 2BE

or email your comments to: mark.thornton@cheshire.gov.uk

All comments to be received by Friday 27th March 2009

Consultation Briefing Note – January 2009

PROPOSALS FOR THE FUTURE OF OAKENCLOUGH DAY NURSERY

Oakenclough Children's Centre has delivered services to children and families living in Handforth since January 2006 from the site of the former Oakenclough County Primary School. These services include provision of a full daycare nursery run by a dedicated team of nursery staff delivering quality childcare to children aged 0-5 from the local community.

However, in the light of current low occupancy levels at the Nursery and the availability of alternative provision in the local area, the Local Authority has decided to carry out a formal consultation on whether the continued operation of the Nursery is the best use of available resources for children and families in the Handforth community.

Management of the Nursery

During the period January 2006 until July 2008 the Nursery was operated or managed by three different childcare providers from the private and voluntary sectors. Due to financial difficulties, these childcare providers were unable to continue to operate the Nursery, and since August 2008 the Local Authority has been directly responsible for the operation and management of the Nursery. The Local Authority has been unable to find a private or voluntary childcare provider prepared to take over provision of the Nursery without high level financial support from the Local Authority.

Occupancy Levels

The Nursery is registered for 63 full day care places for under 5s, comprised of 9 under 2s and 54 aged 2 to 5. Currently the Nursery has 43 children on roll, most of whom are only attending part time or for their minimum free early education entitlement of 12.5 hours per week. This means that the Full Time Equivalent occupancy rate of the Nursery is 16%, which is very low compared to similar full day care nurseries (expected occupancy levels in the private sector are around 60-70% FTE).

Financial Position

The low occupancy levels at the Nursery mean that it is currently running at a substantial loss, and is being supported by Local Authority funding and resources. For the three month period August 2008 to October 2008 the Nursery made a trading loss of £10,397. This is the primary reason why it has not been possible to find a private or voluntary childcare provider to take over the Nursery, as it is not financially sustainable as a business. The Nursery is being funded through the Local Authority's budget for early years services, and the allocation of resources to this Nursery reduces the funding available for other service delivery.

Alternative Childcare Provision

The Local Authority recently reviewed childcare provision in Handforth, and considers that there is now sufficient availability of alternative quality early years childcare provision within the local area to meet the needs of children and families in the event that the Nursery closes. The stability of the local childcare market and quality of provision within it has improved since the previous review carried out in 2007, which indicated that there was an ongoing need for the nursery at OakencloUGH Children's Centre at that time.

Alternative Use of Nursery Space

Closure of OakencloUGH Day Nursery would not affect the continued operation of the remainder of the Children's Centre, which is a long term resource for the benefit of the Handforth community. Nursery closure would make available additional space within the Children's Centre for alternative service delivery priorities required to meet the needs of children and families in the local community.

We are seeking your views on:

- **A proposal to close OakencloUGH Day Nursery.** You will need to consider the impact that this proposal is likely to have on you and your children. You may also have views on the potential impact on the local community as a whole. *NB. This proposal only relates to the Nursery attached to the Children's Centre, and not the Centre as a whole.*
- **If the Nursery closes, the timescale for this closure.** You will need to consider how the proposed timeline for closure (attached) would impact on you and your child/children. We want to ensure that the timescale causes the least disruption for you and your children as they transfer to alternative provision
- **Possible alternative uses for the Nursery premises.** We would like the nursery premises to remain part of the children's centre as a child friendly space for delivering services to children and their families. However, the nursery premises may be suitable for the provision of alternative community activities. We would welcome your views on what additional or expanded services would benefit the community.

Actions During and Following Consultation

As part of the consultation process, briefings and question and answer sessions will be held for nursery staff and parents of children attending the Nursery. Family Information Service officers will also meet with parents on a one to one basis to advise on alternative childcare options to meet your particular needs and to help broker arrangements with local childcare providers should the decision be taken to close OakencloUGH Day Nursery.

The outcomes of the consultation will be reported to Cheshire County Council Children's Service Executive on 17th February 2009. Based on these

outcomes, and in consultation with the Cheshire East Council Portfolio Holder for Children's Services, the Lead Member will be asked to decide whether or not the Nursery should be closed. If it is decided that the Nursery should close, Children & Families officers and the Family Information Service will work with children and families to facilitate their transition to alternative childcare provision.

Appendix 2 – Q and A from first consultation meeting with parents 8 January 2009

**Proposal to close Oakencloough Day Nursery
Response to questions raised by parents at a meeting on 8 January 2009**

At the parents meeting on 8 January Cheshire County Council (CCC) officers agreed to produce a written response to the main questions raised, which were around the following key areas:-

1. Advertising
2. Policy for new admissions and enquiries
3. Childcare Sufficiency
4. Finance
5. Timescale for closure
6. Political process

Since the meeting parents have submitted a freedom of information request dated 14 January covering six specific requests

- marketing and consultancy costs
- consultant reporting
- commercial contact
- proposed future plans for the nursery facilities
- occupancy information
- accounts.

The LA will respond to this freedom of information request separately and by the laid down timescale of 11 February (20 working days)

1. Advertising

Q. There has been insufficient advertising. The LA should have an advertising campaign

Parents offered to pay for advertising in the press if the LA match fund.

A. The LA stepped in as a provider of last resort when the previous provider terminated their contract at the end of July 2008. The aim was to prevent the nursery from closing immediately. The LA's intention was only to caretake for a short period of two to three months while an alternative provider was identified. In order to preserve the occupancy levels during this period some limited local leafleting of the nursery took place. However, more strategic marketing of the nursery is not possible because of the statutory guidance noted below.

Our legal advice on this point is that the Local Authority will be in contravention of statutory guidance issued under the Childcare Act 2006 if it markets this provision. Under Section 8(3) Childcare Act 2006, the Local Authority is only permitted to provide childcare directly where there is no alternative, appropriate means of delivery in the market. This means that the

Local Authority should only directly provide childcare if there is insufficient other provision in the local area.

Cheshire's Childcare Sufficiency Assessment has indicated that there is sufficient alternative childcare in the local area to meet the needs of children and families. This means that the only way for Oakencrough Nursery to increase its numbers to a sustainable level would be to admit children who would otherwise attend other early years settings. Any marketing would therefore be to the detriment of other local providers. This is not permitted under Childcare Act statutory guidance, and would therefore leave the Authority open to legal challenge from other local childcare providers for breach of statutory duty.

The Childcare Act 2006 does not in any way restrict the advertisement and promotion of Children's Centre services as a whole and the nursery can be promoted as part of these services.

We are therefore advised that, beyond the provision of limited information as part of advertising the Children's Centre, we cannot market the Children's Centre while it is run by the Local Authority directly. If it is taken over by a private or voluntary provider, they will of course be free to market it as they wish.

Q. Local families are not aware of the services available at the Children's Centre.

A. The Children's Centre has been promoted in a number of ways, some of these events have also promoted the nursery.

Community Concepts consultation event (Jan 07) – visit to all schools, libraries, clinics, local shops and various community venues across the footprint to consult with parents and promote the centre. Local parents were sent a questionnaire via the local primary schools and one parent received vouchers for completing the questionnaire. This was reported in the local press (Wilmslow Express – see article)

All **Head teachers** across the footprint have been visited by both Centre Co-ordinators to promote the centre.

Info packs promoting the centre are regularly placed in the library.

A group of parents has been meeting since 2006 but formally established itself as the '**Parents Matter**' group in October 2007. This group plays a key role in promoting the centre to other local parents.

Grapevine – the local newsletter delivered to 800 residents on the local estate issued every quarter. The centre regularly submitted articles promoting the centre and advertising forthcoming events – see sample article.

Newsletter – issued bi-monthly to promote all activities within the centre,

seek feedback and ideas from parents. Distributed via mailing list to all registered families, all antenatal mums, new parents group, advisory group, schools, social care, health (Speech and Language Therapists, Health Visitors, Midwives) and Macclesfield Borough Council (see sample)

'Whatever it Takes' community event (13.09.08) – the Children's Centre opened on Saturday to support local community event (fire, police, housing provider). The centre provided a base for participating partners to use the facilities and was open to parents to come to visit the centre and nursery to find out more.

Advisory Board – well attended group with representatives of the key partner agencies; meets bi-monthly to support the development of the centre and its services, to raise awareness of the centre and to ensure that local families who need support are aware of the services on offer. This group plays a key role in promoting the centre.

Centre Co-ordinator attends **'working together' lunches** with colleagues in health and social care to share information and good practice and raise awareness of each others services.

Partnership with library – parents visit the library on a monthly basis to bring a book collection to the children's centre to enable books for children to be borrowed more easily.

Notice boards front and back of the centre to promote events and activities

About **400 leaflets** and some posters promoting the nursery were distributed to local residents, local shops etc by nursery staff.

Network Co-ordinator has worked across East Cheshire to promote children's centre with all partner agencies, giving presentations to health and social care managers and practitioners and has been a member of the Macclesfield Local Commissioning and Delivery Board (a local sub group of the Children and Young People's Partnership) where children's centres were a regular item on the agenda.

Q. There is no signage advertising the nursery

A. There are some planning restrictions that need to be adhered to. Because of this the first provider, Precious Creations, purchased banners for the railings when they first moved in. These were destroyed. A permanent sign was then erected advertising Precious Creations Nursery. This sign was removed when Precious Creations ceased to be the provider.

Four more bright yellow banners promoting nursery places were purchased for the railings for the use of the second and third provider. These were also destroyed one by one as they were erected. ToCH had not put up a nursery sign at the point they left. There is a permanent sign at the nursery entrance. The expectation is that a permanent provider would review and personalise

the nursery signage. Road signs will be erected shortly identifying the way to the Centre (currently going through planning)

2. Policy for new admissions and enquiries

Q. Parents stated that new enquiries for nursery places were being turned away. Parents requested confirmation of the policy for new enquiries and admissions.

A. The Local Authority is not aware that enquiries for nursery places have been turned away. If parents give the name(s) of the parents turned away this will be followed up. Two new children started at the nursery on Monday 5 January 2009.

During the consultation period admissions to the nursery will continue. Any parents asking about admissions will be informed that the nursery is subject to a consultation regarding its closure as this information is now in the public domain.

3. Childcare Sufficiency

Q. There are no places at other local childcare providers

A. There are 73.3 full daycare places per 100 children in the OakencloUGH Children's Centre footprint. This is almost twice the Cheshire average of 37.6 daycare places per 100 children (this means that there is a high supply of places). However, the vacancy levels in the footprint are lower than the Cheshire average.

There are 160 places per 100 children for early years educational entitlement (that is free places for 3 and 4 year olds for 12.5 hours per week). The Cheshire average is 125 places per 100 children.

Within the footprint there are 890 children aged 0-4 years. 44 children attend OakencloUGH Nursery and 37 of these (only 4% of the local children aged 0-4) are from the children's centre footprint and 7 of them outside the footprint.

Within the footprint there are 29 providers including 11 day nurseries, 1 maintained nursery and 17 childminders. There are no pre school playgroups within the footprint (see map at Appendix 1). As of week beginning 19 January a range of providers in the footprint had places available. This information is subject to change on a weekly basis. Family Information Service (FIS) has up to date information.

Q. Other providers in the area are not as flexible as OakencloUGH nursery

A. It is recognised that OakencloUGH Nursery offers very flexible provision that is appreciated by the parents using the service (for example payment by the hour rather than by the session). This flexibility has only been possible

however because of the large number of surplus places. This is not a sustainable model of long term provision. Other providers in the area offer effective market models which may be viewed as less flexible but enable them to run sustainable and well attended provision.

Q. The childcare elsewhere is not affordable.

A. The fees for full daycare across the footprint vary from £30 to £43 per day. The Oakenclough rate is £33 per day.

The sessional rate for Oakenclough is not the cheapest although it is at the lower end of the scale.

However there is a 10% reduction off all fees for parents living in the footprint. It should be noted that these fees have not been reviewed or increased since Precious Creations left in April 2007 and the expectation would be that a new provider would have to increase the fees as well as the occupancy to run a sustainable business.

4. Finance

Q. There has been significant investment in the centre by the LA to meet obligations under Every Child Matters, Every Parent Matters and the LA role as a corporate parent. How can the LA justify closure after such an investment?

A. The proposed closure is the nursery, and not the Children's Centre as a whole. If the decision is made to close the nursery the LA will consider alternative use of the premises which continue to make use of the investment. Parents and other interested parties are being given the opportunity to comment on such alternative uses which would benefit the local community.

Q. Purchasing plasma TVs and leather settees for the Children's Centre is not appropriate. The money should be spent on supporting the nursery

A. The Children's Centre budget and nursery budget are separate. The nursery needs to be sustainable as a stand alone business.

The Local Authority is committed to developing high quality environments for children and families and the expectation from Central Government is that the funding they provide for Children's Centres will be used to create welcoming, child and family friendly spaces. This is what the LA aim to create at all Cheshire's Children's Centres

Q. The three previous providers did not receive any help from the LA

A. *Provider One* - Precious Creations, an experienced day care provider, was appointed in July 2005 following a competitive tender process. The nursery opened on 4 January 2006 for children aged 2 to 4 years. The

nursery was extended in spring 2006 to create the baby room.

Precious Creations received a revenue grant from CCC on opening to support start up and operating costs for the first 3 years. Equipment was also transferred from the previous school nursery. The rent was set at a level lower than the open market value to support development of new provision.

In January 2007 CCC funded an independent business assessment and support. CCC offered additional revenue support in April 2007. Precious Creations ceased to provide service on 27 April 2007.

Provider 2 - An interim management agreement was immediately secured with Pelican Childcare Services (PCS) to ensure continuity of care. This was a temporary and emergency arrangement to maintain the nursery service under which a fee from CCC was payable. PCS were existing childcare providers at two Children's Centres in Ellesmere Port. The management agreement was initially until 31 July 2007, and extended to 31 Dec 2007. For this period CCC bore all costs of operating the nursery.

Provider 3 - A new provider was sought by open tender in June 2007. Only one application was received, from ToCH.

Parents were consulted on their requirements from the nursery (Parents Group Meeting 2 October 2007), and parents were included in the selection panel. Parents visited the ToCH nursery at Blacon Children's Centre on 8 November 2007. ToCH were interviewed on 12 November 2007, appointed with a unanimous decision and were operational from 2 January 2008. They were paid a start up grant with rent free premises for five years. ToCH terminated the contract at the end of July 2008.

Provider 4 - CCC assumed responsibility for service delivery as the provider of last resort on 1 August 2008. A consultant business manager was appointed to support service delivery.

Prior to terminating the contract ToCH had commenced discussions with another national provider - **Interested Provider A** with a view to assigning the contract to them. CCC continued these discussions. Provider A required a substantial subsidy over a three year period and then withdrew their expression of interest in September 2008.

CCC then invited expressions of interest from two other well regarded providers in September 2008.

Interested provider B visited the nursery and submitted an expression of interest requesting substantial subsidy on an on-going basis.

Interested provider C visited the nursery and submitted an expression of interest indicating substantial subsidy would be required from CCC over three years.

Q. Can you confirm that the funding shortfall equates to only 3 or 4 full time places?

A. The funding shortfall does not equate to only 3 or 4 full time places.

The nursery needs to be about half full ie 50% occupancy to break even. Most providers aim for 60-70% occupancy.

The nursery is registered for 63 full time places. The nursery currently has 16.6% occupancy (ie 10 fulltime places).

The number of additional full time places required to achieve 50% occupancy is calculated as follows:-

Capacity = 63 places full day care

Current occupancy = 16.6% (44 children registered)

63 places x 16% = 10 full time equivalent occupancy

Break even circa 50% = 32 full time equivalent places

Break even - current occupancy = additional full time equivalent required

32 - 10 = **22 FTE required**

The information above indicates that an additional 22 children attending full time (8am to 6pm, Monday to Friday) are required for the nursery to have 50% occupancy.

5. Timescale for proposed closure

Q. It is disruptive for the children to close the nursery at the end of March 2009. The nursery should stay open until the end of the academic year.

A. Comments about the timescale have been noted and fed back to elected members as part of the consultation. It has now been agreed that the consultation should be extended to 27 March 2009 and that should a decision be taken to close the nursery that the closure will not be before 17 July 2009 so that the nursery's current 4 year olds can make a smooth transition into full time education. The decision on the proposal to close the nursery will therefore be deferred until after 1 April 2009 and will be taken by Cheshire East Council.

Q. Services at the Children's Centre are increasing, a decision should wait until the centre is fully operational

A. The co location of the Children Centre and nursery on one site is mutually beneficial. It provides good opportunities for integrated early year's service delivery. The increase in Children's Centres services is unlikely to increase the nursery occupancy to the required level however because of the over supply of childcare in the area. Many parents from the immediate area are choosing alternative local provision. Many parents are particularly attracted to

nursery provision located on a school site

6. Political process

Q. Cheshire County Council officers gave a commitment to keeping the nursery open. Promises were made at the last parents meeting.

A. On 3 November 2004 the Executive Member for Education made the following decision:

(1) Approves the closure of OakencloUGH Primary School, Wilmslow with effect from 31 August 2005; and

(2) approves a prescribed alteration to Oaklands Community Infants School by changing the age range of the school by a year or more by the addition of a nursery class, to be located within the OakencloUGH premises, from 1 September 2005.

It is likely that any commitment given by officers will have simply been a re-iteration of this decision. There was no timescale to this decision and it would not have been the intention of the Council to have made such a promise in perpetuity. This previous decision will be a factor which Cheshire East Council will take account of in deciding the future of the nursery.

Q. Timescales for consultation are too short

A. Timescales have been extended. See answer to Question 5 above.

Since the meeting on 8 January 2009 the LA has received some identical letters on behalf of the Save OakencloUGH Day Nursery Group stating that they are unable to complete the consultation form provided in the absence of full information. It is re-iterated that the consultation process has now been extended until 27 March. It is believed that the extended consultation period and the information provided are sufficient to enable all interested parties to provide their views if they wish to do so.

Q. What criteria will members use when they decide whether or not to close the nursery?

A. There is no statutorily prescribed criteria the LA will be obliged to follow in deciding whether to close a day nursery. The LA will take account of all material factors which will include, but not be limited to, the following:

- The duties of the LA under the Childcare Act 2006 and related regulations and guidance
- Cheshire's Childcare Sufficiency Assessment
- Views of parents and the local community
- Childcare provision within the locality
- Occupancy levels at OakencloUGH

- The prospect and timescale of securing a new provider
- Likely short and long term commitment of funding and other resources required by the LA

The LA will not necessarily attach equal weight to all these factors. New material factors may emerge during the consultation process.

Q. The consultation paper is one sided, it proposes closure and does not comment on actions necessary to keep the nursery open or the impact on the community of closure

A. The consultation is for a proposal to close the nursery. The purpose of the consultation is to seek views including views on the impact of the closure. The information contained in the consultation paper sets out the reasons for the proposal. The information coming to light from all interested parties during the consultation process will be presented to Cheshire East Council.

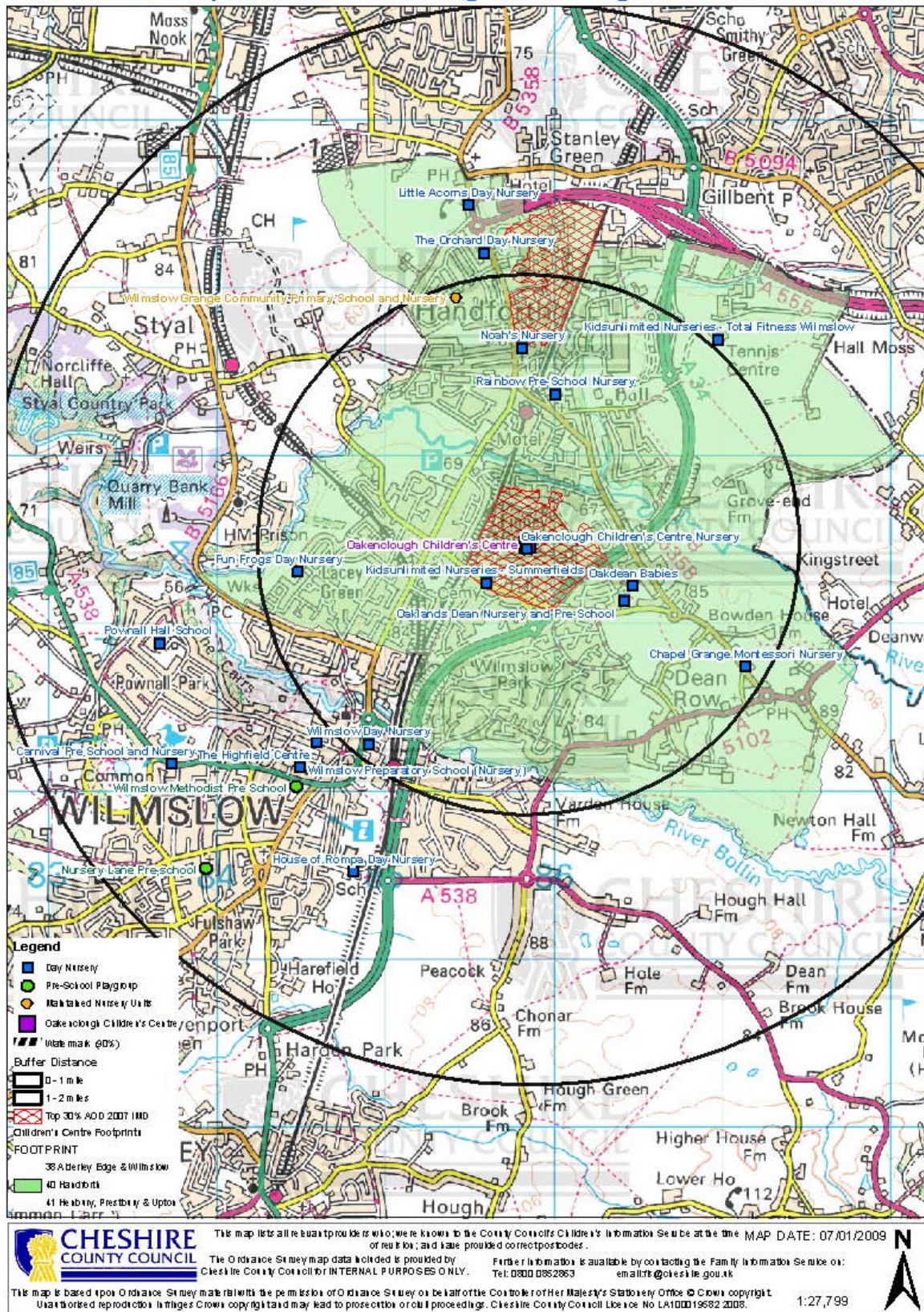
Q: LA to confirm the political process. Can parents contribute to the report to members and attend the Council meeting?

A: It is intended that the outcome of the consultation to the proposed closure and a final decision on whether or not to close the nursery will be considered by the new Cheshire East Council on a date to be arranged after the close of the consultation process. The body of elected members which will undertake this has not yet been determined but it is expected that it will be in a public meeting. The name and date and venue of this meeting will be announced in advance. The Shadow Council's Constitution currently makes provision for members of the public to access reports, attend meetings, ask questions and present petitions. The Constitution can be viewed on the Council's web-site - www.cheshireeast.gov.uk . The relevant parts of the Constitution are Article 3 - Rights and Responsibilities of Citizens, Access to Information Procedure Rules, and Appendix 7 - Procedure Rules.

Appendix 1: Childcare provision surrounding Oakenclough Children's Centre

See map

Childcare provision surrounding Oakenclough Children's Centre



Appendix 3 – Q and A from second consultation meeting with parents 2 February 2009

**Proposal to close Oakencloough Day Nursery
Response to questions raised by parents at a meeting on 2 February 2009.**

This was the second meeting with parents as part of the consultation to close the Oakencloough Day Nursery. Six main areas of questions were raised at the first meeting on 8 January as follows:

1. Advertising
2. Policy for new admissions and enquiries
3. Childcare Sufficiency
4. Finance
5. Timescales for closure
6. Political process

The agenda for the meeting on 2 February followed the points above. A number of additional questions were raised as follows.

1. Advertising

Q. CCC have incorrectly interpreted the Childcare Act. It does not prevent the LA from advertising.

A. Parent advised to write to Gareth Burroughes, CCC solicitor

Q. Parent asked whether she could be supported to set up a parents group for nursery parents.

A. Centre Coordinator (Jan Cooper) will meet with parent to discuss further

2. Policy for new admissions and enquiries

No additional questions raised

3. Childcare Sufficiency

Q. Do the places statistics given in the answer to questions on 8 January include Childminders? Can a breakdown be provided?

A. There are 73.3 childcare places per 100 children aged 0 to 4 in the Oakencloough Children's Centre footprint. This includes childminders and day nurseries. Excluding childminders, there are 66.5 childcare places per 100 children aged 0 to 4.

Source - <http://www.cheshire.gov.uk/NR/ronlyres/FC8C5B6D-00C5-4BD0-ABC3-01C3019D37B5/0/CheshireCSAAnalysisReportJan2008.pdf>

Q. Can the LA provide an analysis of journey times rather than provision within a radius.

A. An analysis of the journey times is attached [annex A]

Q. Who is eligible for the 10% reduction in nursery fees?

A. Families from the Colshaw Farm estate receive a 10% reduction in fees. Families with more than one child attending the nursery receive a 10% sibling discount.

4. Finance

Q, Would it be more cost effective to prepare the lunches on site with either a cook or a trainee rather than bring the food in?

A.

We have explored a number of options :

- Agency cook - however this was not cost effective.
- Meals brought in from local school – this ceased from February half term because the majority of food was unsuitable for under 5s.
- We have explored employing a kitchen assistant, via CBS (because of the need for checks and training to be in place) however there are none available.

The current solution provides quality food at affordable prices prepared by the nursery staff with food bought in from local sources. This is working well.

Q. Parent asked for information on establishing a social enterprise model

A. Cheshire County Council social enterprise officer:

Mike Crawshaw
Senior Social Enterprise Officer
Cheshire County Council
Community Wellbeing
17 Cuppin Street
Chester CH1 2BN

Tel. 01244 973126

5. Timescales

No additional questions raised

6. Political process

Q. LA asked to provide notes of meeting from 3 November 2004 committee meeting

A.

Annex B – Decision Paper 9 – Education and Community Executive, 3 November 2004.

Annex C – Extract from the minutes of a meeting of the Education and Community Executive held on 3 November 2004, at County Hall, Chester.

Q. Parents to be informed of the timescales once the committee cycles for Cheshire East have been published

A. LA will provide the Cheshire East timescales as soon as they are available.

Cheshire County Council
26th February 2009

Annex A

Analysis of journey times from Oakencloough Children's Centre to Daycare Provision in the Oakencloough Children's Centre Footprint

SETTING	POSTCODE	Walking Time ₁	Driving Miles ₂
Chapel Grange Montessori Nursery	SK9 2BU	15minutes	1.2
Oakdean Babies	SK9 2LX	10-15 minutes	1.4
Oaklands Dean Nursery and Pre-School	SK9 2HB	15 minutes	0.7
Little Acorns Day Nursery	SK9 3JX	30 minutes	1.8
The Orchard Day Nursery	SK9 3JX	30 minutes	1.8
Kidsunlimited Nurseries – Total Fitness Wilmslow	SK9 3PE	not walkable	4.5
Rainbow Pre-School	SK9 3AZ	20 minutes	1.4
Noah's Day Nursery	SK9 3LN	25 minutes	1.4
Kidsunlimited Nurseries – Summerfields	SK9 2TA	5 minutes	0.5
Fun Frogs Day Nursery	SK9 4DP	30 minutes	1.2

Notes:

1. Walking Time – Walking time is estimated by a local person taking in to account known shortcuts and likely best walking routes with a pram.

2. Driving Miles – Driving miles calculated using AA route map website.

MEETING : EDUCATION AND COMMUNITY EXECUTIVE
DATE : 3 NOVEMBER 2004

REPORT OF : MARGARET BULLOCK, SCHOOL ORGANISATION MANAGER
Contact : Trish Burnett, Administrative Officer
Officer Tel: Chester (01244) 602379
Email: trish.burnett@cheshire.gov.uk

**PROPOSED CLOSURE OF OAKENCLOUGH PRIMARY SCHOOL,
 WILMSLOW AND PROPOSED PRESCRIBED ALTERATION TO
 OAKLANDS COMMUNITY INFANT SCHOOL, WILMSLOW**

INTRODUCTION

1 This Decision Paper requests authorisation to close Oakenclough Primary School, Wilmslow with effect from Summer 2005, and to the making of a prescribed alteration to Oaklands Community Infant School, Wilmslow by changing the age range of the school by a year or more by the addition of a nursery class from September 2005.

BACKGROUND

2 On 24 November 2003 the School Planning Panel received a report on Oakenclough Primary School, Wilmslow which faced low and falling pupil numbers. The Panel considered a recommendation from the governing body that the LEA should commence consultations on possible closure.

3 The Panel recommended that the Executive Member for Education should authorise formal consultations on the possible closure of the school. This recommendation was approved, and consultation meetings with governors, staff and parents were held at the school on 14 January 2004.

4 The School Planning Panel considered the outcome of the consultations on 28 January 2004 and recommended that the Executive Member should authorise the publication of proposals to close Oakenclough Primary School, but not until July 2005 in order to allow time to find opportunities to maintain a resource on the site which would support the needs of the community.

5 In order to deliver this, the intention would be to maintain the nursery currently on the Oakenclough School site, and to seek partners to deliver services using the school building as a base. The model which the LEA would be working towards would be that defined by government as a Children's Centre, although full Children's Centre delivery would be possible only when the resources become available.

6 It is proposed to retain the nursery provision currently at OakencloUGH Primary School, following closure of the school, by attaching the nursery provision to Oaklands Community Infant School. The nursery provision will continue to be located in the OakencloUGH premises. Retention of the existing nursery provision within the OakencloUGH premises will help to sustain community cohesion in the area following the closure of the school. The nursery class to be retained at OakencloUGH will be 26 part-time places, and the reduction from the current capacity of 78 is based on current numbers and anticipated future demand.

7 The recommendation of the Panel was approved by the Education and Community Executive on 24 March 2004, and Public Notices were published on 8 September 2004. No objections were received during the six week objection/representation period.

RECOMMENDED: That the Executive Member for Education

- (1) approves the closure of OakencloUGH Primary School, Wilmslow with effect from 31 August 2005; and**
- (2) approves a prescribed alteration to Oaklands Community Infant School by changing the age range of the school by a year or more by the addition of a nursery class, to be located within the OakencloUGH premises, from 1 September 2005.**

REASONS FOR THE RECOMMENDATION

The recommendation is in line with the recommendation of the School Planning Panel that OakencloUGH Primary School, Wilmslow should close in Summer 2005 and is consistent with the Council's strategy of seeking to remove surplus places when there are opportunities to do so.

Local Member	<i>Mrs A Tyrrell</i>
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Annex C

**EXTRACT FROM THE MINUTES OF A MEETING OF THE EDUCATION
AND COMMUNITY EXECUTIVE held on 3 November 2004, at County Hall,
Chester**

PRESENT: Cllr David Rowlands;
Cllr Mrs Elspeth Wallace;

ALSO PRESENT: Cllr David Andrews;
Cllr Mrs Anne Tyrrell

**9 Proposed Closure of Oakencrough Primary School, Wilmslow and
Proposed Prescribed Alteration to Oaklands Community Infant
School, Wilmslow**

RESOLVED: That

- 1) the closure of Oakencrough Primary School, Wilmslow with effect from 31 August 2005 be approved; and
- 2) a prescribed alteration to Oaklands Community Infant School by changing the age range of the school by a year or more by the addition of a nursery class, to be located within the Oakencrough premises, from 1 September 2005, be approved.

A full copy of the minutes can be downloaded from:

<http://www.cheshire.gov.uk/pinpapers/3469-01.1-Minutes%201606%203-11-04.doc>

Appendix 4 – Summary of consultation responses

1. Response rate

A total of 84 letters were sent out by direct mailing to consultees on 5 January as detailed below. The original consultation period was 5 January to 6 February 2009. The consultation period was then extended to 27 March 2009 and a second letter was forwarded on 18 March to parents reminding them to return any comments by the extended consultation deadline.

Nursery parents	47
Local nursery providers	8
Local schools	4
Oakenclough Nursery Staff	8
Advisory Group	17
Total	84

The consultation forms were also available in the Children's Centre.

The total number of responses received was 27 (32%) with 7 (26%) in favour of the proposal to close and 20 (74%) not in favour.

Number of responses / Response rate	27	32%
Number / Proportion of responses in favour of proposal to close	7	26%
Number / Proportion of responses not in favour of proposal to close	20	74%

A further breakdown of responses to the proposal broken down by groups of respondents is as follows

Respondents	Number distributed	Number returned	Agree	Disagree
Nursery parents	47	18	0	18
Local nursery providers	8	3	3	0
Local schools	4	3	3	0
Oakenclough Nursery staff	8	0	0	0
Advisory Group	17	3	1	2
Total	84	27	7	20

2. Summary of respondents' statements:

The following points represent some of the statements made by respondents about the proposal to close and ideas for alternative use of the premises. Some of the comments were made more than once

Proposal to close –

- “This proposal is preposterous.”
- “The decision to close the nursery is misguided, ill thought through and blatantly disregards the council’s own findings on childcare sufficiency within the Handforth area. This policy of mismanagement of a civic asset into a decline then closure is a disgrace.”
- “I think it is disgusting. Many parents like me have no transport so OakencloUGH nursery is the ideal place to walk to.”
- “I feel the council has been derelict in its duties and has utterly failed to make a concerted effort to transform this nursery’s finances.”
- “This shouldn’t be a proposal to close the nursery It should be a form for fund raising ideas, sponsorship. What have you done to try and save it?”
- “Council not put enough time and effort into transforming the nursery’s finances.” “Insufficient publicity.”
- “Deprived area needs good low cost childcare.” “There would be no affordable quality childcare available in the area.”
- “Alternatives not easily accessible to an isolated community.”
- “Removal would create a huge gap.”
- “Other providers not as flexible.”
- “Would be very sad to see it close as it is a community spirited nursery with dedicated staff.”
- “Would sadly accept the proposal provided families are well supported with transition arrangements.”
- “Nursery should close but there is a need for nursery provision in this area so nursery provision at Dean Oaks should be written in the closure plan for OakencloUGH.”
- “I am concerned that there seems to be a glut of childcare across the area.”
- “It is clearly not good financial sense to continue to operate the nursery at a loss.”
- “We have always felt that this project was not financially viable.”
Closure best as in the long term it will provide a stable environment for children in the area.”

Alternative use for the nursery premises

- “More drop in sessions.”
- “It should remain a nursery.”
- “Possibly use for Social Services - family contact, play therapy etc. Move from Dean Row Centre.”

- “Alternative uses not an Option”
- “Community hub - a resource possibly run by local parents for training, social occasions, fund raising etc.”
- “This cannot happen.”
- “Regular groups/classes to bring in people with young children eg parenting, speech therapy.”
- “AS A NURSERY!”
- “More indoor space for activity with the children that would normally be done outside – trikes and bikes.”

3. Additional information from Save Oakencloough Day Nursery Parents Group

In addition to the returns above a detailed report was submitted by Save Oakencloough Day Nursery Parents Group, This group consists of six families. The Executive Summary of this report is below. The full report has been made available as a background document

“Executive Summary

The local authority (L.A.) are proposing to close Oakencloough Day Nursery due to low occupancy levels and a failure to find a new provider since they took over responsibility for Oakencloough in July 2008. They argue that enough sufficiency of childcare places now exists to allow the facility’s closure although no evidence has been presented in support of this.

A number of parents have researched the issues surrounding the L.A.’s proposal and the findings are contained within this report. We believe it demonstrates:

- 1) There is NOT enough sufficiency to accommodate the closure of Oakencloough.

The L.A.’s own Sufficiency Report (Oct. 2007) identified Handforth as an area requiring further development of childcare provision, NOT LESS, given its low sufficiency rating. Having researched local provision we strongly believe the situation is unchanged. Furthermore when we consider specifically where displaced Oakencloough children might find alternative nursery care it is clear that not enough affordable and assessible places exist to cope with the closure.

- 2) There are very clear and correctable reasons why occupancy levels are low.

Oakencloough has suffered from a constant change of providers. This lack of a clear identity coupled with a near total lack of promotion has resulted in very low awareness of its existence in the immediate and surrounding area. Whilst we recognise the L.A.’s efforts in stepping in and managing the nursery we also believe this has disadvantaged the nursery. It has been unable to

compete on a level playing field versus other providers. Oakencloough has no Ofsted inspection report, no listing in phone directories and no sign to navigate people to the site.

Where the L.A. can promote the nursery it has not, as evidenced by the latest newsletter and “what’s on guide”, which interestingly includes notification of the Free Childcare for Training and Learning for Work initiative!

3) The Oakencloough community need and deserve this facility.

The vision for the Children’s Centre and Nursery was to integrate the two services to provide integrated delivery and ensure childcare provision was embedded within and working effectively with other children’s services. This vision, still valid today, has not yet been delivered but we believe is achievable.”

4. Responses to timescale of the proposed closure

In addition to the questions around the proposal to close and the alternative use of the nursery accommodation the consultation also included a question about the timescale of the proposed closure. The original consultation period was from 5 January to 6 February 2009. In the light of the consultation responses this was extended to 27 March 2009 with a commitment that if a decision was taken to close the Nursery this would not take place before 17 July 2009. This ensures that 4 year olds attending the Nursery can make a smooth transition into full time education.

The responses to the original timescale proposal are detailed below

Respondents	Number of responses	Disagree
Nursery parents	18	15
Local nursery providers	3	1
Local schools	3	
Oakencloough nursery staff	0	
Advisory Group	3	2
Total	27	18

Summary of comments on the timescale of the proposed closure

- “3 months inadequate to find alternative provision”. “Not possible to find replacement in middle of the school year”. “Worst possible date for closure as other nurseries will be full”. “Should not close until end of the school year”.
- “Should not be closed at any time”.
- “Not long enough”.
- “Children starting school in September will be unsettled as they would change for just one term”.
- “Needs more time to settle in - health care workers have only just started to use the centre to provide services”.
- “Original timescale was ludicrous. If it is to close, end of July better”.

Appendix 5 – LA response to key points raised in the consultation

Key points covered are

1. Disadvantaged area information
2. Childcare Sufficiency Assessment – Handforth area
3. Occupancy and patterns of occupancy at Oakencrough Nursery
4. Availability of childcare
5. Flexibility of childcare
6. Affordability of childcare
7. Quality of childcare
8. Inclusive childcare
9. Accessibility of alternative childcare provision
10. Direct financial support for the nursery since January 2006
11. Promoting and advertising the nursery
12. The prospect and timescale of securing a new provider
13. Direct delivery of the nursery by LA and what this would entail
14. Impact on the community of closure
15. Transitional arrangements for children and families
16. Alternative uses for the Nursery premises

The information below responds, to issues raised during the consultation regarding the proposal to close Oakencloough Children's Centre Day Nursery.

1. Disadvantaged area information

As part of the consultation it was identified that Oakencloough Nursery is in an area of disadvantage and that this should be taken into consideration. The following is relevant as background information although it should be noted that the Authority's duties under the Childcare Act 2006 are universal rather than specifically targeted at disadvantaged areas.

Cheshire Children's Centre Footprints were created to aid the development of Children's Centres across the Authority in accordance with the Government programme. The footprints are based upon clusters of Lower Level Super Output Areas (LLSOA) which create geographical areas; each footprint was originally based on an average 0-4 year old child population reach of 800 children per footprint.

Oakencloough Children's Centre falls within Handforth Children's Centre Footprint which has a 0-4 year old child population of 900. The footprint is made up of the following ten LLSOA's;

LLSOA	0-4 POPULATION 2006	General IMD 2004 (%)	General IMD 2007 (%)
E01018582	80	67.84	75.73
E01018583	100	94.42	90.36
E01018584	140	98.71	95.98
E01018592	90	68.78	72.64
E01018593	90	77.90	85.93
E01018594	80	12.23	17.36
E01018595	70	53.35	54.61
E01018596	120	17.25	18.33
E01018612	60	61.86	61.39
E01018613	70	41.90	42.08

Two of ten LLSOA's in the Handforth footprint are in the top 30% most disadvantaged nationally. Oakencloough Nursery is situated in E01018596 which is ranked the 2nd most disadvantaged LLSOA in the Handforth footprint and the 13th in Cheshire East.

Lower level super output areas have been designed by the Office for National Statistics (ONS) to provide a new geography for analysis purposes only with no administrative significance; Each LLSOA has been assigned a deprivation score and ranking.

There are 231 LLSOA's in Cheshire East, 25 are within the highest 30% areas of deprivation..

The Index of Multiple Deprivation (IMD) is a national deprivation index and is used to determine policy and funding, the latest IMD figures were produced in 2007, previous to this date were figures produced in 2004.

IMD is based on Lower Level Super Output Areas. Each LLSOA has a percentage score of Index of Multiple Deprivation within Cheshire East and also a ranking across England.

The IMD 2007 was constructed by combining the seven transformed domain scores, using the following weights:

- Income (22.5%)
- Employment (22.5%)
- Health Deprivation and Disability (13.5%)
- Education, Skills and Training (13.5%)
- Barriers to Housing and Services (9.3%)
- Crime (9.3%)
- Living Environment (9.3%)

2. Childcare Sufficiency Assessment - Handforth Footprint

The Local Authority is required to carry out a formal Childcare Sufficiency Assessment for its area every three years to compare the number of places required in each category of childcare with the number of places available and to identify whether these places are at the correct times and in appropriate locations to meet demand.

DCSF guidance states that “sufficiency will be met when parents in a local area are able to find the childcare they need to enable them to work or to undertake training to assist them to obtain work. This covers both immediate demand and a longer-term strategic approach to assessment of parent’s likely requirements, both in relation to those parents in work, and those who wish to enter work and identify a lack of childcare as a barrier to accessing work.”

For childcare to be “sufficient”, there must therefore be enough places in each sub-local authority area to meet demand. However, this is only one element of sufficiency, as in order to be “sufficient” childcare places must be:

- Flexible – Available at the right times to fit in with working patterns, with a balance between sessional and full day care places.
- Accessible – Parents are aware of what places are available and don’t have to travel too far to access childcare.
- High Quality – Based on Ofsted judgements and meeting the requirements of the Early Years Foundation Stage (where applicable).
- Inclusive – Meeting the particular needs of groups at risk of exclusion, e.g. disabled children and minority groups.
- Affordable – Working parents and parents training for work within the local area can afford the childcare provided (either from their salaries

or through other sources of funding, e.g. tax credits, free early years entitlement).

- Sustainable – Childcare providers are able to develop business models that are financially viable in the medium to long term.

The outlined text below is the Handforth footprint summary included in Cheshire's first Childcare Sufficiency Assessment which took place in June 2007.

The data in June 2007 identified that the level of supply for early years childcare was twice that of the Cheshire average ie a high level of supply. The percentage number of vacancies was half that of the Cheshire average i.e. a low level of vacancies.

Handforth Footprint Data Summary as at June 2007

Children & Families

There are approximately 1,873 families with children living in the area. Between them they have 2,996 children aged 0 to 14 (and 15 to 17 with disabilities). Of these, 890 are aged 0 to 4 years of age and 2,106 are aged 5 to 14 years. Children and young people make up 19.5% of the total population in the area. This compares to 19.2% in Cheshire as a whole.

Between the 2001 Census and the most recent population estimates made in 2005, the population of children fell by -134 children (-4%). Over the same period, the number of children born in the area decreased by -2%

4% of the population are from BME groups (1.6% in Cheshire). 62% of children live with married parents (66% in Cheshire); 21% of children live with a lone parent (17% in Cheshire); and 11% live with cohabiting couple (10% in Cheshire).

Economic Activity

13% of children in the Handforth area live in households where no adults work (13% in Cheshire). Of the remainder, 23% of children are in low-income households; 28% in moderate-income households and 36% live in households with high incomes (£65k+).

58% of women (aged 16 to 74) in the area work (56% in Cheshire) and 18% of families claim Working Tax Credits (17% in Cheshire).

According to the Child Poverty Index, out of the 45 Children's Centre Footprints in Cheshire, Handforth is ranked number 14 for deprivation that affects children (1 = most deprived).

Early Years Education

There were 10 providers of early education registered in Handforth in 2007, as follows:

<i>Childminders</i>	<i>0</i>
<i>Day Nurseries & Private Schools</i>	<i>9</i>
<i>Pre-School Playgroups</i>	<i>0</i>
<i>Maintained School Nursery Classes</i>	<i>1</i>

Together they can provide up to 564 early education places (52 in schools and 512 with other providers) for the 352 three and four year old children in the local population.

Childcare Supply

There were 36 registered childcare providers recorded by the Children's Information Service in Handforth in 2007, delivering 36 different childcare services in the area. These comprised:

- 19 Childminders registered for 92 places;*
- 11 Day nurseries registered for 592 places;*
- 0 Pre-school playgroups registered for 0 places;*
- 1 Crèche registered for 26 places;*
- 5 Out of school childcare services registered for 122 after school places and 0 holiday places.*

Together they provide 832 childcare places. Set against the population of children and young people there are 30.4 childcare places per 100 children in the area (23.6 places in Cheshire).

Early Years Childcare

For children under 5 years of age, there are 73.3 daycare places per 100 children (37.6 per 100 in Cheshire). As there is a relatively high supply of early years childcare in Handforth, to bring the area up to the Cheshire average, no new early years childcare places would be needed.

Later Years Childcare

For older children, there are 11.0 after school places available for every 100 children aged 5 to 14 (13.5 in Cheshire) and 1.4 holiday places (3.8 in Cheshire).

There are 5 schools in the area (5 primary and no secondaries) served by 4 after school clubs and 19 childminders.

As there is a relatively high supply of later-years childcare in Handforth. To bring the number of places in the area up to the average for Cheshire, no additional out of school places would need to be created.

Demand for Childcare

5% of registered childcare places in the Handforth Children's Centre Footprint were vacant in 2007, compared with 10% in Cheshire as a whole. 43% of childcare providers in the area reported that they had less vacancies in 2006-07 compared with 29% who reported more vacancies.

Taking into account a range of economic and demographic factors, it is likely that there is probably a high demand for childcare in the Handforth Children's Centre Footprint.

(Handforth: Children's Centre Footprint 40)

Melyn Consulting: October 2007

3 .Occupancy and patterns of occupancy at Oakenclough Nursery

The Nursery is registered for 63 full time places. In early January 2009, when the consultation on the proposal was announced, the occupancy level was 16.6% (i.e. the equivalent of 10 full time places) and 44 children were registered.

Week beginning 11 May 2009 the occupancy level was 22.3% i.e. the equivalent of 14 full time places and 55 children were registered. 18 new children had registered and taken up places at the Nursery since 1 January 2009 and 7 children had left. This equates to an increase in occupancy of 4 full time places. 8 children are due to leave the Nursery on 17 July to start school in September. This will reduce occupancy by the equivalent of 2 full time places.

	5 January 2009	11 May 2009
No. registered	44	55
% attendance	16.6%	22.3%
Full Time Equivalent	10 fte	14 fte

Although 18 children registered during this period their attendance reflects the pattern of occupancy to date with the majority of children attending for a very

low number of hours. This links to point 5 below which comments on flexibility of provision.

4. Availability of childcare

Within the footprint there are 29 providers including 11 day nurseries, 1 maintained nursery and 17 childminders (see map of childcare provision surrounding Oakenclough Children's Centre on page 20)

Within the footprint there are 900 children aged 0-4 years

The Childcare Sufficiency Assessment in June 2007 identified that there are 73.3 full daycare places per 100 children in the footprint. This is almost twice the Cheshire average of 37.6 daycare places per 100 children (this means that there is a high supply of places). However, the vacancy levels in the footprint are lower than the Cheshire average.

There are 160 places per 100 children for early years educational entitlement (that is free places for 3 and 4 year olds for 12.5 hours per week). The Cheshire average is 125 places per 100 children.

The Local Authority has since Spring 2006 commissioned the Nursery to provide free early years childcare for 3 and 4 year olds as part of the Nursery Education Grant scheme. The take up of this entitlement at Oakenclough Nursery is detailed in the table below. Each child place equates to 12.5 hours

	Average number of children per term
Spring 2006	10
Summer 2006	16
Autumn 2006	15
Spring 2007	18
Summer 2007	14
Autumn 2007	16.5
Spring 2008	16
Summer 2008	14
Autumn 2008	10.5
Spring 2009	10

This table is relevant as it is important that the Authority can ensure sufficient places are available to fulfil its duty to provide sufficient places for the 3 and 4 year olds entitled to a free childcare place.

Officers have conducted a detailed analysis of the current market position in the footprint which indicates changes since the June 2007 data as follows

- An increase in supply of 10 additional full time places
- An increase in available places due to reduction in demand. Within the footprint as of 7 April 2009 there were 56 full time equivalent nursery places available

It is clear that there are sufficient places to accommodate all the children currently in the Nursery including those that receive the free early years entitlement.

A longer term strategic approach would indicate a period of significant challenge in the childcare market nationally and locally as a result of the current economic recession.

5. Flexibility of childcare

Oakenclough Nursery currently offers very flexible provision that is appreciated by the parents using the service (for example payment by the hour rather than by the session). This flexibility has only been possible however because of the large number of surplus places. This is not a sustainable model of long term provision. Other providers in the area offer effective market models which may be viewed as less flexible but enable them to run sustainable and well attended provision.

6. Affordability of childcare

The fees for full daycare across the Handforth footprint range from £30 to £43 per day.

Average daily fee rate of other daycare provision within the Handforth footprint:

£39.98

Oakenclough daily fee rate:

£33.00

The sessional rate for Oakenclough is not the cheapest although it is at the lower end of the scale. However there is a 10% reduction off all fees for parents from the Colshaw Farm estate or parents with more than one child attending the Nursery.

It should be noted that the fees have not been reviewed or increased since Precious Creations (the first provider) left in April 2007 and the expectation would be that a new provider would have to increase the fees as well as the occupancy to run a sustainable business.

There are a number of ways nationally that families are supported financially with the cost of childcare.

i) Nursery Education Grant - All children aged 3 and 4 receive 12.5 hours per week for 38 weeks per year free early years provision. This entitlement will increase to 15 hours per week from September 2010 for all 3 and 4 year olds. Some 3 and 4 year olds in disadvantaged areas will receive the increased 15 hour entitlement from September 2009 as part of a pilot early roll out, in accordance with DCSF guidance.

ii) Working Families Tax Credits - Parents who are employed for 16 hours per week or more and pay for childcare may be able to get tax credits to help with

the costs. Up to 80% of the fees may be paid, depending upon levels of income, up to a maximum of £175 per week for one child and £300 per week for two or more children.

iii). Childcare Vouchers - Working parents are entitled to exchange a part (up to £55 per week, equivalent to £243 per month per parent) of their gross salary for Childcare Vouchers. This part of their salary is exempt from Tax and National Insurance Contributions, making a saving of up to £1,196 per year/parent on their childcare costs. Working parents with children aged up to 16 can benefit from Childcare Vouchers provided their employer offers the Childcare Vouchers scheme. The scheme benefits both basic and higher rate tax-payers and offers savings of up to £2,392 per family, per year.

7. Quality of childcare

The Ofsted Inspection Grades as at 23 April 2009 are detailed below. The provision across the footprint ranges from outstanding to satisfactory and the table indicates that there is provision of at least comparable quality to Oakenclough Nursery within the footprint.

Setting Name	Inspection Grade
Oakenclough Children's Centre	Good [overall grading – new inspection]
Chapel Grange Montessori Nursery	Good – Care Good – Nursery Education
Oakdean Babies	Outstanding [overall grading – new inspection]
Oaklands Dean Nursery and Pre-school	Good [overall grading – new inspection]
Little Acorns	Satisfactory – Care Satisfactory – Nursery Education
The Orchard Day Nursery	Satisfactory – Care Satisfactory – Nursery Education
Kidsunlimited – Total Fitness Wilmslow	Satisfactory – Care Satisfactory – Nursery Education
Rainbow Pre-school	Good – Care Good – Nursery Education
Noah's Day Nursery	Satisfactory – Care Good – Nursery Education
Kidsunlimited – Summerfield	Satisfactory – Care Good – Nursery Education
Fun Frogs	Good [overall grading – new inspection]

8. Inclusive childcare

All childcare settings are guided by the Early Years Foundation Stage (EYFS) and the Code of Practice. They are encouraged to be inclusive of all children.

The overarching aim of the EYFS is to help young children achieve the five ECM outcomes by... **Providing for equality of opportunity** and anti-discriminatory practice and ensuring that every child is included and not disadvantaged because of ethnicity, culture or religion, home language, family background, learning difficulties or disabilities, gender or ability.

Every child should be supported individually to make progress at their own pace and children who need extra support to fulfil their potential should receive special consideration.

The Local Authority EYFS team provide the following support for children with additional needs.

- Support and guidance for all practitioners including supporting children with additional needs. The team always encourages dialogue between the parents and the setting and for the parents to be closely involved in the learning and development of their child.
- All settings have a copy of Share to Achieve- a document produced by the EYFS team offering support and guidance for all children with additional needs.
- All settings can access training.

9. Accessibility of Alternative Childcare Provision

Analysis of one-way journey times from Oakenclough Children's Centre to Daycare Provision in the Oakenclough Children's Centre Footprint

SETTING	POSTCODE	Walking Time¹	Driving Miles²
Chapel Grange Montessori Nursery	SK9 2BU	15minutes	1.2
Oakdean Babies	SK9 2LX	10-15 minutes	1.4
Oaklands Dean Nursery and Pre-School	SK9 2HB	15 minutes	0.7
Little Acorns Day Nursery	SK9 3JX	30 minutes	1.8
The Orchard Day Nursery	SK9 3JX	30 minutes	1.8
Kidsunlimited Nurseries – Total Fitness Wilmslow	SK9 3PE	not walkable	4.5
Rainbow Pre-School	SK9 3AZ	20 minutes	1.4
Noah's Day Nursery	SK9 3LN	25 minutes	1.4
Kidsunlimited Nurseries – Summerfields	SK9 2TA	5 minutes	0.5
Fun Frogs Day Nursery	SK9 4DP	30 minutes	1.2

Notes:

1. Walking Time – Walking time is estimated by a local person taking in to account known shortcuts and likely best walking routes with a pram.

The statutory walking distance for Primary School pupils under 8 is two miles each way under The Education Act 1996, s 444(5)(a) in each case measured by the nearest available route.

2. Driving Miles – Driving miles calculated using AA route map website.

10. Direct financial support for the nursery since January 2006

The total direct financial support provided by the Local Authority to the Nursery for the period January 2006 to March 2009 is:

Grant subsidy to childcare providers:	£88,845
Operating costs borne by Local Authority:	£83,284
	<hr/> £172,129

In addition, the Local Authority waived rental income due in respect of the Nursery premises totalling £6,381.

All the providers who have operated the Nursery have received significant financial support from the Authority.

Provider One - Precious Creations, an experienced day care provider, was appointed in July 2005 following a competitive tender process. The nursery opened on 4 January 2006 for children aged 2 to 4 years. The nursery was extended in spring 2006 to create the baby room.

Precious Creations received a revenue grant from Cheshire County Council ("CCC") on opening to support start up and operating costs for the first 3 years. Equipment was also transferred from the previous school nursery. The rent was set at a level lower than the open market value to support development of new provision.

In January 2007 CCC funded an independent business assessment and support. CCC offered additional revenue support in April 2007. Precious Creations ceased to provide service on 27 April 2007.

Provider 2 - An interim management agreement was immediately secured with Pelican Childcare Services (PCS) to ensure continuity of care. This was a temporary and emergency arrangement to maintain the nursery service under which a fee from CCC was payable. PCS were existing childcare providers at two Children's Centres in Ellesmere Port. The management agreement was initially until 31 July 2007, and extended to 31 Dec 2007. For this period CCC bore all costs of operating the nursery.

Provider 3 - A new provider was sought by open tender in June 2007. Only one application was received, from ToCH.

Parents were consulted on their requirements from the nursery (Parents Group Meeting 2 October 2007), and parents were included in the selection panel. Parents visited the ToCH nursery at Blacon Children's Centre on 8 November 2007. ToCH were interviewed on 12 November 2007, appointed with a unanimous decision and were operational from 2 January 2008. They were paid a start up grant with rent free premises for five years. ToCH terminated the contract at the end of July 2008 due to their national

organisation ceasing to deliver services.

Provider 4 - CCC assumed responsibility for service delivery as the provider of last resort on 1 August 2008 and have incurred a range of costs in relation to delivery. This responsibility automatically passed to Cheshire East Borough Council on 1 April 2009.

In addition to the costs incurred in the running of the provision there is a significant amount of outstanding income due from nursery users for childcare which has been provided at the setting. Whilst recovery of this debt is on-going, if this can not be recovered then the loss will be borne by the Local Authority. The current level of outstanding debt is in excess of £13,660.04.

11. Promoting and advertising the nursery

There has been a nursery on the site for many years. Prior to January 2006 there was a maintained nursery run as part of Oakenclough County Primary School. As part of the decision to close the school from 31 August 2005 it was agreed that nursery provision would remain on the site as part of a children's centre development. Precious Creations were appointed in July 2005 following a competitive tender process. The maintained nursery remained until January 2006 when Precious Creations took over. Both Precious Creations and Toch the third provider were providers identified through a national tendering exercise. They were reliant on increasing occupancy to ensure a sustainable business and promoted and advertised the Nursery. This did not result in any significant increase in occupancy

The Local Authority stepped in as a provider of last resort when Toch the previous provider terminated their contract at the end of July 2008. The aim was to prevent the nursery from closing immediately. The LA's intention was only to caretake for a short period of two to three months while an alternative provider was identified. In order to preserve the occupancy levels during this period some limited local leafleting of the nursery took place. However, more strategic marketing of the nursery is not possible because of the statutory guidance noted below.

The Local Authority will be in contravention of statutory guidance issued under the Childcare Act 2006 if it markets this provision. Under Section 8(3) Childcare Act 2006, the Local Authority is only permitted to provide childcare directly where there is no alternative, appropriate means of delivery in the market. This means that the Local Authority should only directly provide childcare if there is insufficient other provision in the local area.

Cheshire's Childcare Sufficiency Assessment and data obtained in officers subsequent review of childcare has indicated that there is sufficient alternative childcare in the local area to meet the needs of children and families. This means that the only way for Oakenclough Nursery to increase its numbers to a sustainable level would be to admit children who would otherwise attend other early years settings. Any marketing would therefore be to the detriment of other local providers. This is not permitted under Childcare Act statutory

guidance, and would therefore leave the Authority open to legal challenge from other local childcare providers for breach of statutory duty.

The Childcare Act 2006 does not in any way restrict the advertisement and promotion of Children's Centre services as a whole and the nursery can be and has been promoted as part of these services.

Beyond the provision of limited information as part of advertising the Children's Centre, the Local Authority cannot market the Children's Centre while it runs it directly. If it were to be taken over by a private or voluntary provider, they would be free to market it as they wish.

Signage at the Nursery - There are some planning restrictions that need to be adhered to. Because of this the first provider, Precious Creations, purchased banners for the railings when they first moved in. These were destroyed. A permanent sign was then erected advertising Precious Creations Nursery. This sign was removed when Precious Creations ceased to be the provider.

Four more bright yellow banners promoting nursery places were purchased for the railings for the use of the second and third provider. These were also destroyed one by one as they were erected. Toc H had not put up a nursery sign at the point they ceased provision in July 2008. There is a permanent sign at the nursery entrance. The expectation is that if another permanent provider were appointed they would review and personalise the nursery signage. Road signs will be erected shortly identifying the way to the Centre (currently going through planning).

As the Nursery is on a children's centre site any signage must conform to the children's centre branding guidance issued by Department of Children, Schools and Families

12. The prospect and timescale of securing a new provider

In autumn 2008 shortly after taking over the Nursery as a provider of last resort the local authority invited expressions of interest from 3 large social enterprise companies experienced in the provision of full daycare. One expression of interest was then withdrawn by the company itself due to their concerns about the financial viability of the nursery. It may be possible to secure a contract with one of the two remaining expressions of interest if sufficient sustainability funding is made available by the LA on a medium to long term basis. Any provider needs to be confident that it can run the Nursery on a financially viable and sustainable business model.

The contract and lease could be agreed in 4 to 6 weeks, but the formal Ofsted registration process takes up to 25 weeks. Local Authority Officers have a good working relationship with Ofsted and have reduced this to 6 to 8 weeks on previous occasions.

A full tender may be required if agreement can not be reached with either of

the two organisations. This may take 6 months to negotiate and it is relevant to note that the previous tender only resulted in one applicant (ToCH).

During the consultation it was suggested that Oakencloough could become sustainable if a local provider relocated. A letter was therefore sent on 11 February 2009 to all nursery providers (18 settings) within a 2 mile radius of Oakencloough to see if they were interested in relocating. There has been no response to this letter. Prior to sending the letter one local nursery made contact and a local childminder also made an approach. These providers were shown around and invited to develop a Business Plan and make an expression of interest by 27 March if they wished to consider further. Neither provider expressed any further interest.

13. Direct delivery of nursery by LA and what this would entail

The Local Authority does not directly deliver any other nursery provision in the Authority and does not have the appropriate systems and structures to directly deliver full daycare. The current position at Oakencloough is being supported by a range of temporary arrangements which are not sustainable.

To continue to deliver at Oakencloough a nursery manager would be required together with a business management team to support the operational manager. A programme of recruitment would be necessary to appoint additional permanent nursery staff. Additional agency staff may also be required to cover staff absence. The staffing costs under Local Authority terms and conditions would be significantly higher than the private and voluntary sector (circa 36% higher).

The business management team would provide line management support for the nursery manager, administration, purchasing, invoicing, and management

Access to the Local Authority IT network, telephones, finance and HR systems would be required, together with the installation of the appropriate hardware and infrastructure.

14. Impact on the community of closure

The direct impact of closure of the Nursery should largely be restricted to the parents / carers of children attending the Nursery, the children themselves and the Nursery staff. Transitional arrangements will be put in place to minimise the disruption caused to children and families in the event that the Nursery closes – these are set out below. The Nursery currently has three permanent staff who it is likely would be made redundant in the event of a decision to close the Nursery. The anticipated total cost of these redundancy payments is £1,338.92. A member of the Authority's Early Years Foundation Stage Team is currently seconded to work 37 hours per week at the Nursery, and is due to return to her substantive post at the end of July. An Early Years Consultant has been contracted to work at the Nursery as its Assistant Manager for 24 hours per week on a temporary basis. The Nursery has also used a number of agency staff, and is currently using two agency staff to

cover ratios who are working circa 37.5 hours per week each.

The Nursery closure will not impact on the delivery of other services from the Children's Centre to the local community, including health and family support services, parenting classes, Job Centre Plus and family information services.

Closure of the Nursery will reduce the supply of early years childcare provision in the local area. This may have a positive impact on the sustainability of other local childcare providers, as they may be able to fill surplus places with children who would otherwise have attended Oakenclough Nursery.

15. Transitional arrangements for children and families

The proposed closure date of 17 July 2009 will reduce the disruption for children attending the Nursery, as it will mean that the current cohort of 4 year olds can make a smooth transition into full time education from September 2009 without having to switch nursery provision for part of a school term.

In the event of closure, the Local Authority will, where required, assist parents / carers of children attending the Nursery to find alternative early years childcare provision appropriate to their needs. Family Information Service officers will meet with parents on a one to one basis to advise on alternative childcare options to meet their particular needs and to help broker arrangements with local childcare providers.

16. Alternative uses for the Nursery premises

As part of the Consultation process, parents and other interested parties were asked to give their views on possible alternative uses for the Nursery premises in the event that the Nursery was to close. No further consideration has been given to possible alternative uses, as this would be inappropriate prior to any decision being taken regarding the Nursery's future. In the event that the Nursery closes, views expressed in the Consultation as to alternative uses of the Nursery premises will be considered in determining how these premises will be used.