

DUNDEE CITY COUNCIL

Children and Families Service



Proposal Paper

Closure of Law Nursery from July 2023

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PROPOSAL

Closure of Law Nursery from July 2023

It is proposed that all eligible nursery aged children will access alternative nursery provision from August 2023

1.0 BACKGROUND

- 1.1 In the spring of 2022, the Council was made aware that the Diocese of Dunkeld was selling the land which is currently leased by the council and occupied by Law Nursery. Notice has been served upon Dundee City Council regarding their existing lease of the site. The implications of this required a review of Law Nursery.
- 1.1.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education which includes early learning and child care across their area. This duty applies in respect of both the current nursery population and anticipated pattern of demand.
- 1.1.2 Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003. Most importantly, the Education Authority would wish to optimise the early years early learning and childcare experience for every child by providing provision that offers:
- High quality
 - Flexibility
 - Accessibility

To achieve best value and optimum efficiency, the organisation of the service estate is therefore kept under regular review, including the need for nursery provision and other factors.

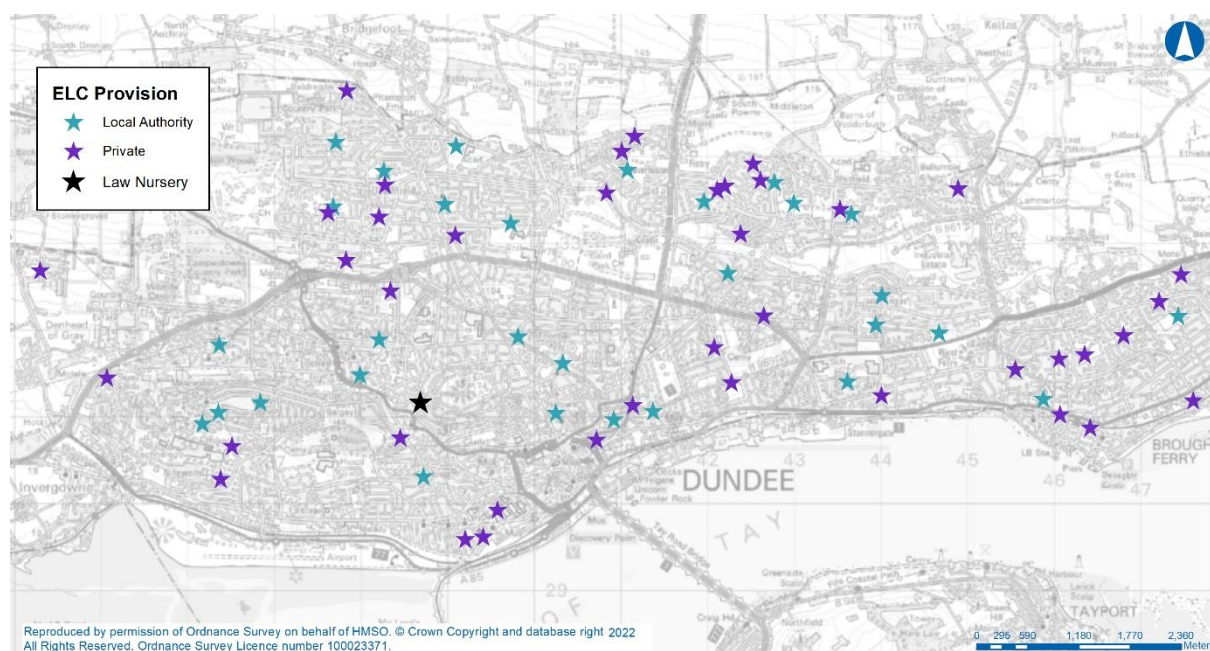
- 1.1.3 At the meeting of the Children and Families Service Committee on 31 October 2022 (report no. 277-2022 refers), elected members instructed the Executive Director of Children and Families Services to formally consult on the closure of Law Nursery.

1.2 Current position

- 1.2.1 Dundee City Council have been served notice by the Diocese of Dunkeld on their current lease of the site on which Law nursery is located.
- 1.2.2 A review of nursery provision was undertaken and it confirmed suitable capacity exists to accommodate current and projected future demand for nursery places without the 70 places provided by Law Nursery.
- 1.2.3 In considering all of the options for the future of Law Nursery, including its potential closure, the service has engaged with families to consider current and alternative early years provision. This operational decision was necessary to avoid any additional transition or impact upon children, parents and staff should Law Nursery close.
- 1.2.4 Law Nursery Roll for the last 5 years has been:

Session	Post-Easter roll
2017/18	62
2018/19	73
2019/20	73
2020/21	66
2021/22	64

Map of Early Learning and Childcare provision including nursey provision across Dundee



1.3 IMPACT OF THE PROPOSAL ON LAW NURSERY

- 1.3.1 As no catchment areas exist in the same way as primary schools, families will have the choice to apply to any nursery provision across the city and not just within their local area. This flexibility enables families to make choices based on other factors such as their family network or work location and situation.
- 1.3.2 For information, the table below shows Local Authority and Funded Provider provision currently within 2km walking distance of Law Nursery.

Provision	Eligible age group	Delivery model	Walking distance from Law Nursery (km)
Home Sweet Home Childminder (Funded Provider)	2-5	Term time/full year	0.95
Woodlea Children's Centre	2-5	Term time	1.0
St Mary's RC Primary School	3-5	Term time	1.1
Balgay Hill Nursery	3-5	Term Time	1.3
Coldside Nursery	2-5	Term time /full year	1.7
Frances Wright Nursery	3-5	Term time	1.8
Aberfoyle TOO (Funded Provider)	2-5	Full year	1.9
Dens Road Primary School	2-5	Term time	1.9

1.4 EDUCATIONAL BENEFITS OF A CLOSURE

- 1.4.1 As a result of the recent expansion of children's entitlement to 1140 hours of funded early learning and childcare, the overall capacity and range of delivery models for children aged 3-5 years and eligible 2 year olds has increased across the city and within the local area.
- 1.4.2 Currently Law Nursery provides a service for children aged 3- 5, term time only. Within the local area however there are a range of flexible models available for children aged 2-5 including term time and extended day, extended year. Families can opt to have eligible siblings attend the same setting where provision is offered for 2-5yrs.
- 1.4.3 Alternative nursery provision will continue to deliver high quality early learning and childcare for children aged 2-5 in stimulating indoor and outdoor environments.

1.5 LIKELY EFFECTS ON OTHER USERS OF THE NURSERY FACILITIES

- 1.5.1 Out with Nursery hours the Law Nursery accommodation is not used for community or wider service delivery. There will be no detrimental impact as the building is not Let to other organisations or groups.

1.6 LIKELY EFFECTS ON CHILDREN IN OTHER DUNDEE NURSERIES

- 1.6.1 Families will continue to have the choice to apply to the Nursery / Funded Provider of their choice. Families are asked to identify their first, second and third choice of nursery at the point of application.
- 1.6.2 On the occasion when these choices cannot be accommodated, the Central team work with families on an individual basis to secure a funded place within the City. The number of children attending nursery settings across the city is continually reviewed, thus allowing where appropriate, redirection of staffing resources across Local Authority provision.

1.7 HOW THE COUNCIL INTENDS TO MINIMISE OR AVOID POTENTIAL ADVERSE EFFECTS

TRANSFERRING PRIMARY PUPILS

- 1.7.1 10 of the 22 children currently attending Law Nursery will transition to primary education in August 2023. 12 of the 22 children will have the option to defer entry to school as of Aug 23. Should they wish to defer, the Central team will work with families on an individual basis to secure an alternative nursery place within the City. Currently there is no ante pre-school intake therefore there will be no children on the nursery roll as of June 2023.

1.8 LIKELY EFFECT ON THE LOCAL COMMUNITY

- 1.8.1 As the nursery building does not currently facilitate Lets and therefore it is not used outside of the 1140 commitment, there is no anticipated impact upon the community.
- 1.8.2 If the nursery is closed, the flow of traffic at key points in the day will reduce as families will no longer undertake drop off/pick up of their children. This will positively impact upon the availability of parking within the area and reduce the number of vehicles in the area.

1.9 BENEFITS RESULTING FROM IMPLEMENTATION OF THIS PROPOSAL

The benefits highlighted in the preceding paragraphs can be summarised as follows:

- 1.9.1 No children will be disadvantaged as there are a range of alternative and flexible delivery models and sufficient capacity across the City.

- 1.9.2 All staff will remain employed within Local Authority Nurseries. The resultant transfer of staff into other Local Authority nurseries within the city spreads their exemplary practice, skills and experience and also augments existing positive experiences for children across the city.
- 1.9.3 Dundee City Council will make financial savings at a time when the need for these is acute.
- 1.9.4 The realisation of financial savings will facilitate the redirection of resources to support children across Dundee.
- 1.9.5 In delivering these broad benefits, the authority is confident that it is discharging its duty to secure best value through continuous improvement in the performance of its functions, as required by the Local Government in Scotland Act 2003.

1.10 FINANCIAL IMPLICATIONS

- 1.10.1 If the proposal is accepted, the revenue savings which will be generated will amount to approximately £23,300 in financial year 2023-24 rising to ongoing savings of approximately £37,300 by 2024-25.
- 1.10.2 There will be additional one-off revenue costs associated with disposing of the property amounting to approximately £35,000.

A financial template with full details is included as Appendix 1.

1.11 FORMAL CONSULTATION PROCESS AND THE PUBLICATION OF THE FORMAL PROPOSAL PAPERS

- 1.11.1 If approved, the consultation on a proposal to close Law Nursery will begin on Monday 7 November 2022 and formal proposal papers will be:

- published in both electronic and printed form,
- available for inspection at all reasonable times and without charge
- at its head office and on its website,
- at any affected nursery or at a public library or some other suitable place within the vicinity of the nursery.

- 1.11.2 The consultation process will end on Tuesday 20 December 2022.

- 1.11.3 Formal consultation will include:

- preparation and publication of a proposal paper on the Council's website,
- giving notice of the proposal to parents/carers and other statutory consultees,
- an announcement of the proposal in the local press, inviting any person to make written representation to the Executive Director of Children and Families Services,
- public consultation in the local area,
- consultation with staff,
- consultation with parents of the children at the affected nursery,
- consultation with the parents of any children expected by the education authority to attend any affected nursery within two years of the date of publication of the proposal paper,
- consultation with representatives of the teacher and support staff trade unions,
- meetings with other interested bodies such as the Local Community Planning Partnership,
- consultation with any other education authority that the education authority considers relevant.

- 1.11.4 At the end of the consultation period, the Executive Director of Children and Families Service will draft a report incorporating copies of written representations and a summary of oral representations from key stakeholders. The report and related documents will then go to Education Scotland for consideration and comment. A maximum of three weeks will be set aside for this part of the process.
- 1.11.5 Education Scotland will prepare a report on the educational aspects of the proposal not later than 3 weeks after the Authority has sent them all representations and documents mentioned above. For the avoidance of doubt, the 3-week period will not start until after the consultation period has ended. In preparing their report, Education Scotland may enter the affected nursery and make such reasonable enquiries of such people there as they consider appropriate and may make such reasonable enquiries of such other people as they consider appropriate.
- 1.11.6 On receipt of the Education Scotland feedback report, the Executive Director of Children and Families Service, on behalf of the local authority, will prepare and publish a consultation report containing the views of Education Scotland and including an explanation of how the Council proposes to deal with any issues raised. After a period of no less than three weeks, the Children and Families Services Committee will consider the consultation report and decide whether or not to approve the proposal.
- 1.11.7 It is anticipated that the Children and Families Services Committee will decide to approve or reject the final proposal at its meeting in April 2023.
- 1.11.8 In the case of a closure, Scottish Government Ministers have the power to call in decisions. Ministers have up to 8 weeks to decide whether or not to issue a call in notice. Where the Council approves a closure of a nursery after consultation, this decision will be clearly reported on the council website and, where possible, to all those who have sent in responses to the consultation. Information will also be provided on how consultees can make further representations to Scottish Government Ministers.

PUBLIC MEETING

- 1.11.9 A public meeting will be held to discuss these proposals. Anyone wishing to attend the public meeting is invited to do so. The meeting, which will be convened by the Education Authority, will be addressed by the Executive Director of Children and Families Services or other senior officers of the Council.

The meeting will be an opportunity for interested parties to:

- Hear more about the proposal
- Ask questions about the proposal
- Have their views recorded so that they can be considered as part of the consultation process.

Formal Public Consultation Meeting is arranged as follows:

Date	Venue	Presentation and Question and answer session
24 November 2022	Law Nursery	6.00pm

APPENDIX 1

Financial Template for Proposed Closure of Law Nursery

Table 1

Current revenue costs for Nursery proposed for closure			
	Costs for full financial year 2021/22	Additional financial impact on receiving nursery schools	Annual recurring savings
School costs			
<i>Employee costs</i>	£483,100	£483,100	
teaching staff	£123,200	£123,200	
support staff	£359,900	£359,900	
<i>Building costs:</i>	£47,700	£10,600	£37,100
non domestic rates			
water & sewerage charges	£800		£800
energy costs	£8,500		£8,500
cleaning	£8,700		£8,700
building repair & maintenance / Health and safety contracts	£10,300		£10,300
facilities management costs	£10,600	£10,600	
other – rent	£8,800		£8,800
<i>School operational costs:</i>	£36,200	£36,000	£200
learning materials	£10,200	£10,200	
catering (contract or inhouse)	£22,000	£22,000	
other school operational costs (e.g. licences)	£4,000	£3,800	£200
<i>Transport costs:</i>			
home to school			
staff travel			
SCHOOL COSTS SUB-TOTAL	£567,000	£529,700	£37,300
<i>Income:</i>			
Sale of meals			
Other	(£7,000)	(£7,000)	
SCHOOL INCOME SUB-TOTAL	(£7,000)	(£7,000)	
TOTAL COSTS MINUS INCOME FOR SCHOOL	£560,000	£522,700	£37,300

Table 2		
Capital costs	School proposed for closure	Receiving school
Demolition costs		
Capital Life Cycle Costs		

Table 3

Annual Property costs incurred (moth-balling) until disposal	
property insurance	
non domestic rates	
water & sewerage charges	
energy costs	
security costs	£5,000
TOTAL ANNUAL COST UNTIL DISPOSAL	£5,000

Table 4

Non-recurring revenue costs	
Removal and decommissioning costs (disposal of property)	£35,000
TOTAL NON-RECURRING REVENUE COSTS	£35,000

Table 5

Impact on GAE	
GAE IMPACT	