



EXECUTIVE MEMBER DECISION

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| REPORT OF: | Executive Member for Children, Young People and Education |
| LEAD OFFICERS: | Strategic Director of Children & Education (DCS) |
| DATE: | 08 June 2023 |

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| PORTFOLIO/S AFFECTED: | Children's Services and Education |
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| WARD/S AFFECTED: | Wensley Fold; |
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| SUBJECT: EMD Nursery Provision at Wensley Fold Childrens Centre |
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1. EXECUTIVE SUMMARY

To work in partnership with Wensley Fold Primary Academy to increase the capacity of high quality and accessible Early Education and Childcare places for children aged 2, 3 & 4 years in the Wensley Fold ward in order to meet current and future demand.

2. RECOMMENDATIONS

That the Executive Member:

Approves for the Council to enter into a lease arrangement with Wensley Fold Primary Academy for the purpose of delivering Government funded early education places for eligible 2, 3 & 4 years olds in the designated nursery space at Wensley Fold Children's Centre.

Approves the Heads of Terms for the lease (briefly described in the legal implications).

3. BACKGROUND

Wensley Fold Children Centre is located in the Wensley Fold ward, and in the North planning area for Schools and Education. The centre has a dedicated nursery space, however, a nursery provision has not been delivered from this space since August 2021.

The most recent Childcare Sufficiency Assessment completed in the Summer Term 2022 and published in the Autumn Term 2022 concluded that whilst the borough as a whole continues to have sufficient early education and childcare places to meet demand, the Wensley Fold ward has minimal surplus capacity to meet the current and projected future demand of local families.

Wensley Fold School has previously managed the Children's Centre overseeing delivery of a successful high quality nursery provision alongside wider services for children and their families. The school neighbours the Children's Centre with a path that runs directly from the Children's Centre to the school. Due to the location, families whose children attend Wensley Fold Primary School have benefited from the wider services including nursery provision offered by the Children's Centre.

The North area of the borough has a significant growth plan in respect of new family homes which is likely to generate increased demand for nursery provision. Growing the early years and childcare provision in the local area will help to meet current and projected future demand.

4. KEY ISSUES & RISKS

The Council undertakes an annual assessment of early years and childcare sufficiency and the borough wide position in Blackburn with Darwen is that there is a sufficient supply of early years and childcare places to meet current demand. There is however a need to consider sufficiency of provision at a locality/ward level in order to ensure that the early education and childcare provision is accessible. In the Wensley Fold ward there is not currently sufficient places to meet demand (**Appendix 1**), and due to the planned significant housing growth in the north of the borough, it is likely that demand for early years and childcare places will increase.

Wensley Fold Academy is located adjacent to Wensley Fold Children's Centre and in previous years the school successfully led and managed the centre, ensuring delivery of the Children's Centre agenda.

A waiver has been agreed for the contract to be awarded outside of the Councils procurement tender process and at a peppercorn rent based on:

- Other similar lease arrangements with schools occupying Children's Centre/former Children's Centre premises.
- The school is rated Outstanding by Ofsted in all aspects including: Overall effectiveness of the Early Years Foundation Stage, Achievement and Standards, Personal development and Well-being, Quality of provision and Leadership and Management.
- Children attending Wensley Fold Primary School typically start their reception year below age related expectation particularly in their speech, language and communication skills, however by the end of the Foundation Years children that have attended their reception year at Wensley Fold Academy are meeting or nearer to meeting expected levels of development and the gap has significantly narrowed.
- Enabling children to start their education earlier in their nursery years (2, 3 & 4 year olds), with a provider of education that has a proven record of delivering an effective early years foundation stage and achieving improved outcomes for children will offer improved educational and life chance opportunities for children.

In order to directly deliver a nursery provision for 2, 3 & 4 years old, the school has recently undertaken statutory consultation to extend the school age range. This consultation has now ended with the results being overwhelmingly in favour of the school extending their age range for the purpose of delivering a nursery provision, however the formal decision to approve the increase in age range will be made by the Advisory Board of the DfE. In order for the DfE to consider such request a school has to present a business case which clearly identifies:

- That suitable space is secured (either through purchase and/or a signed premises lease).
- That the delivery of a nursery will not adversely affect the finances of the school.

Once established and operational, the nursery provision will attract Early Education funding for all children that attend the setting and that are eligible to access a Government funded early education place. Blackburn with Darwen Council are responsible for administering this funding in line with statutory guidance.

Re-establishing a nursery provision delivered from Wensley Fold Children's Centre will support the Children's Centre in maintaining its Designated Children's Centre status and will mitigate the potential for capital clawback. It is anticipated that an increased footfall from families using the nursery provision will also serve to increase participation with other professional services e.g. early help, health, information, advice and guidance services.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

In line with similar arrangements delivered in partnership with schools and to support the establishment and operation of the nursery provision, whilst ensuring nil impact on a schools finances it is requested that commercial rental charges are waived and a peppercorn rent of £1 per annum applied for the period of the contract (5 years). This will be reviewed at the end of the contractual period. The lessee will be required to pay service charges based on floor apportionments of both exclusive and none exclusive areas of occupation, which will afford to offset some of the operational running costs of the Children's Centre.

The Council is not paying for a service but is offering a concession contract where the service is provided in exchange for the opportunity to make money from the business opportunity. The concession/subsidy amount therefore will be £81,940.00, based on a commercial rent of £16,388 per annum. Subsidy control checks have been completed and confirm that this would be classified as a subsidy (indirect) and that the subsidy falls below the permitted funding of £315,000 over the 3 financial years under the Subsidy Control Act 2022 (the minimal financial assistance exception).

7. LEGAL IMPLICATIONS

The Council will need to enter into formal lease with Wensley Fold Academy, for a period of no more than 5 years which will be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954. The tenant will have internal repairing obligations and be required to contribute to building insurance as well as holding their own professional insurances. . While there is no rent to be charged the tenant will be required to pay a fair share of the service charge for the building based on actual costs associated with exclusive space and non exclusive (shared) occupation space. Being a lease for less than 7 years, 'best consideration' requirements under s123 of the Local Government Act 1954 is not strictly required to be satisfied and with the subsidy control checks being satisfactory in the circumstances.

8. RESOURCE IMPLICATIONS

Met through existing Council resource

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

The Local Authority undertakes consultation will all providers of Early Years Childcare and Education annually in order to assess the level of provision available across the borough and to ascertain if these levels of provision meet current and projected future demand.

The most recent Childcare Sufficiency Assessment completed in the Summer Term 2022 and published in the Autumn Term 2022.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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| CONTACT OFFICER: | Carol Grimshaw |
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| DATE: | 06/06/2023 |
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| BACKGROUND PAPER: | Appendix 1: Childcare Sufficiency Dashboard |
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