



**Havering**  
LONDON BOROUGH

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	To establish a Nursery Class at Harold Court Primary School
<b>Decision Maker:</b>	Tara Geere, Director of Starting Well
<b>Cabinet Member:</b>	Councillor Oscar Ford: Cabinet Member for Children and Young People
<b>ELT Lead:</b>	Tara Geere, Director of Starting Well
<b>Report Author and contact details:</b>	Pooneeta Mahadeo, School Organisation Manager <a href="mailto:Pooneeta.Mahadeo@havering.gov.uk">Pooneeta.Mahadeo@havering.gov.uk</a> Tel. 01708 431092
<b>Policy context:</b>	<p>The Childcare Act 2006 placed duties on all local authorities to secure sufficient childcare, so far as is reasonably practicable for working parents, or parents who are studying or training for employment, for children aged 0-14.</p> <p>The Childcare Act 2016 Section 1, which places a duty on the Secretary of State to secure the equivalent of 30 hours of free childcare over 38 weeks of the year for qualifying children of eligible working parents. Children in England will qualify if they are under compulsory school age and meet the description set out in regulations made under Section 2. These regulations also set out the conditions to be met by parents in order for their children to qualify</p>

**Non-key Executive Decision**

	<p>Section 2, which allows the Secretary of State to make regulations setting out detailed requirements for discharging the duty under section 1 of the Act. The Childcare (Free of Charge for Working Parents) (England) Regulations 2022 set out this detail. Regulation 44 of the regulations requires local authorities to secure free childcare for qualifying children of eligible working parents, to discharge the duty in section 1 of the Act</p>
<b>Financial summary:</b>	<p>Capital cost of creating the nursery is £150k funded from Childcare expansion capital grant.</p> <p>Revenue costs of running the nursery will be met from the early years block of the DSG</p>
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	<p>People Overview &amp; Scrutiny</p>
<b>Is this decision exempt from being called-in?</b>	<p>Yes</p>

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well      X

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

- To lower the age range of Harold court Primary School from 4 -11 to 2 -11 to provide a nursery class at the school.

### AUTHORITY UNDER WHICH DECISION IS MADE

In the Constitution Scheme 3.3.4 Specific powers of the Strategic Director of People paragraph 3.3, the Director of Children’s Services has Delegation for "all child care and educational requirements, including but not limited to, children in care, school governors, care packages, fostering and care leavers, pupil welfare, child employment, school organisation, school funding, staffing & governance, health and safety in schools, student eligibility, collective worship, exclusions, special educational needs, transport and catering."

### STATEMENT OF THE REASONS FOR THE DECISION

At the Spring Budget 2023, the Government announced the 30 hours entitlement will be extended in stages from April 2024. The measures announced will expand the existing system from offering up to 30 funded hours of childcare per week over 38 weeks of the year for three and four-year-olds, to children aged nine months and over whose parents meet the same income eligibility criteria as applied to the existing 30 hours entitlement. The policy will have a phased rollout, with 15 hours per week for 38 weeks a year offered to eligible two-year-olds from April 2024 and to eligible children under two from September 2024. The new entitlement will be offered in full from September 2025. Eligibility will match the existing entitlement: it will be available only for the children of working families. The DfE are calculating that Havering will need an extra 342 places from September 2025, this provision could help in meeting part of that demand.

In the Spring 2025 term:

- 1,145 9 month Working Families Places were taken up;
- 1,385 2-Year-Old Working Families places were taken up;
- 2,224 3 and 4-Year-Old Working Families Places were taken up;
- 491 2-Year-Old Low Income Working Families Places were taken up;
- 4,311 3 and 4-Year-Old Universal Offer Places were taken up.

Havering was allocated £566,841 childcare capital expansion funding and Cabinet approved the spent of this funding on the 22 January 2025 on various projects. One of the projects was to provide a nursery at Harold Court Primary School.

## Non-key Executive Decision

Harold Court Primary School is seeking to open a 30 place Nursery Provision for 3 - 4 year olds. In order to establish a Nursery, it is necessary for the school to change the age range for which the school can cater for, from 4-11 years old to 2-11 years old.

This is an exciting opportunity that would enable the school to provide Early Education and Childcare places to children aged 3 and 4 years old prior to their entry to school.

For several years, Harold Court Primary School has leased part of its space to Aardvark Day Nursery and Pre-School, an independently managed setting that accommodated up to 28 children at a time. Following its relocation, this has led to a deficit in available Early Years places in the Harold Wood Ward. To manage this deficit Harold Court Primary School plans to establish its own Nursery Provision, making full use of existing space while leveraging its expertise in Early Years Foundation Stage education.

The proposed Nursery Provision will be based where the previous Day Nursery was situated adjacent to the school. The old Children Centre building will be demolished and replaced by a modular unit for the Nursery Provision. The planning permission for this project has been approved with conditions, you can see these conditions in the Legal Implications and Risks section of this document. P0302.25 was granted permission on the 13th of May 2025.

The curriculum, planning, provision and pupils' progress will be overseen and line-managed by the school's Senior Leadership Team.

It is proposed that the Harold Court Nursery would open in September 2025.

In order to support the government's commitment to create or expand school-based nurseries across England, there is no longer a requirement for local authorities and governing bodies to follow the statutory prescribed alterations ('change of age range') process when they want to make changes to a school's age range in order to add, remove or change existing nursery provision. Where these changes to nursery provision are made, local authorities and governing bodies need to have regard to ensuring an open and fair consultation. The 'pre-publication' consultation was undertaken and the outcome of this stage is attached as Appendix A to this report.

Once a decision on the change has been made, the change should be recorded in the department's [GIAS](#) system. This includes in cases where the age range of the school has changed due to the addition, removal or change of nursery provision. These changes should be made within a week of the date of implementation of the change and can be input in advance, once a decision is made.

**Factors that were considered in the decision taken to establish a maintained nursery and alter the school's age limit, by lowering the age of pupils admitted to the school from 4 to 11 years to 2 to 11 years.**

**Consideration of open and fair consultation with parents, any affected educational institutions in the area and other interested parties.**

A four-week pre-statutory consultation was carried out from 24 February to 24 March 2025. The responses received during this consultation were considered before a

## **Non-key Executive Decision**

decision was made regarding the proposal for the establishment of a maintained nursery and altering of the school's age limit.

At the end of the 4-week consultation period a total of 151 responses were received. 97% of the total responses representing 146 respondents were in favour of the proposal to establish a maintained nursery, whilst 5 respondents representing 3% of the total objected to the proposal. The process of consultation has been conducted satisfactorily. All stakeholders have had a fair opportunity to express their views.

### **Demand and Place Planning**

There is no maintained nursery provision in the Harold Wood ward where Harold Court Primary School is located. The consultation survey highlights a demand for early years and childcare places in a nursery setting within a school, therefore the establishment of this nursery provision will help meet this need and create additional 30 hour offer places.

### **School Size and PAN**

The establishment of the maintained nursery will not affect the capacity or the admission number for children attending Harold Court Primary School.

### **The Quality of Education standards and diversity of provision**

Establishing a maintained nursery provision, that can offer a continuum of provision from the age of 3 would drive up standards and improve the attainment of pupils in the statutory age group in the school. It will help create additional early years and expand childcare choice for parents in the local area who may wish to take up the early education and childcare for 3 & 4 year olds and the 30 hours extended entitlement offer in a maintained nursery provision within a school setting.

The school also recognises that having a nursery provision on site is a good way of ensuring that children feed into the school so the school roll is boosted from Reception onwards.

### **Funding**

The capital cost of creating the nursery is £150k funded from Childcare expansion capital grant. Revenue costs of running the nursery will be met from the early years block of the DSG.

### **School premises and playing fields**

The nursery establishment will be organised to ensure it meets the needs of children and that outdoor play space adheres to standards for early years' settings as set out in the statutory guidelines for early years foundation stage framework from the Department for Education.

### **Planning Permission and consent of the site trustees**

The planning permission for this project has been approved with conditions, you can see these conditions in the Legal Implications and Risks section of this document. P0302.25 was granted permission on the 13th of May 2025.

### **Proposed admission arrangements**

The admission arrangements of Harold Court Primary School are compliant with the School Admissions Code and are not due to change should the nursery establishment

### Non-key Executive Decision

be approved. The school holds the delegated responsibility of administering the policy, in relation to admission arrangements to the nursery.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

None

### **PRE-DECISION CONSULTATION**

A consultation was launched on the 24th of February 2025 to 24th of March 2025 to seek views on the proposal to establish a maintained nursery at Harold Court Primary School. Emails informing key stakeholders which included the link to the online consultation were circulated to as many stakeholders as possible including all the borough schools, special schools, ward members, MPs, Church Diocesan representatives, all Early Year's provisions and unions; all were encouraged to respond online via Havering Citizen Space or by sending an email to the school on any specific questions on the proposal.

At the end of the 4-week consultation period a total of 151 responses were received. 97% of the total responses representing 146 respondents were in favour of the proposal to establish a maintained nursery, whilst 5 respondents representing 3% of the total objected to the proposal.

The objections raised the following issues:

- The facilities are not satisfactory size to cater for the requirements and there are no outside facilities other than utilising the school playground.
- Local Early Years provisions in the area that are already struggling with enrolling children will be more at a loss, as this provision will take children from them causing the likelihood of closures.
- Using the space as a support unit/ additional learning area for primary age children on role instead.
- Funding for Early year providers being underfunded. There are sufficient spaces available for 3-4-year-olds in EY settings already established and they should be supported to fill spaces rather than opening more settings.
- Taking away business from independent nurseries.

All the issues raised can be addressed. The consultation report is attached as Appendix A.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Pooneeta Mahadeo  
Designation: School Organisation Manager

Signature: *P.Mahadeo*

Date: 16 May 2025

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

As stated above there has been a change to the legislation in making alterations to schools on 3 March 2025. This means that there is no longer a requirement to go through a formal notice process prior to implementing proposals for new nursery provision at a school.

(School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110 Schedule 2 para 2)

However, Local Authorities must continue to:

- act rationally and within their powers;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The Department for Education expects that in making these changes, local authorities and governing bodies will work together and will:

- liaise with the trustees of the school, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other schools in the local area with strong performance records;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and further education (FE) colleges as required) and other interested parties.

*(Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers, dated March 2025.)*

It is also a requirement that the Authority must conscientiously consider the responses to the informal consultation set out in Appendix A before making a decision.

The project has planning permission approval with Conditions, these conditions are:

1. The development to which this permission relates must be commenced not later than three years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice). Reason:- For the avoidance of doubt and to ensure that the development is carried out as approved.
3. The proposed development hereby approved shall be constructed in accordance with the materials detailed under the Materials Section of the application and within Harold Court Primary School Modular Building Proposal document authored by Wernick Refurbished Buildings unless otherwise agreed in writing

### Non-key Executive Decision

- by the Local Planning Authority. Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.
4. No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority. Reason:- To protect residential amenity.
  5. The nursery building hereby permitted shall accommodate a maximum of thirty children at any one time. Reason:- In the interests of protecting neighbouring amenity and in order that the use remains of an appropriate scale compatible with the surrounding environment.
  6. The nursery hereby permitted shall operate only between Monday to Friday, Bank and Public Holidays 07:00 to 18:00, not at all on Saturdays and Sundays. REASON: In the interests of neighbouring amenity.
  7. Prior to the use hereby permitted first coming into use or within a period of three months from the use first commencing the applicant shall submit for the approval of the Local Planning Authority a full and detailed Travel Plan to include measures to encourage staff and visitors to travel to the site by means other than by private car. The plan as approved shall be monitored and reviewed on an annual basis for three years and a copy of that review and action plan arising shall be submitted to the Local Planning Authority REASON: In the interests of encouraging visitors/staff to use alternative transport methods and to manage vehicle movement to and from the site in a manner compatible with the surrounding environment.
  8. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) the use of the building hereby permitted shall be as a Day-Nursery only and for no other purpose or use unless otherwise agreed in writing with the Local Planning Authority. REASON: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.
  9. Two vehicle parking spaces as shown on plans submitted shall be maintained permanently for the use of staff of the nursery. REASON: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with Policy 24 of the Havering Local Plan.
  10. Any new or replacement hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site. REASON: In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.
  11. Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

## Non-key Executive Decision

### **FINANCIAL IMPLICATIONS AND RISKS**

#### **Capital Implications**

##### Costs

Estimate costs of providing a 30 place nursery = £150k

##### Funding

Childcare Expansion Capital grant £150k

##### Risks

As with any capital scheme there is a risk of overspend. Whilst grant funding is available to cover this scheme, any risk of overspend will be borne by the school. Any non-compliance with the grant terms and conditions could also lead to withdrawal of the grant. These risk can be mitigated with careful project management.

#### **Revenue Implications**

LAs receive funding for nursery provision through the Early Years block of the Dedicated Schools Grant (DSG). The funding is based on participation and is allocated according to the total number of FTE 3 and 4 year olds attending a provision within Havering at a census date in January. Havering's current allocation is £5.78 per hour. This funds Havering's allocation to each early years setting, which, for all providers including maintained schools is £3,294.60 for 15 hours per week for 38 weeks (0.6 FTE) plus supplements for deprivation.

The nursery at Harold Court Primary School will therefore be funded based on participation (i.e. the numbers on roll) from funding received through the Early Years block of the DSG. Any shortfall in funding caused by a low take up of the places available will be met from the school's delegated budget.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications will be managed by the school with Education HR support where appropriate. There is likely to be a need to recruit additional teaching and support staff and the school will undertake the recruitment and selection process in accordance with the existing and relevant policies and procedures.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

## Non-key Executive Decision

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The EHIA is included as Appendix B.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The agreement encourages early education and childcare providers to adopt sustainable practices in their operations. This includes reducing waste, conserving energy, and promoting recycling within their facilities. Additionally, it supports the creation and maintenance of green spaces within childcare settings. These spaces provide children with opportunities to engage with nature, which can have positive effects on their physical and mental wellbeing.

There are some environmental and climate change implications and risks with this project, these are set out below;

1. Minimal school runs for parents of children at that are both Primary School and Nursery age. Have one drop-off per family will lead to reduced fuel consumption cutting carbon emissions, reduced NOx from combustion engines improves air quality. Having only one premises to drop off at will mean more families will walk to school because there the time implications are reduced, increased physical activity decreases health risks. The reduction in carbon emissions also creates a nicer environment to participate in active travel, therefore encouraging more active travel to the School.
2. All Maintained schools are encouraged to ensure that energy using products are only switched on when necessary to reduce the use of waste electricity.
3. The Nursery will try to extend the school's curriculum to their Early Year's students, meaning any learning the Primary School's completes surrounding climate change, the environment and sustainability will be related (age and skill appropriately) to the Nursery school children too. This could also happen through exposure to school displays etc. as the nursery children share learning facilities.
4. Providing a Nursery on site at a Primary School will increase sustainability by; increasing sharing and reuse of products e.g. if materials are used temporarily by the Primary school but are no longer needed for use in a project then the nursery will be able to use them. The nursery and school will be able to reduce the amount of products they purchase.

### **BACKGROUND PAPERS**

None

**Non-key Executive Decision**

--

**APPENDICES**

<b>Appendix A</b>	Harold Court Consultation Report
<b>Appendix B</b>	Harold Court EHIA

**Non-key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**



Signed

Name: Tara Geere – Director of Starting Well

Cabinet Portfolio held:  
CMT Member title:  
Head of Service title  
Other manager title:

Date: 3<sup>rd</sup> June 2025

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_