

Public Document Pack
Special Cabinet

Friday, 13th December, 2024
at 10.00 am

PLEASE NOTE TIME OF MEETING

Council Chamber, Civic Centre

Members

Leader – Councillor Fielker
Deputy Leader and Cabinet Member for Finance and
Corporate Services – Councillor Letts
Cabinet Member for Economic Development – Councillor
Bogle
Cabinet Member for Environment and Transport -
Councillor Keogh
Cabinet Member for Children and Learning – Councillor
Winning
Cabinet Member for Compliance and Leisure– Councillor
Kataria
Cabinet Member for Communities and Safer City –
Councillor C Lambert
Cabinet Member for Housing Operations – Councillor A
Frampton
Cabinet Member for Adults and Health – Councillor Finn
Cabinet Member for Green City and Net Zero – Councillor
Savage

(QUORUM – 4)

Contacts

Cabinet Administrator
Judy Cordell
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Director of Legal and Governance
Richard Ivory
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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

Implementation of Decisions

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

Mobile Telephones – Please switch your mobile telephones or other IT to silent whilst in the meeting.

Use of Social Media

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council’s Guidance on the recording of meetings is available on the Council’s website.

Municipal Year Dates (Tuesdays)

2024	2025
25 June	7 January
16 July	28 January
27 August	25 February (Budget)
17 September	25 March
29 October	29 April
26 November	
17 December	

Executive Functions

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, www.southampton.gov.uk

Key Decisions

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Fire Procedure – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Access – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

Southampton: Corporate Plan 2022-2030 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **APOLOGIES**

To receive any apologies.

2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

EXECUTIVE BUSINESS

3 **STATEMENT FROM THE LEADER**

4 **CALL-IN OF EXECUTIVE DECISION CAB 24/25 46237 - STARTPOINT SHOLING DAY NURSERY** (Pages 1 - 54)

A Call-In notice has been received in respect of the decision made by Cabinet on 26 November 2024 relating to Startpoint Sholing Day Nursery. The Call-in is scheduled to be heard at a meeting of the Overview and Scrutiny Management Committee (OSMC) on 12 December 2024. The report of the Chair of the OSMC recommends that Cabinet respond to the recommendations made by the OSMC, following its consideration of the matter.

Thursday, 5 December 2024

Director of Legal and Governance

Agenda Item 4

DECISION-MAKER:	CABINET
SUBJECT:	CALL-IN OF EXECUTIVE DECISION CAB 24/25 46237 – STARTPOINT SHOLING DAY NURSERY
DATE OF DECISION:	13 DECEMBER 2024
REPORT OF:	CHAIR OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

<u>CONTACT DETAILS</u>			
Author:	Title:	Scrutiny Manager	
	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

A Call-In notice has been received, signed by two members of the Overview and Scrutiny Management Committee (OSMC), in respect of the decision made by Cabinet on 26 November 2024 relating to Startpoint Sholing Day Nursery.

The Call-in is scheduled to be heard at a meeting of the OSMC on 12 December 2024 and any recommendations by the OSMC will be circulated to Cabinet at the conclusion of the scrutiny meeting.

At its meeting on 13 December 2024 Cabinet is requested to respond to the recommendations made by the OSMC, following its consideration of the matter. If no recommendations are forthcoming Cabinet will not be required to consider this item.

RECOMMENDATIONS:

	(i)	That Cabinet considers its response to the recommendations made by the Overview and Scrutiny Management Committee at its meeting on 12 December 2024, should it be required.
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REASONS FOR REPORT RECOMMENDATIONS

1.	To comply with the Call-in procedure rules set out in Part 4 of the Council's Constitution.
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2.	None
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DETAIL (Including consultation carried out)

3.	<p>A Call-In notice signed by Cllr Powell-Vaughan and Cllr Stead was received in accordance with Paragraph 12 of the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution. The Call-In notice relates to the following decision made by Cabinet on 26 November 2024:</p> <ul style="list-style-type: none"> • Startpoint Sholing Day Nursery
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4.	The Call-in notice, attached as Appendix 1, cites the reasons given for the Call-In.
5.	The OSMC are to discuss the Call-in report at its meeting on 12 December 2024. Any recommendations agreed by the OSMC will be circulated for consideration at the 13 December meeting of Cabinet.
6.	Cabinet is requested to consider the recommendations arising from the consideration of the Call-in by the OSMC.

RESOURCE IMPLICATIONS

Capital/Revenue

7.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
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Property/Other

8.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

9.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
10.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

Other Legal Implications:

11.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
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RISK MANAGEMENT IMPLICATIONS

12.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
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POLICY FRAMEWORK IMPLICATIONS

13.	As detailed in the Cabinet report dated 26 November 2024 appended to this report.
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KEY DECISION?	Yes
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WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Appendices

1.	Call In Notice
2.	Decision Notice – Startpoint Sholing Day Nursery
3.	Decision Report – Startpoint Sholing Day Nursery
4.	Appendix 1 to Decision Report
5.	Appendix 2 to Decision Report

6.	Appendix 3 to Decision Report
7.	Appendix 4 to Decision Report

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out?	Identified in Appendix 3
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	Identified in Appendix 3
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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NOTICE OF CALL-IN

In accordance with rule 12 of the Overview & Scrutiny procedure rules of the Council's Constitution, a request is hereby made that the Scrutiny Manager exercise the call-in of the decision identified below for consideration by Overview and Scrutiny Management Committee.

Decision Number: CAB 24/25 46237 - Startpoint Sholing Day Nursery
Decision Taker: Cabinet
Date of Decision: 26/11/24

Reason(s) for Requisition of Call-In of Decision:

- Concern that the decision does not reflect the current and future demand for nursery places in Southampton as the population of the city continues to grow.
- The decision ignores the overwhelming opposition to the proposed closure identified in the consultation.
- There has been inadequate consideration of the rescue plan put forward to restructure the financial position of Startpoint Sholing Day Nursery.

Call-In Requested by:

Name	Signature	Date
Cllr Sarah Powell-Vaughan	S.M. Powell-Vaughan	02/12/24
Cllr Rob Stead	Rob Stead	02/12/24

All Members requesting that a Decision be Called-In must sign this Call-In Notice. A decision may be called in by:

- The Chair of Overview and Scrutiny Management Committee
- Any 2 Members of Overview and Scrutiny Management Committee
- In respect of a Decision relating to Education, any 2 Parent Governor or Church Representatives

Please submit to the Scrutiny Manager within 5 clear days of the publication of the relevant decision.

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RECORD OF EXECUTIVE DECISION

Tuesday, 26 November 2024

Decision No: (CAB 24/25 46237)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Children and Learning
SUBJECT:	Startpoint Sholing Day Nursery
AUTHOR:	Darrin Hunter

THE DECISION

- (i) To approve the closure of Startpoint Sholing Childcare Nursery with immediate effect.
- (ii) To delegate authority to the Executive Director of Community Wellbeing, Children and Learning, following consultation with the Executive Director of Enabling Services, to take any action necessary to give effect to recommendation 1 including but not limited to undertaking any relevant HR and contractual processes.

REASONS FOR THE DECISION

1. Any deficit in the nursery budget has not been included and therefore alternative budget savings would need to be found within the wider Early Years Service. This can only be achieved through further staff redundancies every year. The remaining staff employed within the Early Years Service are undertaking key statutory roles and any reductions would have an adverse effect on Southampton City Council's ability to fully discharge its statutory childcare duties placed upon them under the Childcare Act 2006 and Childcare Act 2016.
2. Our statutory duty to ensure childcare sufficiency is already being met through the wide range of other childcare providers throughout the city and within the local area. These include alternative Day Nurseries, Pre-schools, Childminders and School/Academy run nurseries.
3. All previously registered children attending the nursery have since transitioned into school in September 2024. There are currently no children on roll. Any new requests from parents have been delayed until the outcome of a decision by Cabinet. This decision was based on the best interests of the children and their development from being adversely impacted by any possible closure so soon after starting having developed relationships with other children and staff and establishing routines etc.
4. Quality of childcare provision – Startpoint Sholing was judged as 'Good' at their last Ofsted Inspection. Southampton's Childcare sector has higher

than the national average number of childcare providers ranked 'Good' or 'Outstanding' by Ofsted at their most recent inspection. Out of the 300+ Ofsted registered childcare providers within the city, only one provider is currently judged less than good by Ofsted. In fact, Southampton also has above the national average of providers judged as 'Outstanding' by Ofsted. Therefore, parents/carers do have a choice on a range of high-quality early years and childcare places that are available throughout the city in every ward.

5. Levels of support for children with Special Educational Needs and Disabilities (SEND) – Startpoint Sholing Childcare Nursery is not a specialist nursery, although the stakeholder consultation identifies that they do offer good support to families for children with SEND.

The Council does have a service contract in place with another established provider, recognised for their work with children with complex needs. It also includes a Family Support Worker who provides extended support to the family. They have expanded their outreach offer within the city which has enabled them to support many more children. In addition, the Early Years and Childcare Service has available the following accredited training for providers to support children with SEND:

- Level 3 – SEND Co-ordinator (over 85% of the city's early years settings now have at least one SENDCo trained at level 3).
- Level 2 – SEND Practitioner (we want all practitioners who work with children in early years to be a SEND practitioner).
- Level 1 – Dingley's free on-line Training for staff and parents to have a better understanding and awareness in supporting children with SEND.
- Bespoke Training Programme to support quality improvement and SEND support.

Lastly, for any parent/carer of any child who is struggling to find a childcare place that meets their needs, then the Early Years Service offers a free 'Childcare Brokerage Service' to families where we will work with them to identify suitable childcare that meets their needs.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Do Nothing – For this option to be considered it would need the ongoing annual investment of more than £300k each year from the Council to cover the ongoing operational deficit.
2. Re-structure – A task and finish group was set up, comprising of membership from HR, Finance, Early Years colleagues, SEND, Nursery Management, Southampton's nursery sector and representatives from the DfE Early Years Experts and Mentors programme who between them have investigated countless re-structuring models. Unfortunately, none of these have proved to be sustainable without significant ongoing subsidy from the Council. A further remodelling scenario was considered as a specialist inclusive nursery. However, this option forecasts an even higher deficit for the nursery.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

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CONFLICTS OF INTEREST
None.

CONFIRMED AS A TRUE RECORD	
We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.	
Date:	Decision Maker:
_____	The Cabinet
_____	_____
_____	Proper Officer:
_____	Claire Heather / Judy Cordell

SCRUTINY
Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.
Call-In Period expires on

Date of Call-in <i>(if applicable) (this suspends implementation)</i>

Call-in Procedure completed <i>(if applicable)</i>

Call-in heard by <i>(if applicable)</i>

Results of Call-in <i>(if applicable)</i>

Decision No:

Decision No:

Forward Plan No:
This record relates to on the agenda for the Decision-Making

Agenda Item 4

Appendix 3

DECISION-MAKER:	CABINET
SUBJECT:	CLOSURE OF STARTPOINT SHOLING DAY NURSERY
DATE OF DECISION:	26th November 2024
REPORT OF:	COUNCILLOR WINNING CABINET MEMBER FOR CHILDREN AND LEARNING

<u>CONTACT DETAILS</u>			
Executive Director	Title	Community Wellbeing, Children and Learning	
	Name:	Robert Henderson	Tel: 023 8083 4899
	E-mail	Robert.henderson@southampton.gov.uk	
Author:	Title	Service Manager – Early Years	
	Name:	Darrin Hunter	Tel: 023 8083 2112
	E-mail	Darrin.hunter@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
NOT APPLICABLE
BRIEF SUMMARY
<p>This report seeks a decision from Cabinet to approve the recommendation of the Cabinet Member for Children and Learning and the Executive Director for Community and Wellbeing, Children and Learning for the permanent closure of the Startpoint Sholing Nursery with immediate effect. Further, the report seeks approval for the commencement of the process for making staff redundancies in line with SCC policy and procedures. The proposed closure of the centre is as a result of the significant ongoing unauthorised operational deficit the nursery requires to continue operating.</p> <p>Southampton City Council has a statutory duty to ensure that there is a sufficient supply of good quality, flexible childcare choices available, in response to parental demand. Statutory guidance does not specify who should provide these places. Currently 91% of Southampton’s childcare sector is provided by the Private, Voluntary and Independent sectors (PVI). The Council’s role is to act as a ‘market facilitator’ and ‘enabler’ to the sector.</p> <p>The government have introduced a new extended childcare offer for qualifying children from the age of 9 months. Southampton has responded in collaboration with the sector by exceeding our Department for Education (DfE) target of 44 new early years childcare places, by creating an additional 170 new places up to September 2024. This does not include the additional 220 places planned for 2025. This, along with our Autumn Term provider sufficiency survey, demonstrates that Southampton has more than sufficient places available to meet parental demand. The additional surplus also provides a healthy contingency for multiple unexpected closures.</p>

Summary of Impact and Issues

Startpoint Sholing Childcare Nursery is a council run childcare nursery registered by Ofsted to care for up to 26 children. All current children have transitioned to school in September 2024. The nursery currently employs 10.22 FTE staff, the majority are female and predominantly part time. The nursery occupies one of the classrooms and associated staff areas within the Startpoint Sholing Early Years Centre.

Since the nursery opened, it has continued to incur a financial deficit year on year and relied on SCC subsidies to break even.

- 2021/22 - £379k deficit
- 2022/23 - £367k deficit
- 2023/24 - £358k deficit

A task and finish group was set up with colleagues within Finance, HR, the Nursery Manager, members of the Early Years/Childcare Service, with input from Legal and representatives from the DfE Experts and Mentors Programme to try and identify a viable model that was sustainable. This resulted in several measures being introduced in 2024, which have been successful in reducing the deficit from £358k to a forecast £202k for 2024/25. However, it has still not been possible to identify a financially viable structure for the nursery that would enable them to break even.

The Early Years funding that is provided by the DfE, does not cover the costs of sustaining this nursery without the need for significant on-going subsidies from the Council to cover the ongoing operational deficit.

RECOMMENDATIONS:

	(i)	To approve the closure of Startpoint Sholing Childcare Nursery with immediate effect.
	(ii)	To delegate authority to the Executive Director of Community Wellbeing, Children and Learning, following consultation with the Executive Director of Enabling Services, to take any action necessary to give effect to recommendation 1 including but not limited to undertaking any relevant HR and contractual processes.

REASONS FOR REPORT RECOMMENDATIONS

1.	Any deficit in the nursery budget has not been included and therefore alternative budget savings would need to be found within the wider Early Years Service. This can only be achieved through further staff redundancies every year. The remaining staff employed within the Early Years Service are undertaking key statutory roles and any reductions would have an adverse effect on Southampton City Council's ability to fully discharge its statutory childcare duties placed upon them under the Childcare Act 2006 and Childcare Act 2016.
2.	Our statutory duty to ensure childcare sufficiency is already being met through the wide range of other childcare providers throughout the city and within the local area. These include alternative Day Nurseries, Pre-schools, Childminders and School/Academy run nurseries.
3.	All previously registered children attending the nursery have since transitioned into school in September 2024. There are currently no children on roll. Any new requests from parents have been delayed until the outcome of a

	<p>decision by Cabinet. This decision was based on the best interests of the children and their development from being adversely impacted by any possible closure so soon after starting having developed relationships with other children and staff and establishing routines etc.</p>
4.	<p>Quality of childcare provision – Startpoint Sholing was judged as ‘Good’ at their last Ofsted Inspection. Southampton’s Childcare sector has higher than the national average number of childcare providers ranked ‘Good’ or ‘Outstanding’ by Ofsted at their most recent inspection. Out of the 300+ Ofsted registered childcare providers within the city, only one provider is currently judged less than good by Ofsted. In fact, Southampton also has above the national average of providers judged as ‘Outstanding’ by Ofsted. Therefore, parents/carers do have a choice on a range of high-quality early years and childcare places that are available throughout the city in every ward.</p>
5.	<p>Levels of support for children with Special Educational Needs and Disabilities (SEND) – Startpoint Sholing Childcare Nursery is not a specialist nursery, although the stakeholder consultation identifies that they do offer good support to families for children with SEND.</p> <p>The Council does have a service contract in place with another established provider, recognised for their work with children with complex needs. It also includes a Family Support Worker who provides extended support to the family. They have expanded their outreach offer within the city which has enabled them to support many more children. In addition, the Early Years and Childcare Service has available the following accredited training for providers to support children with SEND:</p> <ul style="list-style-type: none"> • Level 3 - SEND Co-ordinator (<i>over 85% of the city’s early years settings now have at least one SENDCo trained at level 3</i>). • Level 2 - SEND Practitioner (<i>we want all practitioners who work with children in early years to be a SEND practitioner</i>). • Level 1 - Dingley’s free on-line Training for staff and parents to have a better understanding and awareness in supporting children with SEND. • Bespoke Training Programme to support quality improvement and SEND support. <p>Lastly, for any parent/carer of any child who is struggling to find a childcare place that meets their needs, then the Early Years Service offers a free ‘Childcare Brokerage Service’ to families where we will work with them to identify suitable childcare that meets their needs.</p>
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
1.	<p>Do Nothing – For this option to be considered it would need the ongoing annual investment of more than £300k each year from the Council to cover the ongoing operational deficit.</p>
2.	<p>Re-structure – A task and finish group was set up, comprising of membership from HR, Finance, Early Years colleagues, SEND, Nursery Management, Southampton’s nursery sector and representatives from the</p>

	<p>DfE Early Years Experts and Mentors programme who between them have investigated countless re-structuring models. Unfortunately, none of these have proved to be sustainable without significant ongoing subsidy from the Council. A further remodelling scenario was considered as a specialist inclusive nursery. However, this option forecasts an even higher deficit for the nursery.</p>
<p>DETAIL (Including consultation carried out)</p>	
<p>1.</p>	<p>Formal staff consultation with those affected and Unions commenced on 2nd September and closed on 16th October 2024. A letter summarising the outcomes from the staff consultation is included within Appendix 2.</p> <p>An alternative proposal was received by Unison (Appendix 1) as part of the formal staff consultations which shows an ongoing deficit of £44k. However, when analysing their proposal in more detail and including some key omissions such as Professional fees/subscriptions, early years mandatory staff training, cleaning and cleaning materials etc. Together with inaccurate assumptions in income and taking into account higher staff ratios for children with SEND; their proposal is estimated to be £150k in deficit. Furthermore, any delay or decision to restructure the nursery as put forward in the Unison proposal, will be subject to further ongoing formal consultations and this delay will increase this deficit further</p>
<p>2.</p>	<p>Stakeholder consultation was also undertaken which received a total of 407 responses. A copy of the responses is included as Appendix 3.</p> <p>Highlights</p> <p>A total of 407 responses were received.</p> <p>62% of respondents were residents of Southampton</p> <p>30% of respondents were a parent or carer of a nursery aged child locally</p> <p>17% were someone that works, visits or studies in Southampton</p> <p>A total of 95% of respondents disagreed with the proposal.</p> <p>The following impacts have been considered and where possible appropriate mitigations are either in place or being proposed.</p> <p>1. Impact on children/parents – The Council as part of its commitment to families have honoured the nursery contract that was in place with parents, culminating in all children transitioning to start school in September 2024. Due to the uncertainty about the nursery’s future, no new children were offered a place for September as any major disruption to a child’s early development can have a negative impact on their progress (e.g. creating relationships, establishing routines and securing attachments to staff and the environment etc). In addition, any requests we have received from prospective parents for a space in September, have been written to, informing them that the future of the nursery is being reviewed and that until a decision has been made (<i>November 2024</i>), we are unable to provide their child a place. We also advised parents that whilst we are happy to retain their details on a waiting list, if they needed a guaranteed space for their child</p>

	<p>(e.g. to enable them to work, undertake training etc), they may wish to explore vacancies with alternative local childcare providers who do have vacancies.</p> <p>The development of new childcare places across the city and within the local area adequately insures the availability of places for parents/carers within the local area.</p> <p>2. Impact on other providers, including schools – Closure of the Sholing nursery will not have a detrimental impact on neighbouring Ofsted registered providers or schools. The fact is, for most providers it will help to increase their future occupancy levels and improve their long-term sustainability. The increase in new provision within the local area, some of which are within schools is further supported by the governments recently announced policy to develop new childcare nurseries throughout schools in England.</p> <p>3. Impact on staff – the uncertainty on the future of the nursery has resulted in many staff securing alternative employment, some of which with neighbouring childcare providers. There are also redeployment opportunities that would be available to staff both within the service, and potentially across the wider Council. Due to the ongoing staffing shortages that currently exist within Southampton’s childcare sector (<i>102 job vacancies as of October 2024</i>) the early years’ service can help to facilitate and broker, new external employment opportunities for anyone wishing to continue to work within childcare.</p>
--	---

RESOURCE IMPLICATIONS

Capital/Revenue

1.	There is expected to be an overspend in the nursery budget as reported to Finance in Q1, if a decision to close the nursery is approved by Cabinet. This is primarily due to notice payments and redundancy pay awards. Any other decision will result in further significant overspend.									
2.	<p>Costs Summary</p> <table border="1" style="width: 100%;"> <tr> <td>Total Notice Pay</td> <td style="text-align: right;">£52,696</td> </tr> <tr> <td>Total Redundancy Costs</td> <td style="text-align: right;">£74,982</td> </tr> <tr> <td>Nursery forecast budget deficit for 24/25 (If decision to close is approved)</td> <td style="text-align: right;">£202,062</td> </tr> <tr> <td>Total forecast Liability</td> <td style="text-align: right;">£329,740</td> </tr> </table>		Total Notice Pay	£52,696	Total Redundancy Costs	£74,982	Nursery forecast budget deficit for 24/25 (If decision to close is approved)	£202,062	Total forecast Liability	£329,740
Total Notice Pay	£52,696									
Total Redundancy Costs	£74,982									
Nursery forecast budget deficit for 24/25 (If decision to close is approved)	£202,062									
Total forecast Liability	£329,740									
3.	<p>The costs arising from the Notice Pay and the in-year deficit totalling £254,758 will be met from the Dedicated Schools Grant.</p> <p>The redundancy costs of £74,982 will be met by the Central Contingency within the Council’s General Fund.</p> <p>It should be noted that the closure of the nursery will prevent further increases to the accumulated deficit in future years.</p>									

Property/Other

1.	If the proposal is approved, the vacated space occupied by the nursery will be used to deliver other key priority early years services.
----	---

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

1.	The proposed closure of the nursery is subject to formal staff consultation which commenced on 2 nd September 2024 and concluded on 16 th October 2024. A letter to staff and Unions following the outcome of the staff consultation is included as Appendix 2
2.	The proposed closure of the nursery is subject to non-statutory, formal stakeholder and public consultations under the Councils consultation guidance . This stakeholder consultation commenced on 2 nd September 2024 and concluded on 18 th October 2024. A copy of the report is available under Appendix 3
3.	The Council is under no legal duty to operate the centre in its current form, but as a discretionary service, the Council must satisfy itself it has considered all material considerations around sufficiency of early years places, demand and resourcing implications when reaching a decision to reduce or remove discretionary services of this nature.

Other Legal Implications:

1.	The proposals have been subject to an Equalities Impact Assessment under s.149 Equalities Act 2010 and the Assessment is set out for Members consideration in reaching their decision at appendix 4 of this report
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RISK MANAGEMENT IMPLICATIONS

1.	None
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POLICY FRAMEWORK IMPLICATIONS

1.	The Early Years and Childcare Strategy 2022 -2027
2	Early Years and Childcare Statutory Guidance for Local Authorities

KEY DECISION?	Yes
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WARDS/COMMUNITIES AFFECTED:	Sholing and Thornhill Wards
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SUPPORTING DOCUMENTATION

Appendices

1.	Staff/Unions proposal - Alternative restructure Proposal - Startpoint Sholing Nursery Proposal
2.	End of Consultation Outcome letter to staff
3.	Stakeholder Consultation Summary
4.	Equality Impact Assessment

Documents In Members' Rooms

1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	

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Startpoint Sholing Nursery

Proposal 2024

Contents

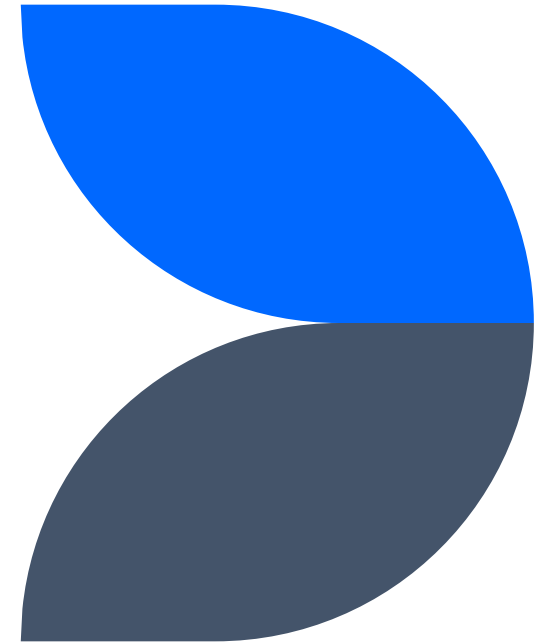
- Introduction
- Primary goals
- Employee costs
- Staffing structures
- Comparisons
- How we get there
- Why?
- Summary

Introduction

Startpoint Sholing entered a consultation phase in September 2024. The proposal was for the nursery to close due to our on-going deficit. We have been working together as a team alongside our Unison reps to propose a new proposal for consideration regarding how we can reduce the nursery deficit and continue to run providing a much-needed service to the local community as well as securing peoples' careers.

Primary goals

- Raise awareness of current employee costs for Sept 2024
- Suggest restructure potential
- Propose future revenue suggestions



September 2024 current staffing

Labour Structure	Total Weekly Hours	Hourly Rate	Total Weekly Rate	Salary	N.I	Pension & Life Assurance
	37.00	£12.46	£ 461.02	£20,746	£ 1,607	£ 985
	37.00	£14.91	£ 551.67	£28,687	£ 2,703	£ 1,363
	19.00	£12.46	£ 236.74	£10,653	£ 214	£ 506
	22.50	£17.59	£ 395.78	£20,580	£ 1,584	£ 978
	22.50	£17.59	£ 395.78	£17,810	£ 1,202	£ 846
	20.00	£12.46	£ 249.20	£11,214	£ 292	£ 533
	22.50	£14.91	£ 335.48	£17,445	£ 1,152	£ 829
	28.00	£14.91	£ 417.48	£21,709	£ 1,740	£ 1,031
	26.00	£12.46	£ 323.96	£14,578	£ 756	£ 692
	22.50	£12.46	£ 280.35	£14,578	£ 756	£ 692
	22.50	£17.59	£ 395.78	£17,810	£ 1,202	£ 846
	37.00	£25.13	£ 929.81	£48,350	£ 5,417	£ 2,297
	16.00	£12.46	£ 199.36	£8,971	-	£ 426
	20.00	£12.46	£ 249.20	£11,214	£ 292	£ 533
	19.00	£12.46	£ 236.74	£10,653	£ 214	£ 506
	22.50	£19.81	£ 445.73	£23,178	£ 1,943	£ 1,101
	14.00	£14.91	£ 208.74	£9,393	£ 40	£ 446
Net Cost	408.00	257.03	6,312.80	307,569.77	21,113.80	14,609.56
Employer's National Insurance				£ 21,114		
Pension 3% and Assurance 1.75%				£ 14,610		
Total Cost				£ 343,293		

This is how our current staffing structure looks for month 6. Our employee costs have dramatically changed since the last finance information of 2023/2024

Restructure

Labour Structure	Total Weekly Hours	Hourly Rate	Total Weekly Rate	Salary	N.I	Pension & Life Assurance
Nursery Manager	37.00	£19.81	£ 732.97	£32,984	£ 3,296	£ 1,567
Deputy/Senco	37.00	£17.59	£ 650.83	£29,287	£ 2,786	£ 1,391
Room Lead	37.00	£14.91	£ 551.67	£24,825	£ 2,170	£ 1,179
Nursery Assistant	37.00	£12.46	£ 461.02	£20,746	£ 1,607	£ 985
Nursery Assistant	37.00	£12.46	£ 461.02	£20,746	£ 1,607	£ 985
Nursery Assistant	37.00	£12.46	£ 461.02	£20,746	£ 1,607	£ 985
Nursery Assistant	37.00	£12.46	£ 461.02	£20,746	£ 1,607	£ 985
Lunch Assistant	25.00	£11.98	£ 299.50	£13,478	£ 604	£ 640
Position	0.00		£ -	£0	£ -	-
Position	0.00		£ -	£0	£ -	-
Net Cost	284.00	114.13	4,079.05	183,557.25	15,284.50	8,718.97
Employer's National Insurance				£ 15,285		
Pension 3% and Assurance 1.75%				£ 8,719		
Total Cost				£ 207,561		

Our proposed restructure:

1x Manager

1x Deputy/Senco

1x Grade 6 (room leader)

4x Grade 4

1x Grade 3



Comparison

Start Point	2023 / 2024		Restructure		
Overheads					
Premises	£	95,147.00	£	95,147.00	We would like to unpick our premises cost as we use far less of the building than previous. Is this something that could be looked at to reduce?
Suppliers and services	£	9,052.24	£	9,052.24	
	£	-	£	-	
Total	£	104,199.24	£	104,199.24	
Labour					
Labour Costs	£	521,962.66	£	207,560.72	There is a huge difference in labour costs £ 314,401.94
Employment Labour total	£	521,962.66	£	207,560.72	
Other Costs					
Income	-£	267,641.32	-£	267,641.32	We havent had any new children on role since these figures came therefore it isnt a true reflection of what our income could be.
Consumables					
Uplift					
Total Other Costs	-£	267,641.32	-£	267,641.32	
Cost	£	358,520.58	£	44,118.64	This deficit could be reduced again by adding in uplifts!
Average Monthly	£	29,876.72	£	3,676.55	

How we get there – Collaborative work

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Working in partnership with teams within SCC to improve operations for Startpoint Sholing.

Pursue scalable service through sustainable strategies including uplifting EY hourly rates.

Modify our offer to term time only.

Introduce marketing to include the working parental requiring term time only childcare.

Offer childcare spaces for under 2yr olds (brings in more funding per hour).

Outsource the building/room during school holidays.

Offering stay and play groups (childminder etc)

Restructure of standard pricing tariff for additional hours.

Restructure of session times utilising opening hours.

Clear financial budget for premises overheads.

Why Startpoint?

We are more than your normal nursery and we are all very passionate about Start Point and helping our local families.

We also support college students and student teachers from our local school and attend inclusion meetings regularly.

Our current staff team have a wealth of knowledge, qualifications including Makaton training, forest schools education, Healthy early years, inclusion, special educational needs. All our staff also have a extent number of years in childcare education.

Parents We need our new government to ensure our local authority nurseries do not close through lack of money as there is definitely a need for us.

We have supported children with autism, ADHD, speech & language needs, hearing impairment, physical impairments, cerebral palsy, chromosomal disorders, seizures, global delay – we will help any family in getting the right care for their child.

We consistently mould our practice to meet the demands of our families we are supporting.

We have a consistent wait list for places at our setting

We signpost families to other services they may need such as food banks, housing, doctors.

We have a variety of outside agencies that we work with including Early Year's Advisory Teacher/Area SENDCo, Speech & language therapists, Physical therapists, Educational psychologists, Occupational therapists, Portage workers, Community paediatrician, Health visitors, Development workers, Specialist advisory teachers, Social workers & Assessment coordinators.

Labours plans:

Childcare will support our children to achieve and thrive

- *Labour will deliver half a million more children hitting the Early Learning Goals by 2030.*
- *Labour will bring a new focus on supporting language skills and maths learning right from the start.*
- *Labour will support staff working in childcare & early education so they are recognised for the skilled and important work they are doing.*
- *Labour is determined to deliver not just more childcare, but better childcare and early education – for the best start to every life.*

“

Early years are important because they lay the foundations for a child's development. Startpoint has become part of our family and it is heartbreaking to see the potential closure. They are not just a childcare setting.

Parent, August 2024

”

Summary

As part of the staffing team at Start Point Sholing we have reviewed the finances and information that was made available to us. We believe we have the basis of a sustainable model going forward.

Page 30
These finances that are being shared are from April 2023 - March 2024. We are 5.5FTE members less and this does not show in staffing cost.

If Startpoint were able to have enrolled children in the past year that would have been more income and less of a deficit on top of employee reduction.

We completely understand that our deficit is a substantial amount of money, however this presentation is to highlight the current finances that the consultation is being based on are not true reflection of the current situation. Unfortunately, they are vague and have made our restructure proposal difficult for precise numbers.

We want to show there is potential to save money and continue our service which is key for our local area.

Thank you



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Direct dial: 023 8083 2112
Email: darrin.hunter@southampton.gov.uk
Please ask for: Darrin Hunter Ext Number 2112
Our ref: ENDCONS

PERSONAL AND CONFIDENTIAL

8th November 2024

Start Point Sholing Day Nursery – End of Formal Consultation

I am writing to confirm the outcome following the formal 45-day consultation period which commenced on 2nd September 2024 and ended on 16th October 2024. All staff in scope were invited to a consultation meeting held on 13th September 2024 which outlined the proposals for the closure of the Day Nursery and allowed questions and feedback to be raised. A copy of the proposal and consultation documents were placed on the Live Restructures webpage on the staff intranet along with all other supporting documents.

Consultation Feedback:

One-to-one consultation meetings with myself were offered to affected staff to give the opportunity to have a further confidential discussion on the potential impact on your role. During these meetings any questions raised, and the subsequent feedback were included as areas for discussion within wider staff meetings and are summarised below:

- More information on applying for internal positions and requests for being placed on the redeployment register early. - Staff were provided with a copy of the policy and any member of staff who requested to be placed upon the redeployment register were actioned immediately.
- Interest in finding out more about Springwell positions – Contact was made with Springwell School who recommended informal discussions with Springwell HR Staffing Lead who arranged work experience days for nursery staff.
- Confirmation on notice periods and whether in certain circumstances this could be reduced – subject to the specific circumstances, the answer was yes subject to managers discretion.
- Clarification around redeployment within a school post which is solely funded through SCC – Contact with HR colleagues who provided advice and support to the individual.
- Clarification around whether employment through the Temporary Employment Agency (TEA) would be count as continuous service – HR undertook extensive analysis of the records and the individual outcomes for each staff member affected has been fed back.

Work Experience, Redeployment & Training/Support:

Following one-to-one discussions, staff who have opted in to the redeployment process have been placed on the redeployment register. Staff will continue to be supported to find and apply for suitable alternative employment where such opportunities exist.

Work experience opportunities across Children's Services & Learning for existing nursery staff to train and upskill have been communicated with staff and these include offers from the following services:

- **Educational Welfare Service** – Job shadowing and additional training including Safeguarding
- **SEND Service** – Job shadowing, SEND systems and IT
- **Family Hubs** – Signposting parents, Universal group support
- **Libraries** – Supporting existing library staff during structured family sessions e.g Rhyme Time, and craft sessions etc.
- **HR Recruitment Team** – provided training around CV building, Redeployment process and skills mapping and support around completing application forms etc.
- **Job Club** – Proposed training is arranged over coming weeks focusing on IT skills and further support for CV writing and preparation for interviews.
- **Further opportunities to extend skills have been provided** – Springwell shadowing, archiving, access to online training including early years development training course, L2 Understanding children's mental health, Dingley's SEND training, my learning modules and Language and Communication training.
- **Educational Psychologists support** – safe space to talk and debrief (to support staff Wellbeing)

During consultation staff requested additional support to improve their computer/digital skills, application, CV writing and interview skills. Training sessions were organised through various routes including:

- Application, CV writing and interview skills with the Councils Recruitment Team
- Computer Skills Course in partnership with SCC Libraries
- Online training courses

Also arranged to take place is an IT skills, job application, CV and interview skills session in partnership with the Employment Skills Team. This session for affected staff is scheduled to take place on 14th November, 10.00am to 1.00pm at Startpoint Sholing.

The Council's recognised trade unions have been kept up to date during consultation and will continue to be available to support staff. Please contact your TU rep directly should you wish to arrange a discussion with them. Unison members were provided with a verbal response at today's End of Consultation Meeting at Startpoint Sholing. A formal written response will be provided to Unison next week.

A number of questions were raised during the End of Consultation meeting (08/11/2024) and the responses can be found below;

If the decision is made to close the setting on 26th November...

- What will be our official last working day, and how does pay work (November / December pay, notice periods, holiday, when would redundancy or last pay be)? *The last working day for staff will be dependent on when notice is given and what the timescale is for the official closure date of the nursery. There is an option for staff to have an informal meeting with Darrin, or a formal dismissal hearing can be arranged which would be chaired by a Head of Service. Whether you opt to have an informal meeting or formal hearing your last working day will be agreed, pay in lieu of notice, outstanding AL entitlement and redundancy payment will be confirmed at that time and paid to you on the 23rd of the month following the last working day.*
- If you then want to go on the redeployment list at this point is it possible to join? *Staff were given the opportunity to go onto the register at the start of the consultation process in September 2024. Staff will be able to go onto the redeployment register up until the decision is made by Cabinet and an official closure date confirmed.*
- What happens if you have been on redeployment and not found anything suitable (do you have the same rights to notice periods/ redundancy) and how long can you remain on the redeployment list? *All staff with over 2 years continuous service have the same rights to notice periods and redundancy payments regardless of whether they have opted in or out of the redeployment process. If staff have been unsuccessful in finding alternative employment within the Council, last working day will be agreed, and they will leave the Councils employment with their final salary payment, pay in lieu of notice, outstanding annual leave and redundancy payment.*
- If you can stay on the redeployment list throughout the notice period what will work look like during this time? *If the decision is made to close the nursery and an official closure date agreed, staff can remain on the redeployment register up until their last day in service. Pay in lieu of notice would be given should the decision be made to close the nursery.*
- What happens if I am in the middle of a redeployment process? *If you have been offered a trial period in another job role, this would continue until then end of the agreed trial period. If the trial period is unsuccessful, you will leave with a redundancy payment.*
- What will happen with outstanding sorting of equipment including archiving for the nursery? *Alternative arrangements will be put into place*

If the decision is to restructure... This will depend on the Cabinet decision

- What is the restructure process? *A further separate consultation process will be required on the proposal.*
- Will those who want to take redundancy need to wait until the end of a restructure process? *This would be dependent on the Cabinet decision and any restructure proposal put forward.*

In addition, the draft Stakeholder Consultation summary is being analysed and should be ready for uploading onto the website next week.

It is important to highlight that although staff and stakeholder consultation has now closed, a decision will not be made on the future of the Day Nursery until Cabinet meet on 26 November 2024. During this time staff will continue to be supported and further confidential one to one meetings can be requested as and when you require them. Once Cabinet have confirmed their decision on the proposals, you will be notified of this at the earliest opportunity and what this means for you individually.

I would like to take this opportunity to remind staff that the Employee Assistance Programme (EAP) can be accessed 24 hours a day, 365 days a year. The EAP is a confidential and free service for Council employees who require support or advice on a range of subjects. The service can be accessed via the confidential helpline on **0330 380 0658** or you can visit the website: <https://vivup.yourcareeap.co.uk?CODE=110263>.

Should you have any queries in relation to the content of this letter please do not hesitate to contact me.

Yours sincerely

D Hunter

Darrin Hunter

Early Years Service Manager

Cc Trade Unions – Mark Roberts (Unison), John Early, Carol Wilson (Unite), Ali Haydor (GMB)

Draft Startpoint Sholing Day Nursery Consultation

Full results summary



- [Introduction](#)
- [Methodology](#)
- [Respondents](#)
- [Proposal feedback](#)
- [Free text comments](#)



Southampton City Council undertook a public consultation on **Startpoint Sholing Day Nursery**.

This consultation took place between **02/09/24** and **18/10/24**.

The aim of this consultation was to:

- Communicate clearly to residents and stakeholders the proposal for Startpoint Sholing Day Nursery.
- Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.

The primary method of gathering feedback for this consultation was via online questionnaire. Physical paper versions of the questionnaire were also made available, and respondents could also email yourcity.yoursay@southampton.gov.uk with their feedback, as well as respond by post.



Southampton City Council is committed to consultations of the highest standard and which are meaningful and comply with the *Gunning Principles*, considered to be the legal standard for consultations:

1. Proposals are still at a formative stage (a final decision has not yet been made);
2. There is sufficient information put forward in the proposals to allow ‘intelligent consideration’;
3. There is adequate time for consideration and response, and;
4. Conscientious consideration must be given to the consultation responses before a decision is made.



New Conversations 2.0
LGA guide to engagement



Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

1. **proposals are still at a formative stage**
A final decision has not yet been made, or predetermined, by the decision makers
2. **there is sufficient information to give ‘intelligent consideration’**
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. **there is adequate time for consideration and response**
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,¹ despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
4. **‘conscientious consideration’ must be given to the consultation responses before a decision is made**
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the ‘Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan²), which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey³), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.⁴

¹ In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

² BAILII, England and Wales Court of Appeal (Civil Decision) Decisions, Accessed: 13 December 2016.

³ BAILII, United Kingdom Supreme Court, Accessed: 13 December 2016

⁴ The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute



The agreed approach for this consultation was to use an online questionnaire & paper questionnaire as the main route for feedback; questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured way, helping to ensure respondents are aware of the background and detail of the proposals.

Respondents could also write letters or emails to provide feedback on the proposals: emails or letters that contained consultation feedback were collated and analysed as a part of the overall consultation.

The consultation was promoted in the following ways:

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- Promoted to existing service users
- Posters on site (internal and external doors)
- Promoted to potential future service users
- Letters/emails to parents and carers on waiting list
- Promoted to wider City Residents
- Posters for local schools, early years settings and Family Hubs in locality
- Southampton City Council website
- Social media (Nextdoor for Sholing area only)

All questionnaire results have been analysed and presented in graphs within this report. Respondents were also given opportunities throughout the questionnaire to provide written feedback on the proposals. All written responses and questionnaire comments have been read and then assigned to categories based upon sentiment or theme.

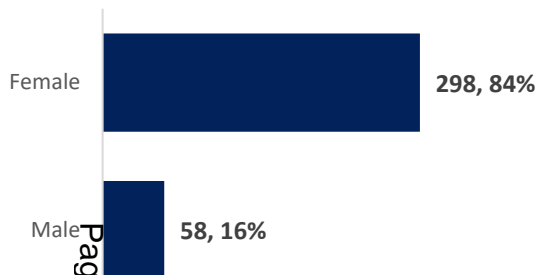


Total responses

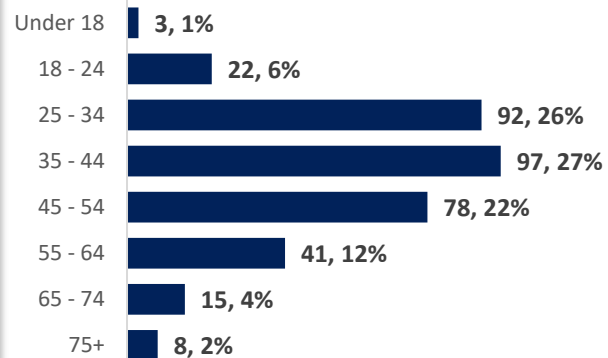
398 survey responses
9 email responses
407 Total

Graphs on this page are labelled as percentage (count).

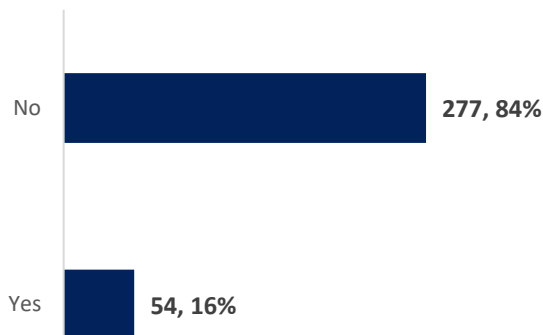
Sex



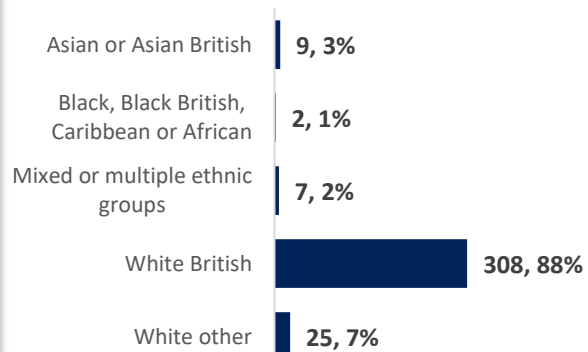
Age



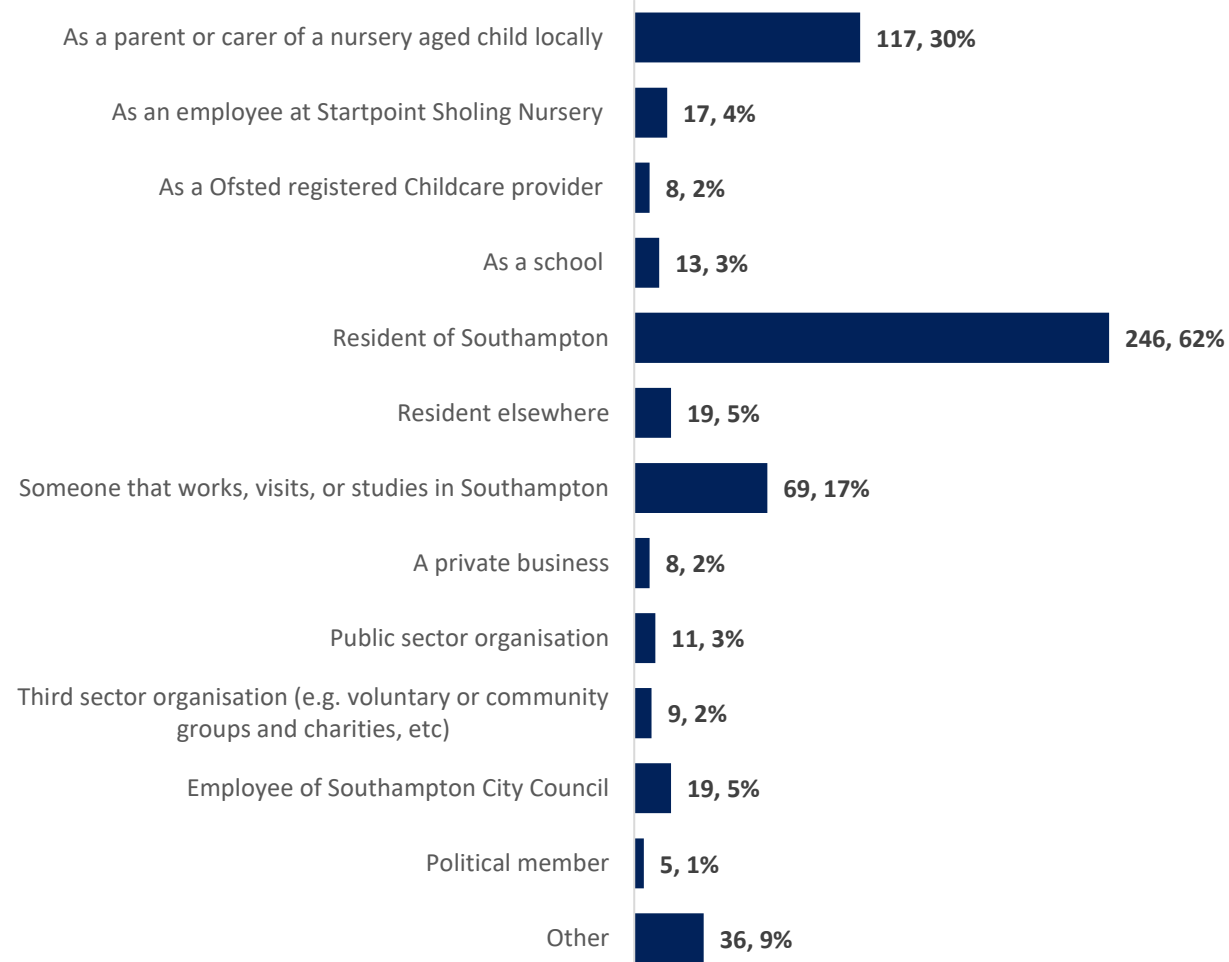
Disability



Ethnicity



Interest in the consultation





Consultation feedback



Startpoint Sholing is a Council-run, Ofsted-registered childcare nursery based at Startpoint Sholing Early Years Centre on Wood Close. The nursery has been in operation for over 20 years and offers 26 spaces for children.

The Early Years funding that is provided by central government does not cover the costs of sustaining this nursery without the need for significant on-going council subsidies. This is costing the council more and more each year and it has not been possible to identify a financially viable solution for the nursery.

Due to the significant creation of new childcare places recently opened locally and further planned expansions for 2025, we believe there is a sufficient supply of good quality, inclusive, affordable and flexible childcare choices available in Southampton. Therefore, we are proposing to close the Startpoint Sholing Childcare Nursery.

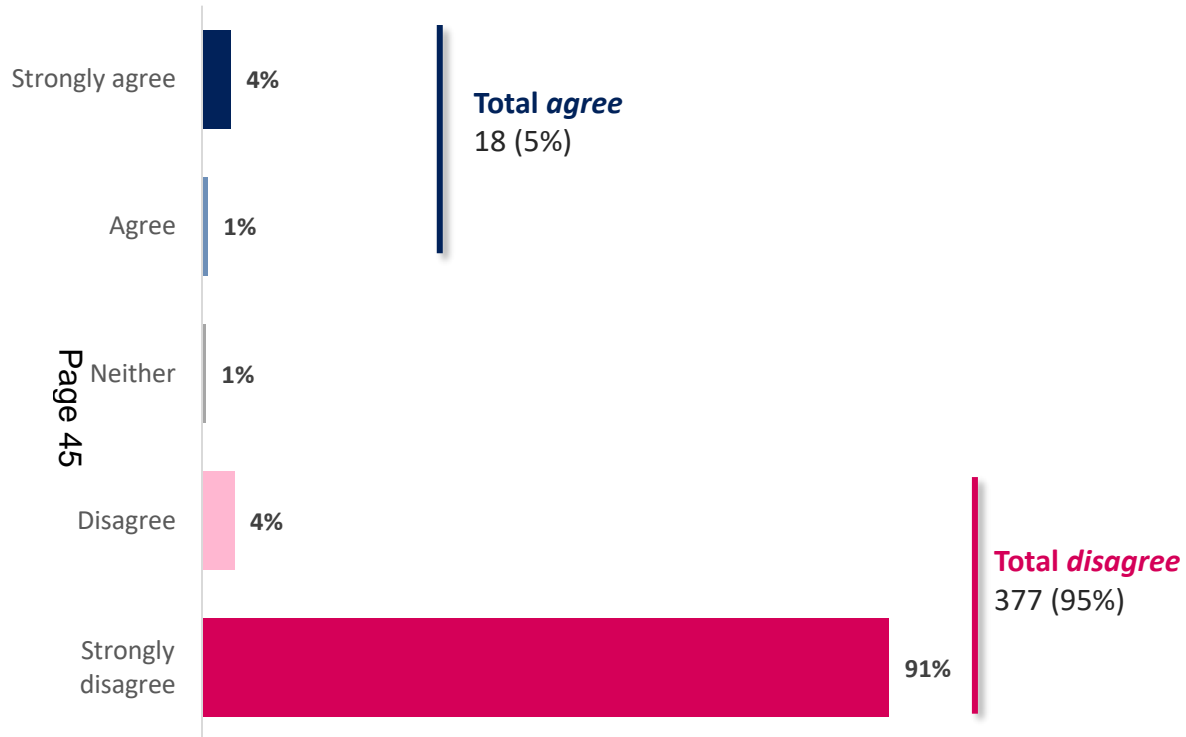
Due to the uncertainty about the nursery's future, no new children have currently been offered a place for September to avoid any major disruption to a child's early development.



Proposal to close Startpoint Sholing Day Nursery

Question 1 | To what extent do you agree or disagree with the proposal to close Startpoint Sholing Day Nursery?

Total responses | 397



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Breakdowns



**Small sample size – less than 50, *Small sample size – less than 100

Key findings

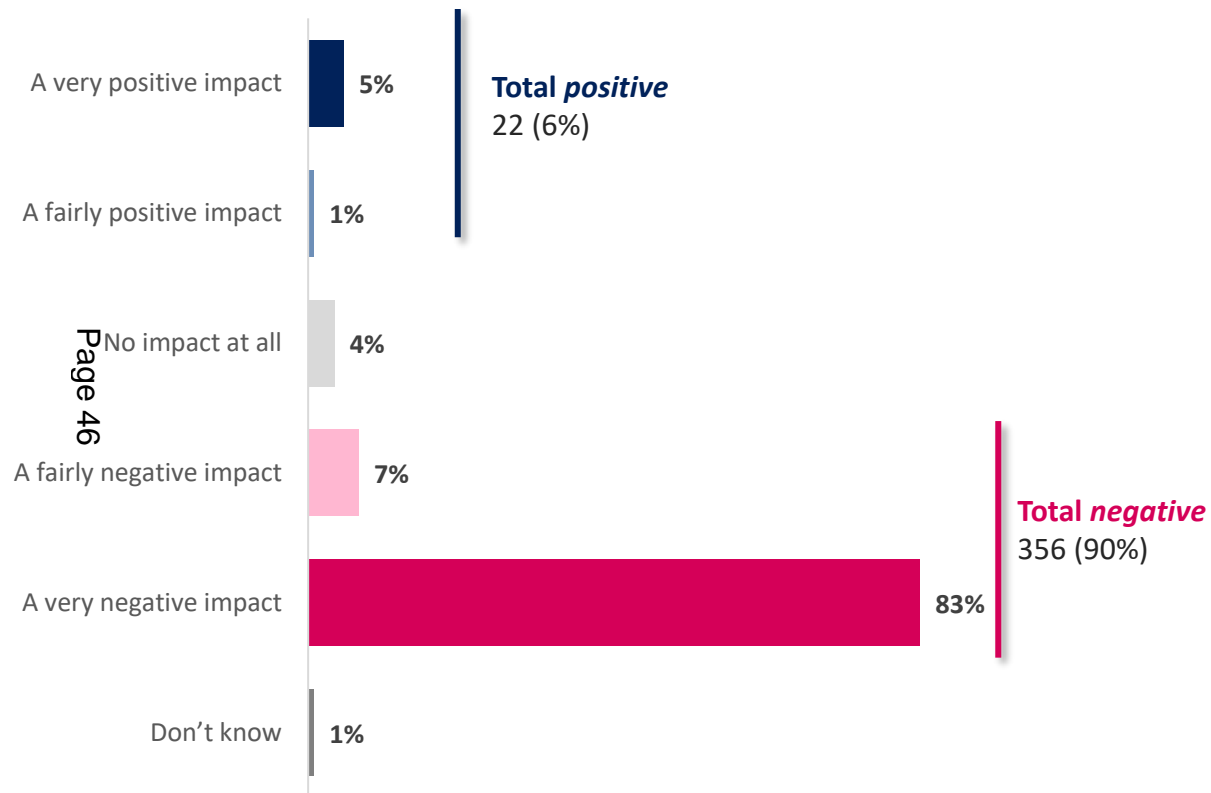
- 95% of respondents **disagree** with the proposal to close Startpoint Sholing Day Nursery.
- 91% of respondents with a **nursery aged child locally strongly disagree** to the proposal.



Proposal to close Startpoint Sholing Day Nursery

Question 2 | What impact do you feel this may have on you, your business or the wider community?

Total responses | 395

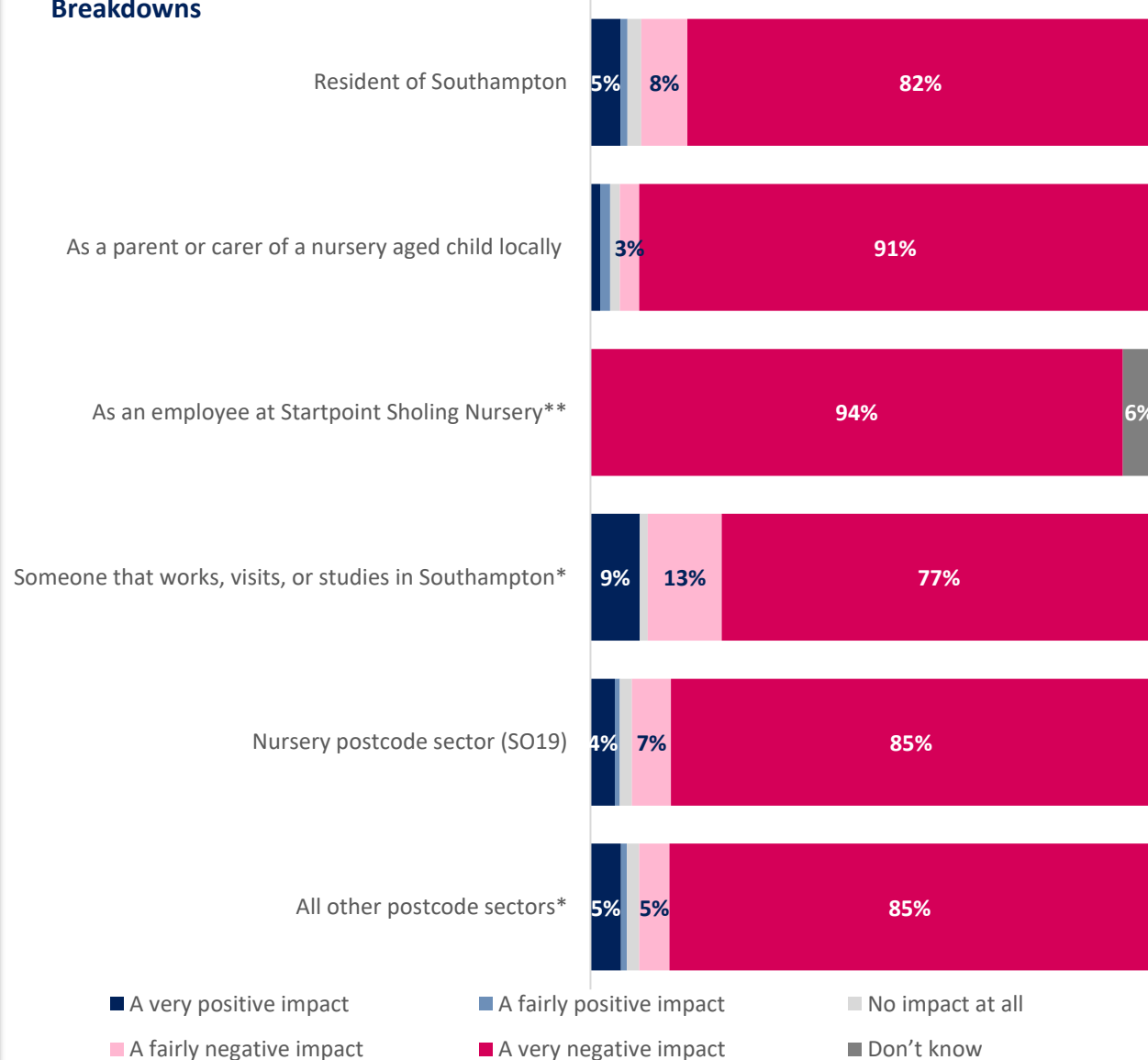


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Key findings

- 90% of respondents said the proposal to close Startpoint Sholing Day Nursery would have a **negative impact**.
- 91% of respondents with a **nursery aged child locally** & 94% of employees at Startpoint Sholing Nursery said this proposal would have a **very negative impact**.

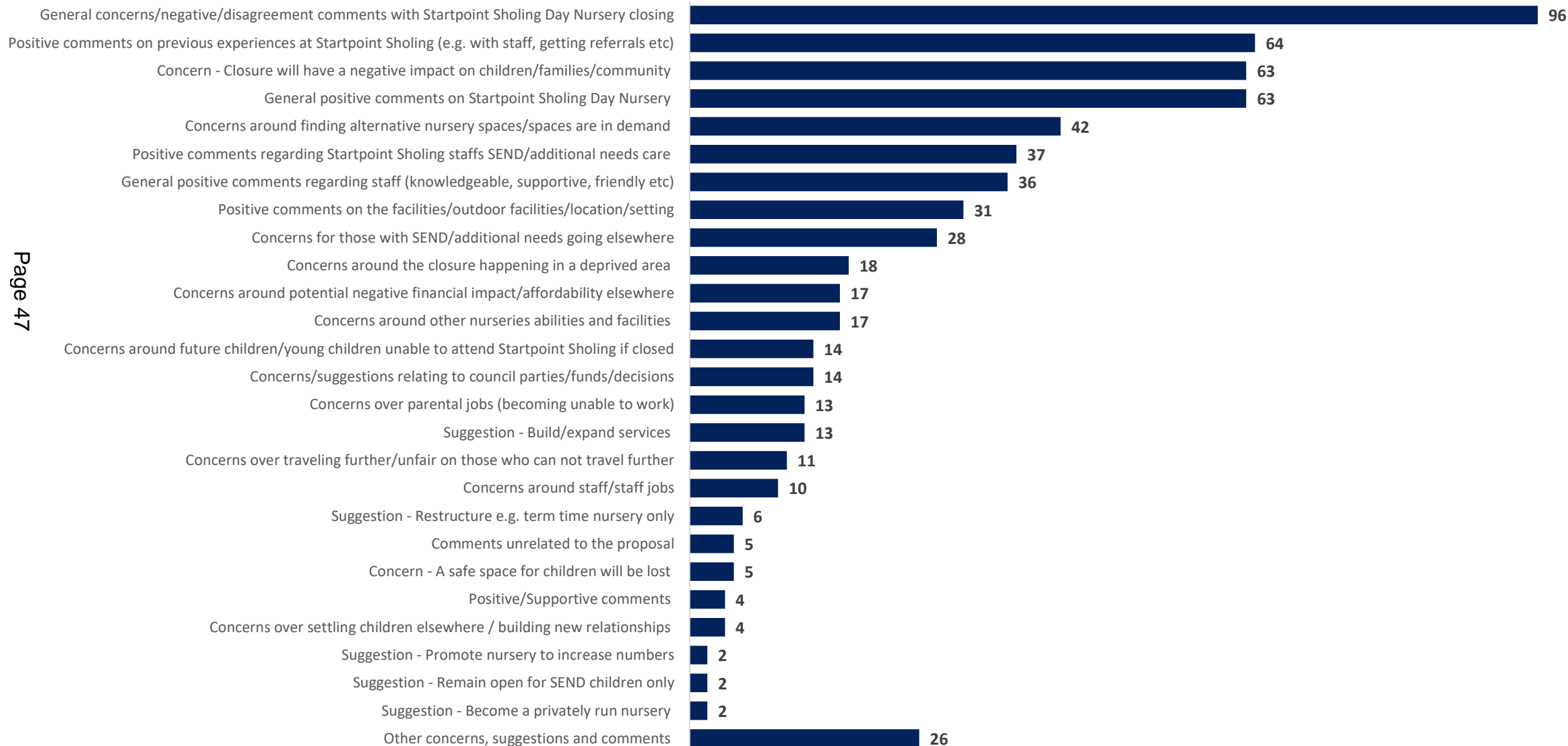
Breakdowns



**Small sample size – less than 50, *Small sample size – less than 100



Total Comments | 265



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Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Decision on the future of Startpoint Sholing Childcare Nursery
Brief Service Profile (including number of customers)	
Startpoint Sholing Childcare Nursery is a council run childcare nursery registered by Ofsted to care for up to 26 children. All current children transitioned to school in September 2024. The nursery currently employs 10.22 FTE staff, the majority are female and predominantly part time. The nursery occupies one classroom and associated staff areas within Startpoint Sholing Early Years Centre.	
Summary of Impact and Issues	
Since the nursery opened, it has continued to incur a financial deficit year on year and relied on SCC subsidies to break even. This deficit has continued to steadily increase year on year. A task and finish group were set up with colleagues within Finance and HR, Early Years and the Nursery Manager with input from Legal to address this. This resulted in several measures that were introduced in 2024, which were successful in partly reducing the deficit down from £358k, down to a forecast of £202k for 2024/25. However, despite implementing these changes, it has not been possible to identify a financially viable structure for the nursery that would enable them to break even. The Early Years funding that is provided by central government, does not cover the costs of sustaining this nursery without the need for significant on-going subsidies from the Council to cover the ongoing operational deficit.	
Potential Positive Impacts	
<ul style="list-style-type: none"> • Closure of the nursery would help to sustain neighbouring childcare provision, within the local area. • The potential for redeployment of skilled staff to other areas of the council with staffing shortages would support further retention of skilled staff. 	

<ul style="list-style-type: none"> Further efficiency savings may be possible by utilizing the classroom currently occupied by the nursery for other key statutory services, thus providing a further capital and revenue saving to the Council. 	
Responsible Service Manager	Darrin Hunter – Service Manager Early Years & Childcare
Date	8 th August 2024
Approved by Senior Manager	Robert Henderson – Executive Director, Wellbeing (Children & Learning)
Date	29 th August 2024

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	Closure of the nursery could have an impact on future children aged. (2-, 3- and 4-year-olds) who may wish to access their early years education entitlement at the centre.	There has already been a significant expansion of childcare places being provided within the local area, with plans in place for further expansions by private and voluntary childcare service providers over the coming months. These ensure the sufficient availability of childcare places within the local area in response to the increasing demands from parents/carers who rely on childcare to enable them to work.
Disability	Nationally, there is a growing issue of some parents of children with SEND, struggling to find availability of childcare places.	Any parents struggling to find suitable childcare would be supported as part of the Council's Childcare Brokerage Service. This free service operated by the Council's Early Years and Childcare service acts to help support parents/carers in finding

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		appropriate suitable childcare for their children.
Gender Reassignment	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Care Experienced	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Marriage and Civil Partnership	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Pregnancy and Maternity	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Race	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Religion or Belief	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Sex	The majority of employees who work within the nursery are female, working part-time, some have additional family caring responsibilities.	<p>Where appropriate alternative redeployment opportunities may be available across other service areas, where vacancies exist.</p> <p>Currently within the childcare sector nationally there is a significant shortage of staff. In June 2024 Southampton's childcare sector had 128 job vacancies at all levels across the city. The early years' service can help to facilitate and broker, new external employment</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		opportunities for anyone wishing to continue to work within childcare.
Sexual Orientation	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Community Safety	There is no evidence we are aware of, which negatively impacts on this area for consideration	N/A
Poverty	Childcare along with adult social care are considered to be the two of the lowest paid occupations. Many of those employed within these sectors are part time, many of which are also on universal credit.	<p>Due to the critical staffing shortages within the childcare sector, all affected staff would be supported by the early years' service to facilitate and broker, new external employment opportunities for anyone wishing to continue to work within childcare.</p> <p>Alternatively, all affected staff will be eligible for alternative redeployment opportunities within the Council, should they be available.</p>
Health & Wellbeing	Some members of staff currently employed within the nursery are being supported due to mental health or disability needs.	Ongoing support would continue alongside any redeployment opportunities. Failing that then employee assistance would be available as part of any redundancy considerations.
Other Significant Impacts	Statutory Childcare Sufficiency Duty - under the Childcare Act 2006 and Childcare Act 2016 all Local Authorities have a statutory duty to ensure that there is a sufficient supply of good quality, affordable, flexible, and inclusive childcare choices available in response to	The Early Years and Childcare Service had a statutory duty set by the DfE to develop an additional 44 places by September 2024 to meet the demand for new childcare. The Councils Early Years Service has

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	changes in parental demands for childcare.	been working in collaboration with the sector that saw the creation of 170 additional new early years places opened by September 2024. With a further 220 new childcare places planned for opening by September 2025 in response to the changes in childcare entitlements.
Affected Nursery Premises	The loss of income from the nursery could add additional premises costs to remaining Startpoint Sholing services, if the nursery was closed.	There are a number of alternative key services that could relocate and utilize the nursery space thus mitigating such financial pressures as well as potential efficiency savings through the relocation of services.
Legal Consultations	There is a requirement for a 45-day staff consultation and consultation with stakeholders and the public on the proposed closure of a council service.	<p>The 45-day staff consultation process opens on 2nd September 2024 and closes on 16th October 2024.</p> <p>The consultation with stakeholders and public will commence from 2nd September for a period of 6 weeks and closes on 18th October 2024.</p>

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