

SUBJECT:	OUTCOME OF THE STATUTORY OBJECTION PERIOD ON PROPOSALS CONCERNING THE NURSERY AT DURAND PRIMARY SCHOOL
MEETING:	CABINET
DATE:	8TH JULY 2026

1. PURPOSE:

The purpose of the report is to provide Cabinet with the outcome of the statutory objection period concerning the proposals to discontinue the local authority maintained nursery at Durand Primary School. This report concludes the statutory process.

2. RECOMMENDATIONS:

It is recommended that Members:

- 2.1 agree to proceed to implement proposals as consulted upon, namely, to amend the age range of Durand Primary School from 3-11 to 4-11, reflecting the closure of the local authority maintained nursery
- 2.2 agree that the above proposals will be implemented with effect from 1st September 2026.
- 2.3 note that funded early years education will instead be provided to families by an approved non maintained setting on the site of Durand Primary School.

3. KEY ISSUES:

Consultation stage

- 3.1 The School Organisation Code (2018) places responsibility on local authorities in Wales for ensuring that there are sufficient and suitable

school places across the County to educate its children and young people. The duty to ensure appropriate provision of school places is not limited to statutory school places.

- 3.2 The Council has a duty under the Childcare Act 2006 to ensure that families can access their entitlement to a minimum of 10 hours a week of early education from the term following their child's 3rd birthday until they are offered a full-time school place.
- 3.3 The Childcare Offer for Wales was first introduced in Monmouthshire in 2019 and was fully rolled out in September 2020; through this scheme working parents can access up to 30 hours a week of funded early education and childcare. As a result, we have seen a shift to parents choosing an approved non-maintained setting that is able to offer the full 30 hours a week, in preference to school nurseries that are only able to offer 12.5 hours a week.
- 3.4 Numbers attending Durand Nursery have reduced significantly since the introduction of the Childcare Offer. The school has a capacity of 60 part time places (30 morning and 30 afternoon), but they haven't been close to being full since 2018-19, and some years they have only required a morning session.
- 3.5 The Council has a responsibility under the School Standards and Organisation (Wales) Act 2018 to consult with appropriate stakeholders when considering any significant school reorganisation proposals.
- 3.6 At the Cabinet meeting on 21st January 2026, Cabinet gave their approval to engage with key stakeholders on proposals to change the age range of Durand Primary School from 3-11 to 4-11. This proposal would mean that the current Local Authority maintained school nursery would close, and funded early education will be provided by an approved non-maintained setting operating from the school site.
- 3.7 The statutory processes concerning these proposals commenced on 29th January 2026, and ran for a period of 6 weeks (including 20 school days) concluding on 13th March 2026.
- 3.8 At their meeting on 15th April 2026, Members received a copy of the consultation report which represented the Council's responsibilities (in line with the School Standards and Organisation (Wales) Act 2018) to produce a report informing interested parties of the outcome to the consultation by means of:

- Summarising each of the issues raised by consultees.
- Responding to these by means of clarification, amendment to the proposal, or rejection to the concerns with supporting reasons.
- Setting out Estyn's view (as provided in its consultation response) of the overall merits of the proposal

3.9 The consultation report that that the Council had received 14 formal responses to the proposals, with an additional two responses coming from ESTYN and the Local Authority School Improvement Service (LASIS)

3.10 Of the 14 formal responses, 11 (79%) were fully supportive of proposals put forward, with a further 2 responses (14%) supporting aspects of the proposals. The Council received just 1 response (7%) from a parent that was not supportive of the proposals

3.11 In light of the above information, Cabinet agreed at their meeting on 15th April 2026 to proceed with the next stages of this statutory process, which was to publish the necessary statutory notices and enter into the statutory objection period. A copy of the statutory notice can be found under appendix 1.

Statutory Objection period

3.12 The Council entered into the statutory objection period (a period whereby consultees can submit statutory objections against the proposals) through publication of the attached statutory notices. The statutory notices were published through the following means:

- On the council website
- On or near the main entrance of Durand Primary School
- By electronic distribution to all statutory consultees

3.13 The Objection Period formally opened on 23rd April and concluded on 22nd May 2026, allowing for a 28 day objection period as per the requirements of the School Organisation Code (Wales) (2018)

3.14 Consultees and interested parties were advised that, should they wish to submit a statutory objection against the proposals they must do so in writing or by email within the 28 day statutory objection period, which concluded on 22nd May 2026.

3.15 The School Organisation Code (Wales) (2018) requires proposers to produce and publish an Objection report that summarises the statutory objections received during the statutory window and provide responses to

these objections received. It is important for Members to note that no statutory objections were received within the Objection Period window, therefore, no objection report has been produced.

- 3.16 In light that there have been no statutory objections received by the Council, and that feedback received during the consultation window was positive, it is recommended that Members conclude this statutory process and proceed to implement proposals to close the local authority maintained nursery at Durand Primary School with effect from 1st September 2026.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)

An integrated impact assessment associated with the proposals has been completed and can be found under appendix 2. This assessment was reviewed and updated to incorporate the feedback received during the consultation period. Additional information was provided in the Welsh language section to include more detail regarding the potential impact of the proposal on the Welsh language and mitigating actions that could be taken to better contribute to positive impacts.

The key points from the Integrated Impact Assessment are:

- The existing provision at Durand Nursery is limited to 2 ½ hours a day, which makes it difficult for the main carer to access work or training opportunities. A non-maintained setting would be able to offer up to 6 hours a day, providing more opportunity for parents/carers to return to work or training.
- There is currently Welsh medium early education available in Caldicot at Ysgol Y Ffin and there are currently spaces available. There is also a non-maintained setting on site, Cylch Meithrin Cil Y Coed, that offers childcare places for two year olds (including Flying Start childcare) and wrap around childcare for 3 and 4 year olds that attend the school Meithrin. Therefore, they will still be able to offer a greater range of childcare and early education than is being proposed at Durand Primary School, so there is no significant impact on the opportunities to use and promote the Welsh language
- The proposal provides an opportunity to support the growth and sustainability of a small business within the community.
- There are currently limited childcare options available in this community. Replacing the school nursery with a non-maintained

setting would increase the services available to the community and make it more attractive to working families.

- Families requiring childcare will be able to access it within their locality, so they will be able to walk rather than needing to travel. by car; hence, this will reduce their carbon footprint.

5. OPTIONS APPRAISAL

5.1 The School Organisation Code Wales sets out the following requirement:

‘Following the consultation period, when the proposer is reviewing the proposal prior to publication the proposer is required to carry out a further assessment for the proposal and each of the alternatives that were set out in the proposal paper. This involves the same matters that the proposer was required to assess in formulating the proposal:

- (a) the likely impact on quality and standards in education,
- (b) the likely impact on the community and
- (c) the likely effect of different travelling arrangements.

The purpose of this further assessment is to take account of any further information that has come forward through the consultation or otherwise.’
In its consultation report, the proposer is required to explain its assessment of the proposal and the reasonable alternatives identified, how this assessment differs from their earlier assessment (if at all) and its assessment of any further reasonable alternatives. Finally, the proposer is required to confirm whether it considers the implementation of the proposal, (wholly or partly) to be the most appropriate response to the reasons it identified for the proposal and give reasons for its conclusion.’

A further assessment of the alternative options that were considered prior to the consultation period has been undertaken and is provided below:

Option 1 – Do nothing and maintain the status quo. This would mean that Durand Primary School would continue with its current age range of 3-11 years offering 30 part time nursery places (mornings only) and a non-maintained setting would offer wrap around childcare in the afternoons.

Option 2 – Change the age range of Durand Primary School from 3-11 years to 4-11 years and replace the school nursery with a non-maintained setting approved to provide funded early education and wrap around childcare.

Option 3 – End the lease agreement with Little Gems to enable Durand Nursery to offer 60 part time places (morning and afternoon sessions), with no wrap around childcare available on site.

Whilst continuing with existing arrangements is considered to be an option, the large majority of respondents (79%) have voted in favour of proposals to close Durand nursery and extend the provision of the non maintained setting currently providing wrap around childcare. The staff and governing body of Durand Primary School are also supportive of proposals, and feedback received from ESTYN is also favourable.

In light of the above, our preferred option was presented as option 2 above. The feedback received during the consultation stage recognises the benefits of this proposal, and there have been no statutory objections received during the objection window. It continues to be the view that this option is not only the most financially viable, but it also delivers excellent teaching and learning facilities, whilst offering greater flexibility for parents.

6. REASONS:

- 6.1 The Council has a statutory duty as part of the School Organisation Code 2018 to follow this statutory process should it wish to make any significant school reorganisation proposals.
- 6.2 The proposed change will help to address the Council's commitment to provide children with the best possible start in life and to be ready for school.
- 6.3 The proposed change will offer more flexibility to families and enable parents/carers to remain in work or return to work or training.
- 6.4 The proposal is felt to be the most financially viable, delivers excellent teaching and learning facilities, whilst offering greater flexibility for parents.

7. RESOURCE IMPLICATIONS:

- 7.1 The proposal would have no specific resource implications for the Council.
- 7.2 Offering nursery provision with significant surplus places has placed a strain on the budget of Durand Primary School; therefore, the proposal to change the age range of Durand Primary School from 3-11 years to 4-11 years and replace the school nursery with a non-maintained

setting approved to provide funded early education and wrap around childcare would have a positive financial impact for the school.

- 7.3 The non-maintained setting is privately owned, so they manage their own finances. The early education would be funded through the non-maintained element of the Local Authority Education Grant and eligible parents would be able to access funding for the wrap around childcare directly from the Welsh Government through the Childcare Offer Scheme.

8. CONSULTEES:

Children, Learning, Skills & Economy (CLSE) DMT
Cllr Laura Wright, Cabinet Member for Education

9. BACKGROUND PAPERS:

Welsh Government School Organisation Code 2018

Childcare Act 2006

10. AUTHOR:

Sue Hall, Early Years Manager

11. CONTACT DETAILS:

Tel: 01633 644461

E-mail: susanhall@monmouthshire.gov.uk