

Anglia Ruskin Nursery Closure

The Need for Reconsideration

Save ARU Nursery Campaign Group

6th January 2016

Save Anglia Ruskin Nursery Campaign



Executive Summary

What is happening?

ARU nursery is being closed without appropriate consultation or care for children and parents [see section 1 - Background].

Why is it happening?

The University claims that: (1) they are subsidising community childcare; and (2) they need the space for a student lounge. These reasons do not stand up to critical scrutiny [see sections 2, 3 and 4].

What are the implications?

- Cambridge has an acute shortage of childcare. There is little or no chance of finding alternative provision of an equivalent standard for the affected children in time [see section 5].
- The decision will impact disproportionately on female students and members of ARU staff [see section 6].

What are the alternatives?

- A reconsideration, in line with the University of Cambridge's current emphasis on expanding provision [section 7].
- A phased wind down that gives parents and children time to find alternative provision [section 8].

What are we asking for?

- That ARU acknowledges the manifest shortcomings in the process it has used in order to reach the closure decision.
- That it be prepared to now undertake a proper process in order to re-evaluate that decision, on the understanding that this may result in the decision being revised.

Save Anglia Ruskin Nursery Campaign



Contents

1. Introduction	2
2. The Subsidy Myth.....	4
3. The Student Lounge Saga.....	8
4. The Response from the Students' Union	10
5. ARU's Duty of Care.....	11
6. Equality Impact Assessment	12
7. A Comparison with the University of Cambridge	14
8. The Winding Down Process	15
Summary	16
Addendum	18
Appendix 1: Julie Walkling's Letter	21
Appendix 2: Save ARU Nursery Campaign Group	22
Appendix 3: Comparison of Nursery Fees.....	23

Save Anglia Ruskin Nursery Campaign



1. Introduction

Anglia Ruskin University (hereafter ARU) opened the nursery on its Cambridge campus in 1985. The nursery currently serves 13 student parents, 5 staff parents, and 23 community parents. On the 11th November 2015, Julie Walkling, the Director of Student Services at ARU, announced by email and letter to the nursery parents that the nursery would close in June 2016 (see Appendix 1). The reasons given for this closure relate to subsidisation and resource allocation. Specifically:

1. Each nursery place is directly subsidised by around £5,000 per annum, amounting to a total annual subsidy of around £205,000.
2. This subsidy only benefits 13 students, with the bulk of the remaining subsidy benefiting community parents, whereas ARU has a responsibility to allocate its resources as effectively as possible for the benefit of its student community.

At a subsequent meeting with parents, held on 16th November, Julie Walkling introduced a hitherto unmentioned third reason behind the decision of the Corporate Management team to close the nursery (and one that superseded those previously offered), namely that:

3. The closure is in response to student complaints regarding a lack of social space in the University. As such, the nursery would be closed and the space converted into a student lounge.

However, as will be demonstrated, none of these reasons survives critical scrutiny. In light of this, the Corporate Management Team's continued reiteration of them in communications to parents, the media, and others is then either misleading and disingenuous, or else an indication of the Team's incompetence.

To further compound this, the process by which ARU reached the decision to close the nursery was an opaque and unprofessional one that failed to properly consult the students and staff, thereby falling well below the standards one would expect of such an institution. For a decision of this sort to be reliable, it ought to have been the outcome of a proper process of transparent consultation, dialogue, and deliberation. But since that process didn't take place, then neither ARU nor we can have any warranted confidence that the decision made was the right one – especially given that the arguments deployed by ARU in support of that decision are manifestly faulty ones.

It will here be argued that there is a compelling case for keeping the nursery open permanently. Failing that, there are sound reasons for postponing the closure for an

Save Anglia Ruskin Nursery Campaign



additional year. In terms of the way forward, we would argue that ARU should be prepared to acknowledge the multiple shortcomings of the process by which the closure decision was made, as well as the flaws in the justifications it has used to support that decision, and now be willing to do what it should have done in the first place, viz. to conduct a proper process in order to reach a reliable decision regarding the future of the nursery. As part of this process, ARU should engage in a sincere, transparent, logical, evidence-based, and meaningful dialogue with students, staff, and community parents in order to identify and critically examine the possible options for keeping the nursery open or winding it down, and determine which of these options is the best, on the understanding that this might not align with their existing decision.

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2. The Subsidy Myth

What we might term the 'subsidy argument' may be reconstructed from reasons 1 and 2 above as follows:

P1: ARU has a responsibility to allocate its resources as effectively as possible for the benefit of its student community.

P2: If ARU is subsidising nursery places where this subsidy benefits only a small number of students, with the bulk of the remaining subsidy benefiting community parents, then ARU is not allocating its resources as effectively as possible for the benefit of its student community.

P3: Each nursery place is directly subsidised by around £5,000 per annum, and because there are 23 community parents but only 13 student and 5 staff parents, then this subsidy benefits only a small number of students, with the bulk of the remaining subsidy benefiting community parents.

C1: Therefore, ARU is not allocating its resources as effectively as possible for the benefit of its student community.

P4: If ARU has a responsibility to allocate its resources as effectively as possible for the benefit of its student community, but is not doing so, then it should remedy this situation.

P5: An appropriate remedy in this case would be the closure of the nursery.

C2: Therefore, ARU should close the nursery.

We shall not challenge P1, P2, or P4, but we would argue that P3 is manifestly false, and P5 is unproven and disputable. As such, we contend that the above argument is not cogent.

With regard to the claims in P3, we should first note that the figure of £5,000 seems to have been arrived at by dividing the total claimed subsidy (£205,000) by the total number of places (41). As such, it is merely an *average*. However, because the community parents pay significantly more for their places than do the student parents (who have discounted rates), and student places will also typically have a shorter contract (38 instead of 48 weeks), then simple mathematics tells us that it cannot be true that each and every nursery place is being subsidised by the same amount, viz. £5,000 annually.¹

¹ Based upon the figures in the Nursery Fees 2015/6 documents, the total annual payments for full-time places for children from 0-3+ years, would be £9,455.54, £13,132.80, and £13,229.76 for students, staff, and community places respectively (on contracts of 38 weeks, 48 weeks, and 48 weeks respectively). Thus, whilst the difference in fees between the staff and community places is insignificant, the difference between student

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Rather, on the assumption that the £205,000 figure is accurate, any subsidy for community places must necessarily be significantly *less* than £5,000, whereas any subsidy for student places must necessarily be significantly *more* than £5,000.

Moreover, the use of the word *subsidy* implies that ARU is contributing money for nursery places in order to keep the prices of those places low. This may be an accurate description of the facts of the matter where student places are concerned, since ARU specifically advertises discounted nursery fees for student parents. However, when it comes to community places, we should note that the nursery charges substantially above market rates (in comparison with other local nurseries – see Appendix 3), and does not apply any sort of advertised discount, so the suggestion that these places are being subsidised is misleading at best. It may be true that the nursery is running at an annual loss of £205,000, and that ARU is making up this shortfall, but it is deceptive to describe the entirety of this cost to ARU as a *subsidy*, and especially so when it is then inferred from this that *community* places are therefore being subsidised.

Accordingly, premise P3 in the subsidy argument is one part false, one part unproven, and one part misleading. As demonstrated, even before we question the use of the term ‘subsidy’, each nursery place is certainly *not* being directly subsidised by around £5,000 per annum. Moreover, no evidence has yet been adduced to show that community places actually incur any such ‘subsidy’ at all, and so the claim that the bulk of the remaining subsidy benefits community parents remains unproven. In fact, given the inflated fees for community places, it might plausibly be supposed that their provision would actually help to mitigate, rather than contribute to, the nursery’s losses. Furthermore, as discussed, it is misleading to refer to the community places as being *subsidised* at all. In light of the foregoing, either the members of the Corporate Management team (including Julie Walkling) know that it is then illegitimate to make the claims in P3, in which case it is then *misleading* and *disingenuous* to do so (especially given the contentious nature of alleged subsidies for community places); or else they do not, in which case they have failed to adequately establish and grasp the facts of the matter. In the former case we must question their integrity, in the latter case we must question their competence, and in both cases they should now desist from repeating this distortion to the parents, media, and others.

and community ones is certainly not, thereby entailing significantly different levels of subsidy. For a list of the student, staff, and community fees, see: http://web.anglia.ac.uk/onet/student_services/public/anglia-ruskin-nursery-fees-students.pdf, http://web.anglia.ac.uk/onet/student_services/public/anglia-ruskin-nursery-fees-staff.pdf, and http://web.anglia.ac.uk/onet/student_services/public/anglia-ruskin-nursery-fees-community.pdf.

Save Anglia Ruskin Nursery Campaign



As for premise P5, ARU has not demonstrated that an appropriate remedy for the nursery's apparent dire financial circumstances is the closure of said nursery. Given the relatively straightforward nature of the business, the fact that some other similar sized nurseries in Cambridge can seemingly run at a profit (despite having similar sorts of expenses, such as business rents, staff costs, utility bills, and so on), and that, as mentioned, the nursery charges substantially above market rates for its community places, then it is *prima facie* mystifying why it should be making such a sizeable loss. ARU has suggested that such losses are at least partly a consequence of the nursery's higher than average staff remuneration. However, one might reasonably expect any additional staff costs to be largely offset by the higher than average fees. The discounts offered for student places will incur some loss of revenue, but it seems implausible that even the conjunction of this and the previous reason would account for a loss of the magnitude claimed. No other explanation has been forthcoming from ARU. Accordingly, in the absence of any other credible justification, if this loss is genuine, and is not merely the result of some dubious accounting practice, then one is left with little choice but to provisionally conclude that the magnitude of the loss is due to some sort of gross mismanagement within ARU. In that case, rather than closing an otherwise valuable nursery, a more appropriate remedy would surely be to investigate and rectify this mismanagement.

Thus, with P3 being false, and P5 being unproven and contentious, the subsidy argument collapses upon critical scrutiny. What is more, when it comes to allocating its resources as effectively as possible for the benefit of its student community (per premise P1), we would argue that ARU has at least a moral (if not a legal) responsibility to make sufficient provision for actual and potential student parents, for reasons of equal opportunity and access to education (see section 6). And to the extent that it cannot offset any implied costs (for example, through the utilisation of profits made from community places, or by leasing the nursery space to another provider who could run it without making a loss – see section 7), then it must just absorb them.

In response to this sort of charge, ARU has argued that closing the nursery will accrue small positive improvements for certain groups in large numbers that will outweigh the major negative impact for other groups in small numbers (see section 6), and that the new proposed support for student parents is more than adequate anyway (section 4). The latter claim we shall rebut shortly, but with respect to the former it is not proven that this sort of simplistic utilitarian calculus is a sound moral principal at all. And even if, for the sake of argument, we were to grant its validity, ARU has not demonstrated that it can meaningfully calculate and compare the respective improvements and harms, or that such

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a calculation, even if feasible, would actually favour closing the nursery over keeping it open in its current form. Nor has ARU demonstrated that possible alternative proposals, such as keeping the nursery open, but allowing it to be run more profitably and effectively by some outside company, would not accrue greater overall benefits to the student population than would either of the other proposals. Thus, this argument is not cogent either, and, until such time as it is repaired, then ARU should desist from deploying it in support of their case.

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3. The Student Lounge Saga

When challenged at the meeting with parents to explain and justify her claims relating to subsidies (per reasons 1 and 2 enumerated in the Introduction), Julie Walkling retreated to a hitherto unmentioned reason that she claimed was the *real* reason behind the closure of the nursery, viz. that students had complained (when surveyed) of a lack of social space, and hence the nursery would be closed and repurposed as a student lounge. This retreat is in itself a tacit admission of the weakness of the previously stated reasons. And, in light of this, the fact that Julie Walking persists in offering the first two reasons as justifications for the nursery closure is then *misleading* and *disingenuous* (or else irrational). However, beyond that issue, this third reason is actually no more successful than the other two, because it also collapses upon critical scrutiny.

What we might term the ‘student lounge argument’, based upon this new reason, may be reconstructed as follows:

P1: If, when surveyed, students bemoan a lack of social space on the Cambridge campus, then the nursery should be closed and repurposed as a student lounge.

P2: When surveyed, students bemoaned a lack of social space on the Cambridge campus.

C: Therefore, the nursery should be closed and repurposed as a student lounge.

As with the subsidy argument, this argument also lacks cogency. For this purpose, we shall bracket possible issues with P2, such as what proportion of the students surveyed actually complained of a lack of social space. However, premise P1 is multiply fallacious in ways that cannot be ignored. Firstly, it disregards the fact that, in the survey mentioned, students were *not* asked if they desired more social space *at the expense of the nursery*. If they were asked that question, then it is likely that a significantly lower proportion would have answered in the affirmative, and so many of the students requesting more social space would themselves reject ARU’s proposed remedy. Moreover, P1 also tacitly and fallaciously assumes both that ARU must necessarily do what some proportion of surveyed students might wish it to (even if there could be overriding reasons to do otherwise), and that closing the nursery is the only or the best option available for creating more social space for students. Thus, the statement in P1 is a non sequitur, and the overall argument is therefore unsound. Either the members of the Corporate Management team know this, in which case we must again question their integrity, or else they do not, in which case we must again question their competence.

Save Anglia Ruskin Nursery Campaign



By all accounts, the students and their representatives (like the staff) were not consulted *at all* by the Corporate Management team prior to the decision being reached to close the nursery. Rather, it seems that this decision was made in an *opaque* manner, behind closed doors. Instead of being supplied with all of the relevant facts, and being given the opportunity to engage in meaningful dialogue and deliberation, during which other options for keeping the nursery open or winding it down could be collectively evaluated, this decision was instead presented to the students and staff (and community parents) as a *fait accompli*, supported by specious *post hoc* justifications (as already examined). This is **unprofessional** at best.

To summarise thus far, the Corporate Management team's public case for the nursery closure is multiply fallacious, insofar as none of the reasons adduced survives critical scrutiny. Moreover, the process leading to that decision did not properly consult the students and staff, and was needlessly opaque. As such, it was patently substandard.



4. The Response from the Students' Union

Although initially appearing to support the fight to keep ARU nursery open (at least for the students and staff of ARU), the Students' Union (henceforth SU) issued a statement on 30th November to the effect that a new deal had been reached for student parents – one that involved the closure of the nursery.² Starting by reiterating the same old tropes about subsidisation previously issued by Julie Walkling, this statement then went on to offer a number of 'mitigations to provide support for current and future students with parental responsibilities'.

However, this deal, and the process by which it was agreed, suffers from at least the following substantial problems: (1) the process by which it was negotiated and agreed was again an *opaque* one; (2) it has not been demonstrated that the proposals will offset the problems for student parents incurred by the lack of an onsite nursery and the loss of the associated nursery places (for example, the proposed Childcare Advisor cannot create nursery places where they do not exist, and ARU student parents would not receive priority for any places that do exist at other nurseries); (3) the students, and especially the student parents, as the people who stand to most directly gain or lose from this agreement, were not consulted prior to the decision being made; (4) the proposals themselves are often vague, and fail to commit to anything specific in terms of timelines or finances, with the consequence that it will be difficult to assess and measure their success or failure in the future; (5) the proposals are not yet fully developed; (6) they constitute little or no more of a concession than had already been offered by Julie Walkling at the aforementioned parents' meeting; and (7) the fact that the SU's case presupposes the cogency of ARU's arguments means that its case is then undermined once those arguments are demonstrated to be defective (as per sections 2 and 3).

Given the extent to which this 'deal' is actually a poor one for students, constituting a retrograde step in terms of childcare provision, and that it has not yet been adequately demonstrated that a new deal is even required at all, then it would not be unreasonable to speculate that the SU was somehow misled or pressured into agreement, and that perhaps the relative inexperience of its officers only compounded the problem.

² See: <http://www.angliastudent.com/news/article/union/Cambridge-Nursery-A-New-Deal-For-Student-Parents/>

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5. ARU's Duty of Care

Despite ARU's stated promise to help find suitable childcare options for those children who will lose a place when the nursery closes, it has instead given the impression of prioritizing the swiftness of the nursery closure over the welfare of the children and their parents. ARU's research into alternative nursery places seems to have been perfunctory at best, resulting in just a handful of nursery options being offered to most parents, some of which are manifestly unsuitable (examples of such include nurseries that have no age appropriate places, that are unable to offer the hours required, that have inadequate OFSTED ratings, or where the children are not in the right catchment area). It is also far from clear that all of the children requiring places will be able to find suitable alternatives by September 2016 (especially given that most nursery waiting lists in Cambridge are 12-24 months long). And in the case where they cannot find suitable alternative places, students may have to leave their studies, and staff members and community parents may have to resign from their jobs.



6. Equality Impact Assessment

An equalities impact assessment (EIA) is a tool to be used in decision-making to ensure that public bodies meet the requirements of the Equality Duty under the Equalities Act (2010). The Equalities and Human Rights Commission publishes guidelines on conducting an EIA. Amongst other considerations, these guidelines emphasise the need for sound, consistent data collection and analysis; and, positive involvement and consultation.

The EIA into the nursery closure was originally requested by parents at the meeting with Julie Walkling held on 16th November 2015 and was eventually published online on 20th November 2015.

In its EIA, ARU's argument for the nursery closure *in terms of equal opportunities* is that a minor positive improvement in equal opportunities for certain groups in large numbers outweighs the major negative impact for other groups in small numbers. However, this argument is unsupported:

1. No data or methodology are supplied to evidence the claim that large numbers of certain groups will benefit from the redistribution of resources.
2. Data presented in the EIA are occasionally inaccurate or incomplete, e.g. no apparent consideration of BME nursery staff and/or children using the nursery; no apparent consideration of whether children using the service have disabilities; numbers of staff members affected are put at 4 when other communications have stated 5; no consideration is given to pregnant women intending to use the service.

The case for the nursery closure in terms of equal opportunities as presented in the EIA is therefore unsubstantiated, and the impact upon people falling under protected characteristics may not have been sufficiently investigated.

EHRC guidelines for conducting EIAs stress the significance of positive involvement and consultation. ARU's EIA states that no consultation was carried out beyond the Corporate Management Team.

At the heart of this nursery closure are 41 children whose care is being disrupted, and whose emotional and social support structures are being removed. Respecting the rights of children and young people is set out in both national and international law (especially the UN Convention on the Rights of the Child). Experts in children's rights emphasise the need to conduct proper impact assessment upon children of any policy that might affect them. A suggested method is a children's rights impact assessment.

Save Anglia Ruskin Nursery Campaign



ARU has not conducted a children's rights impact assessment into the effects of the nursery closure. This has already led to a reversal of policy: at the parents meeting held on 16th November 2015 it was pointed out that closing a nursery at the end of June would remove a crucial support structure for children moving into school, in the six weeks leading up to this major transition. ARU has now had to delay the nursery closure until August 2016 to support these children.

The lack of impact assessment is also evidenced by the limited support being given to parents to find new childcare. Properly conducted impact assessment would have provided data as to whether there are in fact places available in Cambridge for the remaining children, particularly for those not yet eligible for nursery school. Properly conducted impact assessment would have enabled ARU to determine whether, in its capacity as care provider for these children, a phased closure was necessary to ensure that parents could remain in work and continue studies, and that children would have continuity of care. Apparent lack of careful data collection and analysis by ARU to determine the realities of the childcare situation in Cambridge and to help formulate plans to serve the best interests of the children concerned may yet result in some parents having to give up work or studies.

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7. A Comparison with the University of Cambridge

The University of Cambridge currently has two nurseries, with a total of 160 full-time places. Additionally, there are three more nurseries provided by six of the colleges, with an additional 116 full-time places between them. The two University owned nurseries are managed on behalf of the University by Childbase Partnership. Two of the three college nurseries are managed on behalf of the colleges by Kidsunlimited. In total, the Collegiate University has five nurseries with 276 full-time places for children from 3 months to school age. There are also currently over 300 staff and student parents on the waiting lists.

The University of Cambridge Nursery Project Board has recently commissioned a survey of staff with children as part of the planning process for future nursery provision. Moreover, there is at least one college that is currently considering building a nursery. In short, the University of Cambridge is considering expanding its already extensive provision, not reducing it.

ARU has suggested that there is little student and staff demand for its nursery. However, even allowing for the fact that the University of Cambridge has more students and staff than does ARU's Cambridge campus, it is still bizarre that the University of Cambridge currently has 276 nursery places with a waiting list of over 300 staff and student parents, whereas ARU seemingly cannot fill more than 18 places with staff and student parents. This implausibility rather counts against ARU's claim of a genuine lack of demand for nursery provision amongst its staff and students, and instead raises the question as to what extent ARU has been effectively and energetically promoting the existence and value of the nursery to staff and student parents (one staff parent has intimated that they rarely if ever see the nursery promoted in any ARU correspondence or literature). Furthermore, if the University of Cambridge is willing and able to run its nurseries successfully (or to successfully outsource their running), then why is ARU seemingly unwilling or incapable of doing so too (barring the specious reasons previously offered by ARU and refuted here)? In fact, if ARU leased the nursery space to another provider who could run it without making a loss, then the income generated could actually be used to help subsidise the student places (which are the only ones that might necessitate a genuine subsidy). Now *that* would be a good deal for student parents.



8. The Winding Down Process

By announcing in November 2015 the closure of the nursery in August 2016, ARU has given parents nine months' notice (which, despite being unreasonably short, is an improvement upon the original seven months' notice that was given). This timescale demonstrates either ARU's lack of knowledge and understanding of the childcare market in Cambridge, with its acute shortage of places, or else its lack of concern for the welfare of the children currently at its nursery (as well as their parents). Nurseries of comparable quality in central Cambridge are typically full, with waiting lists of 12-24 months, whereas ARU nursery children will require places in nine months' time. Some nurseries have even closed their waiting lists. In particular:

- There is a dearth of baby places available in suitable Cambridge nurseries for the Yellow Room babies.
- There are not enough toddler places available in suitable Cambridge nurseries for the Red and Green room children.
- The nursery toddler places that *are* available are often of lesser quality.
- Waiting lists for comparable quality nurseries are typically 12-24 months long.

In contrast to ARU's current proposal, postponing the nursery closure date until August 2017 would instead result in a greatly improved state of affairs for the children and their parents. Specifically, all of the children in Green Room and many of the children in Red Room will be of school age by August 2017, which means that they would be able to go to school straight from ARU, and thus avoid an additional transition. Baby places are the most difficult to find in Cambridge, but by August 2017 the Yellow Room children will be toddlers, and will have been on nursery waiting lists for 21 months, and should therefore have a good chance of securing comparable childcare provision elsewhere. Additionally, 21 months is a viable length of time for alternative providers to increase their capacity or open new premises.

Accordingly, if ARU does go ahead with the closure of the nursery (in the face of the sound reasons for not doing so), it should at least give serious consideration to a slower winding down process that is in accord with the realities of the childcare market in Cambridge.

Save Anglia Ruskin Nursery Campaign



Summary

In summary, the process by which decision was made to close the ARU nursery in June 2016 (now revised to August 2016) was an unnecessarily opaque and secretive one that failed to properly consult the student body, their representatives, or the staff. Moreover, the *post hoc* rationalisations adduced for the closure are multiply fallacious. In general, the argumentative strategy employed by the Corporate Management Team has been an intellectually dishonest ‘whack-a-mole’ one, whereby, as each of their reasons is challenged and refuted, they retreat to a different one, never acknowledging the defects of any. As such, the continued propagation of these reasons to parents, media, and others implies either a lack of integrity or competence on the part of the Corporate Management team.

The subsequent response and proposal from the Students’ Union was then itself significantly defective. And there are serious concerns about the legitimacy of ARU’s equalities impact assessment. Even ARU’s claim that there is little genuine demand from students or staff for nursery places is not credible, given the disproportionately greater demand for the University of Cambridge nurseries. Then, to compound matters even further, the promised help for parents has either not materialised at all, or has been token at best, revealing either a lack of knowledge on the part of ARU of the childcare market in Cambridge, or else a lack of sincere concern for the welfare of the children currently in their care. In short, the whole process has been a shoddy and unprofessional one, leading to a decision that ARU is unable to coherently justify. One could make a credible argument that ARU has not acted ethically with regard to the nursery closure, insofar as it does not appear to have sincerely and informedly sought the results that are most beneficial and least harmful to its students and staff, as well to the wider community, has not treated people fairly, and might have behaved without integrity.

In light of the foregoing, we now ask two things of ARU: (1) that they acknowledge the process they have employed thus far has been an inadequate one, falling well below the standards one would expect of an institution like theirs; and (2) that they now undertake the sort of appropriate consultation and deliberation process that should have been carried out in the first place, and be open to revising their decision based upon the outcome of that process. The Corporate Management Team has stated that they are confident in their decision, and see no reason to review it (see addendum). However, for a decision of this sort to be reliable, it ought to have been the outcome of a proper process of transparent consultation, dialogue, and deliberation, during which all available options

Save Anglia Ruskin Nursery Campaign



for keeping the nursery open or winding it down were critically examined. But since that process didn't take place, then how can the Corporate Management Team or anyone else have any justified confidence in the decision made – especially given that the reasons adduced in support of that decision are defective ones?

The future of the nursery is not just a matter of critical importance to current student, staff, and community parents, but is something that will have serious implications for future student and staff parents – notwithstanding the measures that ARU has proposed to mitigate these things, which are themselves inadequate. As such, any decision regarding its possible closure should have been the outcome of a process carried out with the utmost care, judiciousness, transparency, and rigour. This was manifestly not the case here. Accordingly, if ARU values reason and evidence, is genuine in its concern for the children currently in their care, as well as for its students and staff, and it has a real desire to engage meaningfully with the community, then we would ask that it sincerely considers our appeal to now engage in a proper process to re-evaluate the closure decision, before it is too late.

Save Anglia Ruskin Nursery Campaign



Addendum

In response to a meeting held at ARU on 10th December 2015, in which Ben Cijffers and Una McCormack represented the Save ARU Nursery Campaign Group, and Director of Student Services Julie Walking and Deputy Vice Chancellor Roderick Watkins represented ARU, the following email was received from Roderick Watkins on 16th December:

Dear Una and Ben

Thank you for our meeting of 10 December. As promised I am writing to set out our response to your requests.

We have given very careful consideration to your request that we further delay the closure of the Nursery to August 2017. Given that we have already decided to close the Nursery, we cannot see that this extension can be successfully implemented, and we believe that it would make things more difficult for the majority of people.

We see no reason to review our management decision to close the Nursery, which we are confident is sound.

We have, however, asked the Equality Challenge Unit to come in early in 2016 and help us review our policies and procedures around equality analysis for future decision making, and we will invest in training and development to support the outcome.

Yours sincerely,

Roderick Watkins

Given the serious shortcomings already exposed in the decision-making process employed by ARU, and in their public justifications for the resulting decision, it should come as little surprise that the above response from Professor Watkins would itself be multiply flawed.

It will usually be rational to change one's mind about some decision when the evidence and reasons used to support that decision are exposed as weak or defective, and where good evidence and cogent reasons are adduced that support some alternative decision instead. We would argue that the foregoing analysis achieves all of this, and yet ARU's Corporate Management Team has refused to modify its decision accordingly. So, are the members of this team therefore behaving irrationally? Professor Watkins suggests in the above email that it follows from the fact that they have already made their decision that the alternative course of action would then be unfeasible and harmful for the majority of people. However, the mere fact that one has made a decision does not

Save Anglia Ruskin Nursery Campaign



generally entail that revising that decision is impracticable or harmful, so what reasons might ARU appeal to in order to justify the entailment in this particular case?

Perhaps they might argue, as they did to one parent, that the majority of parents have already found alternative childcare, and are now committed to these alternatives, so those nursery spaces would remain unfilled. However, such a claim would not just be unsubstantiated, but would also appear to be *prima facie* improbable. Based upon the evidence we have (from discussions with a number of ARU nursery parents and our contact with nurseries in Cambridge), what looks far more plausible is that this applies to at most a small handful of parents, with the vast majority of others either having no alternative nursery place yet confirmed, or else being willing and able to decline any such offer in favour of an additional year at ARU nursery, if this was a possibility. ARU might also claim that staff would begin leaving if they postponed the nursery closure, and that they do not want to be dependent upon agency staff. However, this reason is again unpersuasive, with it seeming far more likely that the majority of staff would defer leaving if they were offered an additional year's employment at ARU, especially given the declared better than average staff remuneration (see section 2). Other than that, ARU might attempt to appeal to the sorts of financial and student space reasons already discussed and refuted in sections 2 and 3.

There is of course another possibility: that ARU is now financially or emotionally invested in the nursery closure, and for this reason does not want to alter its decision. For example, perhaps (unbeknownst to us) agreements have already been put in place to repurpose the nursery space, and breaking these agreements would incur some onerous financial or other penalty. Or perhaps the Corporate Management Team believes that reversing their decision now would lead to an embarrassing loss of face. Either way, we should note that in many cases where one is already financially or otherwise invested in a decision, the failure to change one's mind when faced with sufficient evidence or reason to do so constitutes a mistake in reasoning known as the sunk cost fallacy. But if we assume, for the sake of argument, that this refusal to change course is not an example of this fallacy, the Corporate Management Team's engagement in dialogue with regard to keeping the nursery open would then have been insincere and disingenuous, because there would never have been any genuine prospect of the decision being revised or reversed. We would like to give them the benefit of the doubt and assume that this latter possibility is not correct. So, in that case, this justification also fails.

So, with none of the aforementioned justifications succeeding, the claim that it follows from the fact that the Corporate Management Team have already made their decision that the alternative would therefore be unfeasible and harmful is at best

Save Anglia Ruskin Nursery Campaign



unproven. Moreover, if, as seems likely, the vast majority of parents would be willing and able to leave their children at ARU for an additional year, and securing alternative nursery places in 2016 will entail much uncertainty and difficulty for them, then the opposite claim is actually far more plausible, viz. that keeping the nursery open for another year would not just be a relatively easy plan to put in place, but would also accrue large benefits and little if any harm for most parents. Accordingly, the Corporate Management Team's refusal to countenance a change of mind would indeed appear to be an example of irrational behaviour (if we put aside the possibility that they are instead acting disingenuously).

What is more, the option to keep the nursery open permanently (possibly under the management of an external provider) receives no mention at all from Professor Watkins, and yet, as already discussed, this would plausibly make it possible to run the nursery at a profit, thereby (if anything) making the lives of the majority of other people easier, not more difficult (as well as also accruing all of the other benefits in terms of equal opportunity and suchlike). Thus, the omission of this option turns the debate into a false dichotomy, with perhaps the best option of all being disregarded.

Professor Watkins then claims that they see no reason to review the Management decision to close the nursery, which they are confident is sound. However, it has already been exhaustively demonstrated (in sections 2 and 3) that the Corporate Management Team's stated reasons for closing the nursery do not survive critical scrutiny (likewise for the reasons just considered for not postponing the closure). Moreover, and as already stated, any reliable decision ought to have been the outcome of a proper process, and yet that process did not take place. In light of this, the belief that the decision is a sound one looks to be a baseless one, as ought to be manifest to Professor Watkins and the rest of the Corporate Management Team. In that case, upon pain of irrationality, they ought to be prepared to reconsider, and, if necessary, modify it in order to align it with the truth.

Save Anglia Ruskin Nursery Campaign



Appendix 1: Julie Walkling's Letter

The following is the text of the original letter sent by Julie Walkling on November 11th 2015 to the ARU nursery parents:

Dear Parent

I am writing to you about our University Nursery.

We opened the Nursery in Cambridge in 1985, with the intention of supporting our students with children. Where places have not been filled by our students, we have been happy to offer them to our staff and the local community.

We have reviewed the use of the Nursery over the last five years, and it has become apparent that rather than offering a service mostly providing heavily subsidised childcare to our students, we are mostly providing heavily subsidised childcare to our local community parents. Despite promotion of the Nursery in our prospectus, online and at open days, student use remains low and shows no signs of significantly increasing.

At the time of writing, there are 13 student parents, 5 staff parents and 23 community parents using the Nursery. Each nursery place is directly subsidised by around £5,000, which means we are currently spending £205,000 alone, subsidising a service which only benefits 13 students. This figure does not include additional costs of general university overheads which takes the actual subsidy higher.

Our Nursery has been a source of pride for us all, and we appreciate the significant contribution of all Nursery staff to running a safe and educationally successful provision. However, we have a responsibility to ensure we use our resources as effectively as possible, and to the benefit of the whole student community. We have therefore concluded that we cannot justify retaining the Nursery, and have decided to close it at the end of June 2016.

We know that this will be disappointing and unwelcome news to you and all those connected with the Nursery. We will, of course, help you as much as we can to find alternative childcare provision. We will contact other local providers to seek out who has places available and will obviously not require you to give any notice period if you find suitable childcare before the closure. We will work with local providers to help and support you and your child through the transition. I am sure that you will also want to know that we are providing a range of specialist support for our staff.

We will be holding a meeting for parents on Monday 16th November at 5pm in LAB027 (a short walk from the Nursery) to discuss the closure and how we plan to help you in the intervening time. In the meantime if you have any questions please contact Belinda Lennon or Jane Murray (details below).

Thank you for supporting our Nursery. I am sorry to be announcing its closure.

Yours sincerely

Julie Walkling

Director of Student Services

Save Anglia Ruskin Nursery Campaign



Appendix 2: Save ARU Nursery Campaign Group

About Us:

We are a group of 41 professional and student families who are motivated to take action by the dishonest and irresponsible way in which ARU has treated our children, us and its own students & staff.

- We are not serial campaigners.
- We are not united by any creed, faith or political inclination
- We come from varied social and economic backgrounds
- We originate from Cambridge, elsewhere in the UK, and a range of other countries
- In common with many people in Cambridge, many of us have moved to the city, drawn by the vibrant economy, rich culture and high quality of life
- The fee paying community parents are not seeking any public or private subsidisation of our nursery fees, now or in the future

Our Support

As a community group we have secured overwhelming public support, as evidenced by:

- More than 26,000 twitter impressions
- Over 800 website hits
- Over 1600 Twitter profile click-throughs
- Over 2400 signatures on our petition (almost 2% of the population of Cambridge)
- 3 articles in the Cambridge News
- BBC Radio Cambridgeshire breakfast show article
- Support from Save Our Space Campaign, PACT, Labour Councillors Kevin Blencowe, Richard Robertson and many others, MP Daniel Zeichner, many local businesses.

All this was achieved within 6 days of our campaign going live.

What We Want

- An honest and open dialogue with ARU as to the **real reasons** for the nursery closure. As a publicly funded body ARU's decision in this regard should be transparent and subject to public scrutiny - something that is not possible currently.
- **Full disclosure of the alleged subsidy** of >£200,000 that ARU claim to be paying, including the details of the sums that make up this total.
- **An honest, transparent and timely assessment of alternative options** for maintaining both the specialist nursery space and the nursery as a going concern. (eg. leasing the space to another provider).
- ARU to fulfil its moral and legal **duty of care to the children** in the nursery
- ARU to engage with this process in a manner that **respects the community** and recognises the prevailing availability of childcare of a comparable nature both in terms of location and timing.
- A full, transparent and **independent review of the Equality Impact Assessment** and the likely effect on accessibility of ARU to potential student parents.
- We have placed multiple Freedom of Information Requests, for which we are awaiting responses.

Save Anglia Ruskin Nursery Campaign



Appendix 3: Comparison of Nursery Fees

What follows is a comparison between full-time weekly nursery fees for community parents at ARU nursery, and several of its local competitor nurseries (figures exclusive of any Early Years Funding). As can be seen, ARU's fees are approximately 18% higher on average than the competitors' fees.

Nursery	Fees for Under 2's	Fees for Under 3's	Fees for over 3's
Anglia Ruskin	275.62	275.62	255.37
Butterfly ³	239.20	212.50	197.70
Ace ⁴	283.75	252.50	181.60 (excluding after school club fees)
Cambridge Day Nursery ⁵	248.97	225.98	215.01
Harvey Road ⁶	249.58	228.23	212.31

³ See: <http://www.butterflydaynursery.co.uk/fees.html>

⁴ See: http://www.ace-nursery-school.org.uk/uploads/5/1/9/0/5190233/adn_fees_for_1-2_sept2015.pdf, http://www.ace-nursery-school.org.uk/uploads/5/1/9/0/5190233/adn_fees_for_2-3_sept_2015.pdf, and http://www.ace-nursery-school.org.uk/uploads/5/1/9/0/5190233/fees_autumn_2014_3-4yr_old.pdf

⁵ See: <http://www.cambridgedaynursery.co.uk/fees-milton-road/>

⁶ See: <http://www.harveyroaddaynursery.org.uk/fees.php>