

Report

Cabinet Member for Education & Young People

Part 1

Date: January 2017

Item No:

Subject New ASD School – final determination

Purpose To seek Cabinet Member approval “to establish a new special school in Newport to accommodate pupils with Autistic Spectrum Disorder (ASD) on the current infant site of Gaer Primary School, with effect from April 2017”.

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Ward All

Summary The full statutory consultation process has now concluded on the proposal “to establish a new special school in Newport to accommodate pupils with Autistic Spectrum Disorder (ASD) on the current infant site of Gaer Primary School, with effect from April 2017”.

The statutory consultation passed through the statutory notice stage without objection and therefore a final decision can be taken by the Cabinet Member for Education & Young People.

Proposal To establish a new special school in Newport to accommodate pupils with Autistic Spectrum Disorder (ASD) on the current infant site of Gaer Primary School, with effect from April 2017.

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director – People
- Acting Headteacher, Maes Ebbw Special School
- Chair of Governors, Maes Ebbw Special School
- Senior HR Business Partner
- Senior Finance Business Partner
- EY & Integration Business Manager
- Service Development Manager
- 21CS Client Manager
- School Admissions & Appeals Manager

Signed

Background

The school reorganisation proposal has been taken forward proposing to establish a new special school for pupils with Autistic Spectrum Disorder, under the statutory consultation process. The Cabinet Member has previously agreed that the statutory consultation process is undertaken at each stage including publication of the statutory notice.

Current position

The proposal was published as a statutory notice for a period of one month during which objections could be lodged with the Chief Education Officer. No objections were received and therefore in accordance with the School Organisation Code, July 2013 a decision can be taken locally by the Cabinet Member.

Financial Summary

CAPITAL:

Capital costs have been incurred through a combination of the use of Newport City Council financing and the 21CS capital programme. The 21CS Strategic Outline Programme in 2010 and again in 2011 stated the intention to deliver a school for pupils with Autistic Spectrum Disorder within the city, thereby reducing out of county placements. The 21CS grant covers capacity building for pupils with Autistic Spectrum Disorder to a level of £1m, jointly funded by the Council and WG on a 50% match funded basis. The capital programme includes the costs for the enabling works for the amalgamated Gaer Primary.

REVENUE:

The funding required for the operation of the school will be provided through the Councils overall schools budget. There will be an ongoing revenue impact of delivering the school which is shown in the profile below. This will be funded through the ISB.

The required funding profile for the school is as follows, and reflects the total running costs of the school filled with Newport pupils only. Opportunities will be taken to bring back pupils from out of City provision, where this is possible and parental preference backs this position to achieve savings on this type of provision which is more expensive. In addition, surplus places at the school, should they exist, can be sold to other authorities for their pupils should the provision meet those particular pupils needs. The working assumption at this stage is that the demand within Newport is sufficient and exceeds the capacity of the school.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)		576	314		
Net Costs (Savings)					
Net Impact on Budget		576	314		

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure approve the proposal	L	L	This risk has been mitigated by carrying out a full and public statutory consultation process, which took place without any legal objections.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Council Improvement Plan
Education Service Plan
21CS Strategic Outline Plan
National Implementation Plan for 3 – 16 Education

Options Available and considered

Option 1: To confirm the decision and give formal agreement **“to establish a new special school in Newport to accommodate pupils with Autistic Spectrum Disorder (ASD) on the current infant site of Gaer Primary School, with effect from April 2017.”**

Option 2: To retain the status quo and continue to maintain special education places at the current locations including Out of County placements.

Preferred Option and Why

The preferred option is Option 1, as this supports the seamless education vision for 3 – 19 places within Newport; provides additional sufficiency of special education school places within the city; provides equity of access to education; extends the choice for parents; eases the logistics for parents who have siblings within other schools in Newport supports families returning to work by schools within the city of Newport having a sufficiency of provision for all sectors of education; develops the professional learning communities on school sites; facilitates the National Implementation Plan for 3 – 16 Education. Finally, it provides a 21st century learning environment for all our pupils with Autistic Spectrum Disorder, closer to home.

Comments of Chief Financial Officer

The establishment of a new school brings with it actual revenue expenditure, and is a factor that requires consideration. The establishment will need to be funded from within current ISB resources, and will therefore need to be factored into current formula distributions for each school within the City.

Comments of Monitoring Officer

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. The proposal to establish a new ASD special school on the current infant site at Gaer Primary School has been formally published and subjected to formal consultation in accordance with the statutory procedure. There has been meaningful consultation with key stakeholders, including children and young people, and

the Cabinet Member has previously decided to proceed with the necessary statutory notices in the light of the consultation responses. The proposal has been published by way of formal statutory notice, on the Council's website and by public notices, and a period of 28 days (including, at least, 15 school days) has been allowed for statutory objections. However, no objections have been received within the statutory notice period and, therefore, the final decision can now be taken by the Cabinet Member to proceed with the establishment of the new ASD special school as from April 2017.

Comments of Head of People and Business Change

Four of the aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act have been considered whilst completing this report. These are:

- Long Term - considering long term needs of children with Autism
- Prevention – providing education for children with Autism within the city
- Collaboration – Working with home to school transport to ensure they best outcomes for children with Autism
- Involvement - involving people with an interest at the appropriate stages of decision making.

As required a Fairness and Equality Impact Assessments (FEIA) has been completed.

In terms of a proposed timescale, it would be unlikely that the new school could be established from April 2017 as it would not give enough time for the appropriate recruitment of a new Headteacher (including the development of the staffing structure and subsequent recruitment to all other required posts) based on the Conditions of service for School Teachers in England and Wales, as any teacher would be required to give notice by the end of February. It is therefore the view of HR that a September opening is a more realistic proposal.

Local issues

None

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An updated Fairness & Equality Impact Assessment has been attached at Appendix A.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

This report takes into consideration the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. This has been demonstrated by the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs – ***this has been taken into consideration by planning for the numbers of pupil who will need special sector provision in future years and enabling that provision to be closer to home.***
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives – ***this has been taken into consideration by ensuring that those in Out of County placements are able to seek education provision within the city, closer to home, providing an education experience where a longer time is in the learning environment than previously when a longer time is experienced on school transport.***
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies – ***there is potential for greater integration when children are educated within the city of Newport***
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives – ***this has been taken into consideration by noting how the delivery of a new special school for pupils with Autistic Spectrum Disorder in Newport can reduce the Home to School Transport costs for the Council and allow that financing to be channelled to other sources of public service need or to reduce the public service cost burdens generally***
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve – ***this has been taken into consideration by following the full statutory consultation process for all interested parties to ‘have their say’ and has included the management of a Learner’s Voice survey***

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

All comments and feedback from the statutory consultation process have been shared at each stage of the decision making process.

Background Papers

None

Dated: January 2017

Attached:

Appendix A: Updated Fairness & Equality Impact Assessment

Fairness and Equalities Impact Assessments F&EIAs (2015)

This form presents evidence that equalities, Welsh language and fairness have been considered when taking policy and service delivery decisions in Newport City Council.

Our Equalities focus is taken from the Equalities Act 2010: we consider the nine protected equalities characteristics- age, gender reassignment, disability, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

Under the General Equality Duty we have a duty to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations

across the nine protected characteristics.

Under the Welsh Language Measure 2011 the Welsh language cannot be treated any less favourably than the English language

In Newport we focus on Fairness through the following themes: Health, Poverty, Skills and Work, Domestic Abuse and Tackling Area Based Deprivation.

Service Area	Head of Service	Person responsible for the Assessment:	Date of Assessment
Education	James Harris	Amanda B Davies	January 2017

1. What is the policy/ service being assessed?

To take the final determination on the proposal to establish a new special school for pupils with Autism, on the site of the former Gaer Infants School, with effect from April 2017.

2. What is the purpose of the policy/ service change?

To provide education within a seamless transition from 3 – 19 for pupils with Autism at a school within Newport.

3. Protected Characteristics

Protected Characteristic	Who are the customers/service users/ potential service users?	If we take this decision what is the potential impact? The impact may be either positive or negative Explain how people may be affected and give the evidence for this	Action Plan to address issues raised What changes or practical measures would reduce adverse impact on particular groups. What changes would increase positive impacts e.g. improve access or opportunity May be revisited post consultation	Who is responsible?	Timeframe to review
Age	Pre-school and school aged children Parents / Carers	The expected impact of the proposal is to provide education within a seamless transition for primary school and secondary school pupils with Autism at this school within Newport.			
Gender reassignment					
Disability		Any new construction on site to support a new special school for pupils with Autism will be DDA compliant			
Marriage/Civil Partnership					
Pregnancy and Maternity	Prospective parents	The availability of places at this school will be positive for prospective			

		parents.			
Race					
Religion/belief (or the absence of)					
Sex					
Sexual Orientation					
Welsh language	No – the proposal concerns English language provision	The decision will not affect Welsh-medium education provision; the Welsh language elements of the curriculum will apply to the new special school for pupils with Autism in line with provision across the city having regard for additional learning needs		Chief Education Officer	

4. Who has the service consulted regarding the proposed change? When should new consultation take place?

NB: It is essential that service users and other interested parties are involved in the planning process at the earliest opportunity. Consultation at an initial stage should be along broad themes. It is appropriate to ask what services are valued, how services could be changed and or what could be done differently. This feedback should then inform your business case proposals and the F&EIA. When specific proposals have been drawn up, they too will need to be consulted upon. All stakeholders and their views need to be represented.

The full statutory consultation process has been completed, with the confirmation that no legal objections were received during the publication of the statutory notice stage. The Cabinet Member for Education & Young People can now take the final decision to either establish the school or not, this updated FEIA is provided to support the decision report.

5. What evidence/ data has been used to complete this F&EIA (This will include local and national guidance)

The full statutory consultation has been carried out in accordance with the School Standards and Organisation (Wales) Act 2013, and the Statutory Code, 2013. Special Sector school places are provided in accordance with the School Standards and Framework Act, 1998.

6. How will the relevant groups be advised of the changes and the F&EIA?

The updated FEIA and the decision report of the Cabinet Member for Education & Young People will be published on the Council web site and be accessible to the public domain.

7 How will the policy/ practice make Newport more or less fair in relation to:

- Health Inequalities
- Child Poverty
- Skills and Work
- Tackling Domestic Violence
- Alcohol and Substance misuse
- Homelessness
- Armed Forces Veterans

The final determination is to enable:
Improved equality of access to special sector in particular for pupils with Autistic Spectrum Disorder

8. How will the service / policy affect local areas of the city?

Will it have a positive or negative impact in terms of fairness and addressing local area deprivation (you will need to use spatial data available through the Newport Profile and specific Ward Profiles to address this question)?

Access to education provision across Newport has been limited for many years, with a dependency upon out of area placements.

As an authority we aspire to delivering education for all Newport pupils in Newport.

9. In summary, how does the changed service /policy promote good community relations (cohesion)?

The final determination on this proposal will support access to education generally and integration with other schools as and when appropriate, forging relationships with peers, teachers and parents in the community. This will help to build positive relationships in and around the school. It is accepted that the increased traffic flow in the vicinity could cause some frustration to local residents. A travel plan explaining what efforts will be made to address this issue will be developed alongside the planning application.

10. In summary, how does the changed service /policy promote equality?

The final determination on this proposal will support delivery of a 3 – 19 special school for pupils with Autism. Families will be able to access a seamless transition within the special education sector for pre-school and school pupils to enjoy their education from 3 – 19 within the city of Newport. Parents of any child of eligible age can apply for a place and will be supported through the admission process by the Special Education Needs team.

11. In summary, how does the changed service /policy eliminate discrimination?

The final determination on this proposal will provide equality of access to pupils with Autism to enjoy the same education services as all other community maintained schools in Newport.

Completed by: Amanda B Davies: Assistant Head of Education (Resources & Planning)

Date: January 2017

A B Davies

Signed off by: James Harris: Chief Education Officer

Date: January 2017

James Harris