

Report

Cabinet Member for Education & Young People

Part 1

Date: 17 February 2017

Item No: 1

Subject Duffryn Infant & Duffryn Junior Schools – final determination

Purpose To seek Cabinet Member approval “to amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter”.

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Ward Tredegar Park

Summary The full statutory consultation process has now concluded on the proposal “to amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter”.

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 amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter.

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Deputy Chief Education Officer
- Senior HR Business Partner
- Senior Finance Business Partner
- Education Service Development Manager
- Early Years & Integration Business Manager
- School Admissions Manager

Signed

Background

The school reorganisation proposal has been taken forward proposing to amalgamate the Duffryn Infant School and the Duffryn Junior School into an all-through primary school for ages 3 - 11, 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 during the statutory notice period and therefore in accordance with the School Organisation Code, July 2013 a decision can be taken locally by the Cabinet Member.

Financial Summary

CAPITAL:

There are no capital costs associated with this proposal.

REVENUE:

In the event of amalgamation of the Infant and Junior school, savings should be generated with regard to employee related costs as a result of leadership and administration and as a result a lump sum payment will be lost to the school, as both prior schools will have received a lump sum payment. Based on the current LMS formula an amalgamated school will generate the same amount of Age Weighted Pupil Unit funding. There will however be a reduction relating to the formula lump sum paid reflecting an overall saving to the authority of £47,262 per annum. This will be available in the financial year following formal amalgamation.

Under the authority's formula distribution, a lump sum payment (currently £35,000) is made available to all new and amalgamating schools in the first financial year of opening. Any costs of redundancies as a result of the process would be met by the authority.

This amalgamation process is being taken forward by extending the age range of one school to become the new all-through primary and closing all other schools within the proposal group, therefore the following actions will take place. On amalgamation, the balance of the school to be extended will be retained by the new all-through primary and all other balances (surplus or deficit) are retained by the authority and not allocated against the amalgamated primary school budget. The budget of the new school will have financial adjustments to fall in line with typical budgets for that size school.

The required funding profile for the new school is as follows:

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)	0	0	0		
Net Costs (Savings)	0	-£12k	-£35k	-£47k	
Net Impact on Budget	0	-£12k	-£35k	-£47k	

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 to 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

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

Option 1: To confirm the decision and give formal agreement **“to amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter”**.

Option 2: To retain the status quo and continue to operate Duffryn Infant School as a separate entity to Duffryn Junior School.

Preferred Option and Why

The preferred option is Option 1, as this supports the seamless education vision for 3 – 11 places within Newport; eases the logistics for parents who have siblings in each school; supports families returning to work by schools operating as one school on one site; develops the professional learning communities in all-through primary schools; facilitates the National Implementation Plan for 3 – 16 Education.

Comments of Chief Financial Officer

There are associated financial consequences associated with any re-organisation proposal. These have been set out within the report.

In essence the new school will only receive one lump sum payment from the formula funding for schools allocation, however it will receive a start-up allocation of £35,000, as any accumulated surpluses/deficits automatically defer back to the local authority under the scheme of financing.

The effect on the current Council overall schools budget has already been planned for within the current medium term revenue plan, as has other current planned re-organisation plans where known.

With regard to any redundancy costs that may arise from any school staff restructuring that takes place as a result of the amalgamation, then these costs would fall directly to the local authority as the amalgamation has taken place as a local authority initiative. The local authority currently holds a budget to cater for any costs arising from such re-organisation proposals

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 amalgamate Milton Infant and Junior Schools and to establish an all-through 3-11 age primary school has been formally published and subjected to formal consultation in accordance with the statutory

procedure. Having regard to the positive responses to the consultation, the Cabinet Member decided to proceed with the necessary statutory notices. Following publication of the relevant statutory notices, no objections have been received within the statutory 28 day objection period. Therefore, the Cabinet Member can now take the final decision to proceed with the amalgamation proposals with effect from this April, or as soon as possible thereafter.

Comments of Head of People and Business Change

As noted in the report all aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act have been considered in the decision making process and the writing of this report.

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

From an HR perspective, depending on the budget and structure there are likely to be Human Resources implications as a result of the amalgamation of Duffryn Infants and Duffryn Juniors should this be the decision of the Cabinet Member. The shadow Governing Body of the proposed new school will need to approve a structure for the school prior to any staffing decisions being made, and it will be the Governing Body of the new school who will make all staffing appointments. However, it is anticipated that, as has happened with previous amalgamations in Newport, the shadow Governing Body would agree to ring fence its recruitment to staff currently employed at Duffryn Infants and Junior Schools. It should be noted that, following a change to the Staffing of Maintained Schools (Wales) Regulations in 2010, the shadow Governing Body may also choose to ring fence recruitment of the Headteacher and any Deputy Headteacher post/s to the current post holders in the two schools (as opposed to having to undertaken a national advert as was the case in previous amalgamations).

In terms of a proposed timescale, it is unlikely that the amalgamation could take effect from April 2017. This would not give the Head teacher and Governing Body the requisite time to agree and consult upon a staffing structure. If there were to be any compulsory redundancies in respect of teaching staff, under the Conditions of Service for School Teachers in England and Wales, we would be required to issue notice by the end of February. This does not give us the required time to conduct a fair consultation process with staff and allow the right of appeal. Therefore it is the view of HR that a September amalgamation is a more realistic proposal.

If there are any potential staffing reductions as a result of the proposed amalgamation then these will need to be dealt with in accordance with the Schools' Job Security Policies. The City Council would work with the Governing Bodies of the schools to redeploy staff to other vacancies within Newport schools or elsewhere in the City Council, where possible. The City Council will also need to ensure that the schools and their staff receive appropriate support and advice from the authority under the terms of their Service Level Agreements during the amalgamation process.

Local issues

Ward Member comments from the Tredegar Ward are invited.

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 is 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

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered 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 through the development of seamless learning for ages 3 – 11***
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives – ***this has been taken into consideration through the development of seamless learning for ages 3 – 11***
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies – ***this proposal meets a number of the well-being goals and will have no adverse effect on the others or any other organisation***
- 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 through the development of seamless learning for ages 3 – 11***
- 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

Appendix A: Updated Fairness & Equality Impact Assessment

Dated: 17 February 2017

APPENDIX A

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	February 2017

1. What is the policy/ service being assessed?

To take the final determination on the proposal “**to amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter**”.

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

To provide education within a seamless transition from 3 – 11 for pupils currently attending the two schools.

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 at this location.			
Gender reassignment					
Disability					
Marriage/Civil Partnership					
Pregnancy and Maternity	Prospective parents	The availability of places at this all-through primary 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 primary school for pupils in line with provision across the city		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.

Full statutory consultation has been carried out on the proposal **“to amalgamate Duffryn Infant School and Duffryn Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter”**.

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

The full statutory consultation was carried out in accordance with the School Standards and Organisation (Wales) Act 2013, and the Statutory Code, 2013.

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

The final decision on the proposal will be published on the Council web site and will be available within 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 on the proposal will enable:

Improved equality of access – seamless transition through the school for ages 3 – 11

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)?

As an authority we aspire to delivering education for all Newport pupils within a single education journey from 3 – 11.

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

The proposal will support access to a seamless education journey. This will help to build positive relationships in and around the school.

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

The proposal will support delivery of a 3 – 11 school for pupils. Families will be able to access a seamless transition. The School Admission Policy will apply to this school and parental preference also applies.

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

The proposal will provide equality of access to pupils to enjoy the same seamless transition for education services as other all-through community maintained schools in Newport.

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

Date: February 2017



Signed off by: James Harris: Chief Education Officer

Date: February 2017

