

# Report

## Cabinet

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### Part 1

Date: 8 January 2018

**Subject** **School Reorganisation Proposal – Removal of Learning Resource Base (LRB) provision at Llanwern High School – Final Decision**

**Purpose** To seek final determination on the school reorganisation proposal “to permanently remove the Learning Resource Base provision currently at Llanwern High School”

**Author** Deborah Weston, Education Service Development Manager

**Ward** All Wards

**Summary** This school reorganisation proposal has been carried out in accordance with the statutory School Organisation Code and included a formal consultation period followed by the publication of a statutory notice for the required period of 28 days.

One objection was lodged during this statutory notice stage, and therefore the final decision cannot be determined by the Cabinet Member for Education and Skills. Instead, Cabinet is required to act as the Local Determination Panel and take the final decision on implementation of this proposal.

The original proposal included an anticipated implementation date of January 2018. However, as this determination now needs to be taken by Cabinet rather than the Cabinet Member for Education and Skills, this date will not be achieved. Cabinet is asked therefore to modify the original proposal and approve implementation from 1<sup>st</sup> April 2018.

**Proposal** **To approve the school reorganisation proposal “to permanently remove the Learning Resource Base provision currently at Llanwern High School with effect from April 2018”**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Education Senior Management Team
- Senior HR Business Partner
- Senior Finance Business Partner
- Schools Resources Manager
- Headteacher, Llanwern High School
- Chair of Governors, Llanwern High School

**Signed**

## **Background**

The school reorganisation proposal has been taken forward to permanently remove the Learning Resource Base from Llanwern High School. This included a period of formal consultation carried out between 10<sup>th</sup> July 2017 and 24<sup>th</sup> September 2017 following which a consultation report, containing a summary of the issues raised by consultees and the Council's response, was prepared and published on the Newport City Council website.

The Council subsequently published a statutory proposal between 6<sup>th</sup> November 2017 and 4<sup>th</sup> December 2017 to permanently discontinue the Learning Resource Base (LRB) currently housed at Llanwern High School. The decisions to launch formal consultation and publish the statutory proposal were both approved by the Cabinet Member for Education and Skills via the Council's agreed democratic processes and procedures.

The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Llanwern High School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including pupils, staff and parents / carers of Llanwern High School and the parents of pupils currently attending the five cluster primary schools: Alway Primary, Eveswell Primary, Llanmartin Primary, Milton Primary and Ringland Primary.

As an objection was received during the statutory proposal stage, the final determination must be referred to Cabinet acting as the Local Determination Panel. As a result the original proposed implementation date of 1<sup>st</sup> January 2018 will not be achieved. Cabinet is asked therefore to modify the original proposal and approve implementation from 1<sup>st</sup> April 2018.

## **Current Position**

The LRB is currently empty, all pupils having moved to either alternative small group provisions in host schools or small nurture groups which are more suitable to their specific needs. The trained staff employed at host schools and the increased use of outreach support will enable schools to make best use of resources at a local level to support pupils through small group provision, interventions and support.

## **Objections**

One objection was lodged during the statutory notice stage, and was received from a member of staff employed to work within the LRB at Llanwern High School. The reasons for the objection, along with the Council's responses to the points made, are outlined in the Objection Report which has been drafted and accompanies this report. In summary however, the objection was made on the following grounds:

- *Re-establishment of provision*  
Under this section, the individual referred to the changes that were previously made to the provision in 2014, the staff employed at the base and the training provided to them to meet the needs of the pupils.
- *Current Situation at Llanwern LRB*  
Under this section, the individual outlined the operational arrangements in place over the course of the 2016/17 academic year, including the creation of a 'Nurturing Parents Group' and the establishment of new ways of working and initiatives to support challenging youngsters.
- *Some Concerns Regarding the Proposed Closure of the LRB*  
Under this section, the individual outlined the reasons for placing a pupil in a LRB and outlined the disparity between the number of Key Stage 2 LRB places and Key Stage 3 LRB places across Newport's primary and secondary schools. This section went on to give some specific details regarding the pupils who were asked to contribute to the learner voice and outlines the difficulties facing the staff who previously worked within the LRB along with their current positions within the school.

## Response from the Chief Education Officer

Whilst the previous success of the provision is acknowledged, a decision was taken by Cabinet to withdraw the funding associated with the LRB as part of the budget determinations for the 2017/2018 financial year.

This decision supports the strategy that individual pupil needs could be better met at more inclusive Additional Learning Needs (ALN) settings within mainstream host schools, and also serves to reduce the significant operational running costs of the existing provision. The LRB has been empty since the start of the 2017/18 academic year, pending a decision on permanent closure.

There is also recognition that some pupils need specialist support but it is felt that this can best be achieved via small group provision within a host school setting. This will enable extended integration and a more personalised learning pathway, and young people will have access to a high level of support within their mainstream setting including a broader access to a menu of interventions and interaction with positive role models.

Going forward, the emphasis will be on the provision of a nurturing environment to support individual needs throughout the school. Extensive training has been provided to mainstream staff and there has been collaboration across the City involving staff members that operate small groups and Inclusion Centres in mainstream schools.

## Financial Summary

As part of the 2017/2018 budget setting process, it was agreed that funding would cease for the LRB provision at Llanwern High School with effect from September 2017. The proposal has resulted in part year savings in 2017/2018 of £79,000 and a further £54,619 in 2018/2019 to reflect the annual savings of £133,619.

The proposal now seeks to formally close the provision from April 2018. Savings are however being achieved in advance of this formal closure as funding is no longer attached to the unit directly.

These total savings could be offset by potential additional costs incurred from increased pressure on the Council's Special Educational Needs budget in respect of pupils previously accessing the base who may require specialist provision or additional curriculum. These figures, if they arise, are needs led and will be managed within other specific ALN budgets.

## 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 finally determine the proposal	L	L	This risk has been mitigated by carrying out a full consultation process in accordance with the statutory School Organisation Code and through the publication of a statutory notice. This generated only one objection which is detailed in full within this report.	Chief Education Officer

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015  
Council Improvement Plan  
Education Service Plan

## **Options Available**

Option 1: to determine to implement the proposal to permanently discontinue the Learning Resource Base at Llanwern High School albeit with a modified implementation date of April 2018.

Option 2: to decide to withdraw the proposal and reinstate the funding to enable the Learning Resource Base to remain open.

## **Preferred Option and Why**

The preferred option is Option 1. This supports the initial decision to withdraw the funding associated with the provision and also supports the strategy that individual pupil needs could be better met at more inclusive Additional Learning Needs (ALN) settings within mainstream host schools. The LRB has been empty since the start of the 2017/18 academic year, pending a decision on permanent closure.

This matter has been subject to a detailed school reorganisation proposal with only one objection received during the statutory notice stage.

## **Comments of Chief Financial Officer**

The financial implications are as stated in the report and these have been built into the Council's MTFP and form part of the current 2018/19 budget 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 remove the LRB from Llanwern High School is a regulated alteration and, therefore, had to be the subject of formal statutory consultation under the Code. In accordance with the statutory procedures, a detailed consultation document was prepared, setting out the reasons for the proposals, and meaningful consultation was carried out with key stakeholders, including children and young people, who were likely to be affected by the changes. There were three objections received based upon a perceived detrimental impact of the closure of the LRB on the provision of education for the affected pupils. However, the formal response from Estyn concluded that the proposals would, at least, maintain current standards of education and there was the potential for the alternative arrangements to better meet their educational needs. These consultation responses were reported back to the Cabinet Member, who considered those representations and decided to proceed with the necessary statutory notices, having regard to the educational impact of the proposals. The proposal was then 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) was allowed for statutory objections. One formal objection was lodged by a member of staff employed at the school and the grounds of objection and the Education response are set out in the Report. Because this objection was received during the statutory proposal stage, the final determination must be referred to full Cabinet, acting as the Local Determination Panel. As a result, the original proposed implementation date of 1st January 2018 will not be achieved and, if Cabinet agree to proceed with the proposal, they will need to modify the proposal and approve a later implementation date of 1st April 2018.

## **Comments of Head of People and Business Change**

As required this proposal has considered all five aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act. In addition a Fairness and Equality Impact Assessment (FEIA) has been completed and should be reviewed and updated at each stage of the decision making process.

The proposal that has been taken forward to permanently remove the Learning Resource Base from Llanwern High School has no human resources implications as the staff employed to work in the Learning Resource Base will be assimilated into the workforce with no job losses.

## Local issues

None

## Scrutiny Committees

None

## Equalities Impact Assessment

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. The Fairness & Equality Impact Assessment (FEIA) has been updated and is attached at Appendix 1.

## Children and Families (Wales) Measure

Consultation with Children and Young People was carried out during the formal consultation stage and is outlined within the Consultation Report.

## 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 **by ensuring that children with additional educational needs are educated at appropriate placements**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives **the needs of pupils with additional educational needs can be met in a more cost-effective manner**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies **in accordance with the School Organisation Code, a formal consultation has been carried out with key stakeholders and a statutory proposal has been published providing the opportunity for stakeholders to submit any objections. This proposal supports the “A prosperous Wales” and “A more equal Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”**
- 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 **a formal consultation has already been carried out and included targeted stakeholder engagement. A FEIA has also been prepared and updated to consider the impact of the proposal**
- 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 **a formal statutory consultation has already been carried out and included targeted stakeholder engagement. A FEIA has also been prepared and updated to consider the impact of the proposal**

In summary this proposal supports wellbeing by supporting and promoting inclusion. Pupils will now be taught in mainstream environments, with additional support and increased outreach services from the Pupil Referral Unit being provided where appropriate to meet the specific needs of individual pupils. This will improve skills, educational outcomes and employment opportunities, enabling young people to become independent and resilient.

### **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**

This proposal has been subject to a full programme of stakeholder engagement as required under the statutory School Organisation Code. The results of this consultation are outlined in detail in the consultation report.

### **Background Papers**

Formal Consultation Document  
Consultation Report  
Statutory Proposal (Notice)  
Objection Report  
Statutory Objection

**Dated: 8<sup>th</sup> January 2018**

# APPENDIX 1

## 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	Sarah Morgan	Deborah Weston	December 2017

### 1. What is the policy/ service being assessed?

To finally determine the proposal to permanently remove the Learning Resource Base provision that is currently at Llanwern High School, albeit with a modified implementation date of April 2018.

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

To implement the budget savings agreed by Cabinet to cease the funding attributable through the Individual Schools Budget (ISB) for the Learning Resource Base provision at Llanwern High School.

### 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	Secondary school age children in years 7 – 9 and their parents / carers	The Learning Resource Base is currently empty and there are no plans for children to be accommodated at this provision, pending a final decision on this proposal.	<p>This proposal was subject to formal consultation with a range of stakeholders, the result of which is outlined in the Consultation Report which has been prepared and published on the Newport City Council website.</p> <p>A statutory proposal was subsequently published which provided an opportunity for legal objections to be lodged. Only one objection was received, from a member of staff previously employed at the provision.</p> <p>The majority of pupils who were attending the LRB have now successfully moved to small group provision in host schools. The one remaining pupil was not attending the provision regularly and has</p>	Chief Education Officer	Proposal will be implemented in April 2018



			moved to a small nurture group for vulnerable pupils, which is more suitable to his specific needs.		
Gender reassignment	Not applicable				
Disability	Secondary school age children in years 7 – 9 who have a registered disability and their parents / carers	The Learning Resource Base is currently empty and there are no plans for children to be accommodated at this provision, pending a final decision on this proposal.	<p>This proposal was subject to formal consultation with a range of stakeholders, the result of which is outlined in the Consultation Report which has been prepared and published on the Newport City Council website.</p> <p>A statutory proposal was subsequently published which provided an opportunity for legal objections to be lodged. Only one objection was received, from a member of staff previously employed at the provision.</p> <p>The majority of pupils who were attending the LRB have now successfully moved to small group provision in host schools. The one remaining pupil was not attending the provision regularly and has moved to a small nurture group for vulnerable pupils, which is more suitable to his specific needs.</p>	Chief Education Officer	Proposal will be implemented in April 2018
Marriage/Civil Partnership	Not applicable				
Pregnancy and Maternity	Not applicable				
Race	Secondary school age children in years 7 – 9 and their parents / carers	The Learning Resource Base is currently empty	This proposal was subject to formal consultation with a range of stakeholders, the result of which is	Chief Education Officer	Proposal will be implemented in April 2018

		and there are no plans for children to be accommodated at this provision, pending a final decision on this proposal.	<p>outlined in the Consultation Report which has been prepared and published on the Newport City Council website.</p> <p>A statutory proposal was subsequently published which provided an opportunity for legal objections to be lodged. Only one objection was received, from a member of staff previously employed at the provision.</p> <p>The majority of pupils who were attending the LRB have now successfully moved to small group provision in host schools. The one remaining pupil was not attending the provision regularly and has moved to a small nurture group for vulnerable pupils, which is more suitable to his specific needs.</p>		
Religion/belief (or the absence of)	Not applicable				
Sex	All secondary school age children in years 7 – 9 and their parents / carers	The Learning Resource Base is currently empty and there are no plans for children to be accommodated at this provision, pending a final decision on this proposal.	<p>This proposal was subject to formal consultation with a range of stakeholders, the result of which is outlined in the Consultation Report which has been prepared and published on the Newport City Council website.</p> <p>A statutory proposal was subsequently published which provided an opportunity for legal objections to be lodged. Only one</p>	Chief Education Officer	Proposal will be implemented in April 2018

			<p>objection was received, from a member of staff previously employed at the provision.</p> <p>The majority of pupils who were attending the LRB have now successfully moved to small group provision in host schools. The one remaining pupil was not attending the provision regularly and has moved to a small nurture group for vulnerable pupils, which is more suitable to his specific needs.</p>		
Sexual Orientation	Not applicable				
Welsh language	Not applicable. The proposal concerns English language provision				

#### 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 cessation of funding was included in the Council's budget proposals for 17/18, and this was subject to public consultation. Notwithstanding this however, this proposal was subject to formal consultation with a range of stakeholders as defined in the WG School Organisation Code. The feedback received during the formal consultation is outlined in a Consultation Report which has been prepared and published on the Newport City Council website.

The Council then published a statutory proposal for 28 days to permanently discontinue the LRB. One objection was lodged during the statutory notice stage, and was received from a member of staff who was employed to work within the LRB at Llanwern High School. The reasons for this objection and the Council's responses are outlined within the Objection Report which will be published on the Newport City Council website following final determination.

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

Business cases were drafted as part of the Council's budget proposals for 2017/18.

A formal consultation has been carried out in accordance with the School Standards and Organisation (Wales) Act 2013 and the statutory School Organisation Code 2013. The results of this consultation are outlined in the Consultation Report which has been prepared and published on the Council website.

A statutory proposal was subsequently published, and this provided stakeholders with the opportunity to lodge any legal objections against the proposal. A single objection was received, the details of which are outlined in the Objection Report.

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

Stakeholders were made aware of the initial consultation and engagement session arranged for them to find out more information. At the end of the consultation period, a Consultation Report was prepared and published, and stakeholders made aware of this.

The Council then decided to publish a statutory proposal. This was published on the Newport City Council website and copies were displayed at all main entrances to Llanwern High School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including pupils, staff and parents / carers of Llanwern High School and the parents of pupils currently attending the five cluster primary schools: Alway Primary, Eveswell Primary, Llanmartin Primary, Milton Primary and Ringland Primary.

Details of the final determination will also be shared with stakeholders as outlined and defined within the statutory School Organisation Code.

## **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 costly provision will cease and funding targeted appropriately elsewhere.

**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)?

Whilst the provision is based at Llanwern High School, it can be accessed by pupils across the City according to their level of need. It is likely however that these pupils will now be accommodated in small group placements in their catchment schools, meaning that there will be more interaction with their local peer groups.

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

Pupils will now be accommodated in small group placements in their catchment schools, meaning that there will be more interaction with their local peer groups.

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

Pupils will now be accommodated in small group placements in their catchment schools, meaning that there will be more interaction with their local peer groups.

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

Pupils will now be accommodated in small group placements in their catchment schools, meaning that there will be more interaction with their local peer groups.

**Completed by: Deborah Weston, Education Service Development Manager**

**Date: December 2017**



**Signed off by: Sarah Morgan, Interim Head of Education**

**Date: December 2017**

