

# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 28 March 2018

**Subject** **School Reorganisation Proposal – Expansion of Millbrook Primary School – Final Determination**

**Purpose** To seek final determination on the school reorganisation proposal “to increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 2018”

**Author** Education Service Development Manager

**Ward** Bettws

**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.

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

**Proposal** **To approve the school reorganisation proposal “to increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 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, Millbrook Primary School
- Chair of Governors, Millbrook Primary School

**Signed**

## Background

A school reorganisation proposal has been taken forward to expand Millbrook Primary School. This included a period of formal consultation carried out between 11<sup>th</sup> September 2017 and 22<sup>nd</sup> October 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 decisions to launch formal consultation and subsequently publish a statutory proposal were both approved by the Cabinet Member for Education and Skills via the Council's agreed democratic processes and procedures.

## Current position

The Council published a statutory proposal between 15<sup>th</sup> January 2018 and 12<sup>th</sup> February 2018 to increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 2018.

The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Millbrook Primary School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Millbrook Primary School. The consultation passed through this statutory notice stage without objection and therefore a final decision can now be taken by the Cabinet Member for Education and Skills.

## Financial Summary

### *Capital*

There is no capital funding associated with this proposal, although some small maintenance works have already been carried out on the site to improve existing facilities in terms of previously unused classrooms to ensure their suitability and appropriateness for delivery of the national curriculum across all year groups.

### *Revenue*

There will be additional costs in terms of staffing and property related costs as the school expands. The funding for these will come from the Individual School Budget (ISB) which is largely driven by pupil numbers though in practice, the actual amount will depend on the total ISB budget available for distribution. Increasing pupil numbers will mean that this school will get a greater share of the ISB in the future and therefore could impact on other school funding depending on the level of the ISB budget. There may be savings in terms of home to school transport, as increasing the number of school places available could potentially reduce the number of children who require free transport assistance to their next nearest available school. These savings, if they arise, cannot be quantified at the present time.

## 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 which generated no objections.	Chief Education Officer

## **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 increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 2018”

Option 2: to decide to withdraw the proposal and continue to support Millbrook Primary as a 1 form entry school, albeit with the “bubble class” arrangements that are presently in place in the current Reception and Year One groups.

## **Preferred Option and Why**

The preferred option is Option 1 as this will increase the number of primary school places available in this area of the city. The proposed incremental approach to this increase will ensure that there is no immediate detrimental impact on other local schools. The school is housed on a large site with appropriate space and infrastructure in place to support an increased capacity. The council has already carried out the building work necessary to ensure that the whole school is equipped to meet the demands of a 21<sup>st</sup> Century learning environment.

## **Comments of Chief Financial Officer**

At the present time the school is being funded for the additional numbers already within the school, and will continue to be funded for the growth in additional numbers each year through the ISB, whether the value of the ISB grows or not. The school will receive additional funding through the funding formula, and the level of additional funding provided to the school to cater for the additional numbers is wholly dependent upon any additional funding being passed into the ISB as part of the budget setting process, and any other factors affecting schools from that process.

The additional pupil number growth within the Primary sector is included along with the financial consequences in the Councils medium term financial plan (MTFP) for consideration by the Council each year. The increased numbers within the school are captured as part of the pupil counts undertaken each year to support funding etc.

## **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 increase the capacity of Millbrook Primary School from 210 to 315 by creating a permanent 1.5 form entry 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. The only consultation response received was from Estyn, who concluded that the proposals would, at least, maintain current standards of education provision in the area, although further information was requested. Having considered these consultation responses, the Cabinet Member decided to proceed with the necessary statutory notices. Accordingly, the proposal was 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. No objections were received and, therefore, it is now open to the Cabinet Member to finally approve the reorganisation proposals and agree to proceed with the implementation.

## Comments of Head of People and Business Change

As required by the Well-being of Future Generations (Wales) Act 2015 this proposal has considered all five aspects of the sustainable development principle. In addition a Fairness and Equality Impact Assessments (FEIA) has been completed. This assessment has been updated in light of the responses received in the formal consultation process and at each stage of the decision making process.

From a human resources perspective there are no implications at this stage, other than keeping current staff informed of the process. There would be future staffing implications for Millbrook Primary School as a result of this proposal, in terms of appointing the employees required to support the additional pupils, incrementally over a seven-year period. There may also be a requirement for the Governing Body to review the pay ranges of members of the school leadership team, in line with policies and procedures.

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

## Children and Families (Wales) Measure

Consultation with pupils 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 making additional school places available and therefore increasing provision for local children to attend local schools**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives **additional school places are made available in an area of demand enabling**

***pupils to attend a local school, therefore increasing accessibility and reducing the number of home to school transport applications***

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies ***a formal statutory consultation has been carried out with key stakeholders, the outcome of which is detailed in the consultation report. 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 increasing the availability of school places in an area of high demand, supporting the principles of parental preference and local schools for local pupils. Attendance and punctuality are likely to be positively affected where children are able to attend a local school of their choice. In turn, high school attendance rates is a significant factor in attainment and this therefore impacts on educational outcomes and on longer term employment opportunities.

### **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**

None

Dated: 28 March 2018

# Appendix 1

## Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Deborah Weston      **Role:** Service Development Manager

**Head of Service:** Sarah Morgan      **Date:** 13/02/2018

**I confirm that the above Head of Service has agreed the content of this assessment**

**Yes / No**

**When you complete this FEIA, it is your responsibility to submit it to**  
impact.assessment@newport.gov.uk

### **1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

The purpose of this proposal is to increase the number of primary school places available at Millbrook Primary School.

This FEIA supports the request for the Cabinet Member for Education and Skills to finally determine the school reorganisation proposal to increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 2018.

If approved, the proposal will be implemented on an incremental basis to reduce any impact on other schools, and to ensure that the increase in pupil numbers can be effectively managed by the governing body.

### **2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

This proposal was subject to formal consultation with a range of stakeholders, the results of which were outlined in the Consultation Report which has been published on the Newport City Council website.

A statutory proposal was subsequently published for a period of 28 days, and this offered the opportunity for formal objections to be lodged. No such objections were lodged however.

**3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**

The proposal has been carried out in accordance with the School Standards and Organisation (Wales) Act 2013, and the statutory School Organisation Code 2013 and included consultation with a range of stakeholders. The results of this consultation process are outlined in the Consultation Report which has been prepared and published on the Newport City Council website.

The Council published a statutory proposal between 15<sup>th</sup> January 2018 and 12<sup>th</sup> February 2018 to increase the capacity of Millbrook Primary School from 210 to 315, therefore creating a permanent 1.5 form entry school from September 2018.

The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Millbrook Primary School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Millbrook Primary School.

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

**4. Equalities and Welsh language impact**


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Age</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional primary school places will support parental choice and the provision of local schools for local children. This should not have any significant detrimental impact on other schools across the City.</p> <p>Maintenance works have already been carried out on the site to improve existing facilities in terms of previously unused classrooms to ensure their suitability and appropriateness for delivery of the national curriculum across all year groups.</p> <p>All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Disability</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional primary school places will support parental choice and the provision of local schools for local children. This should not have any significant detrimental impact on other schools across the City.</p> <p>Maintenance works have already been carried out on the site to improve existing facilities in terms of previously</p>





Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
				<p>unused classrooms to ensure their suitability and appropriateness for delivery of the national curriculum across all year groups.</p> <p>All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Gender reassignment/ transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>If this proposal is approved, there will eventually be pupils, parents / carers and staff associated with the school.</p> <p>If any pupils, parents / carers or staff fall into this protected characteristic, their needs will be considered in line with the relevant policies as adopted by the governing body of the school.</p>
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.
<b>Race</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional primary school places will support parental choice and the provision of local schools for local children. This should not have any significant detrimental impact on other schools across the City.</p> <p>Maintenance works have already been carried out on the site to improve existing facilities in terms of previously unused classrooms to ensure their suitability and appropriateness for delivery of the national curriculum across all year groups.</p> <p>All pupils attending the school and staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>There are currently eight faith based primary schools across the Newport school estate and the oversubscription criteria to support admission to these schools gives priority to pupils seeking faith based education.</p> <p>The Council works closely with the two representative diocesan bodies in the planning of faith based school places and this arrangement will continue when considering future provision.</p>



Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Sex/ Gender Identity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The provision of additional primary school places will support parental choice and the provision of local schools for local children. This should not have any significant detrimental impact on other schools across the City.</p> <p>Maintenance works have already been carried out on the site to improve existing facilities in terms of previously unused classrooms to ensure their suitability and appropriateness for delivery of the national curriculum across all year groups.</p> <p>All parents / carers and staff associated with the school and all will be treated equitably regardless of their status under this protected characteristic.</p>
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All pupils, parents / carers and staff associated with the school will be treated equitably regardless of their status within this protected characteristic.
<b>Welsh Language</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>There are currently three Welsh-medium primary schools across the Newport school estate and the Council works to ensure that the arrangements for the planning of such school places are effective.</p> <p>There is an existing Welsh-medium primary school in very close proximity to Millbrook Primary School.</p>

## 5 How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p><i>Yes by making additional school places available and therefore increasing provision for local children to attend local schools</i></p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p><b><i>A formal consultation has already been carried out and included targeted stakeholder engagement.</i></b></p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p><b><i>A formal statutory consultation has already been carried out and included targeted stakeholder engagement.</i></b></p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p><b><i>Additional school places will be made available in an area of demand, enabling pupils to attend a local school, therefore increasing accessibility and reducing the number of home to school transport applications.</i></b></p>
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p><b><i>A formal statutory consultation has been carried out with key stakeholders, the outcome of which is detailed in the consultation report. 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”.</i></b></p>

## 6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

The proposed change will primarily impact on the Bettws area of the City, However applications for admission to the school can be made in respect of children living across the whole of the City. The Council aspires to provide local schools for local children and a single education journey for children during their time in Foundation Phase and Key Stage 2.

## 7 **How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission?**

The provision of additional primary school places in an area of high demand will support the School Admissions Policy within which all applicants are treated fairly and equitably. There will be an improved equality of access to school places and a seamless learning pathway for children aged 3 – 11.

## 8 **Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?**

The proposal will be implemented on an incremental basis to reduce any impact on other schools, and to ensure that the increase in pupil numbers can be effectively managed by the governing body.

## 9 **Monitoring, evaluating and reviewing**

The impact of the proposal will be evaluated following full implementation. This FEIA has been reviewed and updated at stages throughout the proposal.

## 10 **Involvement**

Stakeholders were advised of the publication of the statutory notice and details of the determination will be shared as appropriate.

## 11 **Summary of Impact (for inclusion in any report)**

### **Equality Act 2010 AND Welsh Language**

The proposed new school will primarily serve children and families living in the Bettws area, providing increased school places and supporting the continuation of positive relationships in and around the school environment. Places at the school will be allocated in accordance with the School Admissions Policy which supports a fair and equitable system for the allocation of school places.

There is an existing Welsh-medium primary school in very close proximity to Millbrook Primary School.

### **Wellbeing of Future Generations (Wales) Act 2015**

In summary this proposal supports wellbeing by increasing the availability of school places in an area of high demand, supporting the principles of parental preference and local schools for local pupils. Attendance and punctuality are likely to be positively affected where children are able to attend a local school of their choice. In turn, high school attendance rates is a significant factor in attainment and this therefore impacts on educational outcomes and on longer term employment opportunities.