

# Report

## Cabinet Member for Education & Skills

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### Part 1

Date: September 2017

Item No:

**Subject** **School Reorganisation Proposal – New Primary School on the Glan Llyn development**

**Purpose** To seek approval to move to formal consultation on a school reorganisation proposal “to establish a new two-form entry primary school on the Glan Llyn development from September 2018”

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**Ward** Llanwern

**Summary** This report references the requirement to move to formal consultation on the proposal to establish the first of two new primary schools on the Glan Llyn development.

A pre-consultation exercise with the current residents of the development was carried out in July 2017 to enable stakeholders to express their views regarding the proposed language medium for the new school. It is proposed that an English-medium school with nursery and Learning Resource Base provision be established to open to pupils in September 2018 on a “growing school” basis to meet the needs of the growing housing development.

There is now a requirement to move to the formal consultation stage of the statutory consultation process. The formal consultation pack will include further information regarding the proposal to enable all consultees and stakeholders to be fully informed of the detailed design of the new school.

**Proposal** **To move to a period of formal consultation on a school reorganisation proposal to establish a new two-form entry primary school on the Glan Llyn development from September 2018**

**Action by** Interim Head of Education

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director – People
- Strategic Director - Place
- Education Senior Management Team
- Senior HR Business Partner
- Schools Resources Manager

**Signed**

## Background

The population of Newport continues to grow, in part due to new housing developments across the City, and this in turn increases the demand for primary school places.

The planning agreement with the developer of the Glan Llyn site includes a requirement for two new primary schools to serve the families who currently live on, or subsequently move onto, the development. Plans for the first of these two primary schools are coming to fruition and construction will commence shortly with a view to the school opening in September 2018.

In July 2017, a pre-consultation exercise was carried out with those families currently residing on the site to identify whether the predominant demand was for the first school to be either English-medium or Welsh-medium provision. This pre-consultation involved officers from the Education Service letter dropping all occupied properties on the site, asking all residents to share their views by either email or completion of an enclosed pro-forma. A two week window was allowed for submission of responses. At the end of this period, the Council was in receipt of 65 responses, 47 (72.3%) of which outlined a preference for English-medium provision with 18 (27.6%) indicating Welsh-medium provision was their preferred option.

Alongside this direct stakeholder feedback, one Welsh-medium primary school - Ysgol Gymraeg Casnewydd - is geographically close to the Glan Llyn development. In addition, across the Welsh-medium primary school estate there are currently vacancies in all year groups from Reception to Year Six.

Given this overall position, it is proposed that the first new primary school on the development be established as English-medium. It will be a two-form entry school and will include nursery provision and two Learning Resource Base classes. The school will open in September 2018 as a growing school to meet the needs of the growing housing development. It is now appropriate and necessary to move to the formal consultation stage of this school reorganisation proposal.

## Formal Consultation Process

The school reorganisation proposal will be undertaken in accordance with the guidance outlined in the Welsh Government statutory School Organisation Code. The formal consultation stage enables all consultees and stakeholders, in particular prospective pupils and their families, to find out more about the proposal. There will be an opportunity for drop-in events and a facility for comments and feedback to be shared. The proposal will be ***“to establish a new primary school on the Glan Llyn development for pupils aged 3-11 years with effect from September 2018”***.

The formal consultation will take place during the autumn term of 2017 and last for a period of 42 days. Following the end of this period, a consultation report will be prepared and will be published on the Council website. This consultation report will also be considered by the Cabinet Member for Education & Skills when taking the decision on whether to move to the next stage in the process which is the publication of a statutory notice. If there are no objections to the statutory notice, the Cabinet Member for Education & Skills will be asked to take the final decision on establishment of the new school. If there are any objections, the case will be referred to full Cabinet acting as the Local Determination Panel.

Once a final decision is taken, a temporary governing body will be established who will decide on a name for the new school and take forward recruitment of a Headteacher and other key staff as per the agreed staffing structure.

## What is a “growing school”?

Traditionally, Newport City Council has opened new schools under a seedling arrangement whereby places are initially available in the lower year groups and allowing for incremental growth on an annual basis. This position can support a new school in terms of budget, staffing and pupil numbers. This position changed however with the establishment of Jubilee Park Primary School which opened in September 2017. Jubilee Park Primary School is a growing school, established to increase in size over a three year period, alongside the predicted growth of the housing development.

Following this success, it is recommended that the new primary school at Glan Llyn is established under a similar arrangement. The Glan Llyn development will eventually contain in the region of 4000 homes and the Council's planning agreement actually includes a requirement for two 2-form entry primary schools. Opening the first school as a growing school allows it to grow in size as the population of the development also grows over a four year period. Under this model, admission to the school would be capped in the first three years to allow the school to grow incrementally until September 2021 at which time the school capacity would be fully realised.

In accordance with the Welsh Government statutory School Admissions Code, the Council is unable to either restrict admission to a school to those pupils living within the designated catchment area or to reserve places in a school for any pupils who may subsequently move into the catchment area. If the new school was opened to immediate full capacity therefore, admission applications could be submitted from children living across the City and even from outside of the City. Provided that the published admission number was not reached, the Council would have no grounds to refuse such applications, and thus the school could potentially be filled straight away. If this was the case, there would be little or no spaces available for children who later move into the catchment area meaning that they would be forced to attend other schools across the City. Opening the school as a "growing" school will go some way towards mitigating this risk.

The benefits of a growing school include:

- Additional school places are created across all year groups, supporting families who may have more than one child of primary school age;
- The school would grow in line with the population of the development;
- Manages the risk of pupils being admitted from outside the area;
- Ensures that school places are available for families who move during the latter stages of the housing development;
- Reduces the possibility of mass movement of pupils from other schools;
- Effectively manages class sizes to support staffing and the school budget.

There are some disadvantages however, namely that:

- Even with a reduced published admission number, pupils living outside the school catchment area can still apply for a place at the school and may be successful;
- In some circumstances, siblings could be split if one is able to attend the new school and another isn't;
- Pupils who move into the area during the course of an academic year, could be forced to wait until the following September to join the school.

Whilst it could be argued that the Council does not have sufficient evidence to date to confirm whether the growing school model has worked in relation to Jubilee Park Primary School, as we are currently in only the first year of admission, Councils in other Local Authority areas have successfully opened new schools under a growing school model in the past, and there is precedent across the region for these arrangements to support new housing developments. The preferred option is for this new school at Glan Llyn to be established as a growing school under a four-year implementation plan.

## **Financial Summary**

Under the Council's planning agreement, the new school is being provided by the developer. The funding required for the operation of the school will be provided through the Council's overall schools budget. The profiled budget requirements have been included within the Council's medium term financial plan (MTFP) for consideration within the current budget round. Once established, the school will require appropriate funding from within the overall schools budget, whether or not the proposal for growth within the current MTFP is accepted.

## 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 move to formal consultation	H	L	The housing development is within the LDP for the Council and the Section 106 legal agreement has been in place many years which identified that the developer would provide a new primary school for the Council.	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 move to formal consultation on the proposal to establish a new primary school on the Glan Llyn development for pupils aged 3-11 years with effect from September 2018.

Option 2: Not to move to formal consultation on the proposal to establish a new school on the Glan Llyn development.

## Preferred Option and Why

The preferred option is Option 1. This will deliver against the Section 106 legal agreement agreed many years ago in readiness for when the housing development required education provision, and also provides much needed English medium primary school expansion across the city.

## Comments of Chief Financial Officer

There are no financial consequences arising directly from the request to move to formal consultation. However opening the Primary school in September 2018 is estimated to cost £519,000 for the 7-month period ending 31<sup>st</sup> March 2019. As stated within the report these part-year costs in 2018/19 have been included within the Council's MTRP although no decision has yet been taken as to whether these estimated costs will be added to the Individual Schools Budget (ISB) from overall Council resources in 2018/19. If additional funding is not provided then the costs will have to be met from the existing level of the ISB.

## 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 2-form entry "growing" primary school at Glan Llyn, to include nursery provision, is a regulated alteration under the Code. Therefore, the proposed new school needs to be formally published and subjected to formal consultation in accordance with the statutory procedure. In accordance with the statutory procedures, a detailed consultation document needs to be prepared, setting out the reasons for the proposals, and there has to be meaningful consultation with key stakeholders, including children and young people. A consultation period of at least 42 days has to be allowed (of which at least 20 should be school days). At the end of the statutory consultation period, a report will be prepared setting out the responses received and the Cabinet Member will be required to consider these representations before deciding whether or not to proceed with the necessary statutory notices. The proposed new "growing" school meets the requirements of the planning consent and the

section 106 Agreement with the developer and also allows the school numbers to increase on a phased basis in line with the development.

## **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. This FEIA should be reviewed and updated in light of the formal consultation and at each stage of the decision making process.

From an HR perspective there are no staffing implications as a result of this report in terms of the consultation at this time. However should the proposals be delayed this would impact on the ability to recruit the workforce in line with the opening date of the school.

The workforce would comprise teachers (employed under teachers terms and conditions) and support staff under NJC terms and conditions. In line with school teachers pay and conditions, adherence to Burgundy book national conditions of service would apply with respect to notice periods of teaching professionals.

## **Local issues**

Comment from Llanwern ward member, Cllr Martin Kellaway:

I fully support the move to formal consultation.

## **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.

A Fairness & Equality Impact Assessment (FEIA) has been developed to support the decision making of this stage of the proposal. If the proposal is taken forward the FEIA will be updated at each decision stage and published on the web site.

## **Children and Families (Wales) Measure**

Children and Young People will be consulted as part of the statutory consultation process.

## **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 the long-term sufficiency of school places in an area of potential high parental demand whilst also delivering against the Council’s section 106 legal agreement***
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives ***increasing the number of primary school places available supports the Council’s vision for “the right school in the right place” and the philosophy of “local schools for local children”.***
- 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 will be carried out and supported at each stage by a FEIA to consider impact. This proposal supports the “A prosperous Wales”, “A resilient 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 Objectives “To improve skills, educational outcomes and employment opportunities” and “To build cohesive and sustainable communities”.***
- 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 statutory consultation will be carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact. In addition the school is being provided by the developer as part of the Council’s planning agreement.***
- 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 will be carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.***

### **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**

None at this stage but this will be facilitated with key stakeholders as part of the school reorganisation proposal.

### **Background Papers**

None