

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: Sheree Davies **Role:** Education Information and Development Officer

Head of Service: Sarah Morgan **Date:** 06/10/2020

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.assessments@newport.gov.uk

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

Formal consultation has now concluded on the school reorganisation proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021. Consideration now needs to be given to taking this proposal to the next stage, which is the publication of a statutory notice.

Kimberley Nursery School is a community maintained standalone nursery school located off Malpas Road, in the Shaftesbury ward. It has a published admission number of 80 pupils, equivalent to 40 pupils per morning and afternoon session, with an age range of 3-4 years. The nursery school also hosts a 16-place Communication Class for children aged 3-4 years with additional learning needs.

Fairoak Nursery School is a community maintained standalone nursery school located in the St. Julian's ward, on the border with the Victoria ward. It has a published admission number of 144 pupils, equivalent to 72 pupils per morning and afternoon session, with an age range of 3-4 years.

Kimberley and Fairoak are Newport's only two community maintained standalone nursery schools (meaning they are not attached to a primary school). The substantive Headteacher of Fairoak Nursery School has managed both schools under an Executive Headteacher arrangement since September 2018. Take up of mainstream places at the schools over recent years has been around 50% of the published admission numbers, with approximately 50 places being allocated at Kimberley. Only 39 places were taken at Kimberley for September 2019, which is less than half the published admission number. This indicates a continuing decline in pupil numbers although further places are likely to be taken by 'rising 3's'.

Kimberley Nursery School has been operating with a deficit budget for the last four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.

Pupil numbers at Fair oak Nursery School have declined with 59 of 144 places taken in January 2019, and just 51 places taken in September 2019. Across the two sites there are 224 half day places available, with take-up declining from 72% in January 2017 to just 47% by January 2019. The numbers of pupils on roll (September and January intakes) across the two sites could have been accommodated in the Fair oak building.

The council therefore considers that the current operating model of Kimberley and Fair oak Nursery Schools operating across two sites with approximately 50% surplus places is not economically viable and, having considered a range of options, proposes to amalgamate the two schools on the Fair oak Nursery School site.

Kimberley Nursery School currently hosts a Communication Class, which provides special nursery education for children from across Newport, and is believed to be a valuable and beneficial service. Under the proposal the council intends to continue to offer this service, however, this provision will be relocated to Fair oak Nursery School.

2. Outline how you have/will consult with stakeholders who will be affected by the policy/proposal. Please refer specifically to FEIA guidance in relation to relevant Welsh language duties.

The proposal is being undertaken in accordance with the requirements of the statutory School Organisation Code.

The consultation period was initially launched to run from 10th March 2020 until 21st April 2020. Due to the closure of all schools in response to the Covid-19 pandemic, the consultation was withdrawn on 30th March 2020. The proposal was subsequently re-launched when schools re-opened on 29th June 2020 and ran until 11th September 2020.

The consultation process represented an opportunity for people to learn about the proposal, ask questions and make comments. A combination of online and face to face consultation methods ensured those most directly affected by the proposal were able to contribute to the decision making process and Council officers were on hand to explain the proposal in more detail and answer any questions.

An email was distributed to the Headteacher of the two Nursery schools to share the proposal details with parents, children and staff of the affected schools. Stakeholder emails were sent to Newport City Council education partners. The proposal was published on the Newport City Council website.

The consultation process included one drop-in session at Fair oak Nursery during the initial launch of the proposal, where Council officers were on hand to explain the proposals in more detail and answer any questions. Due to the closure of all schools in March 2020, the planned drop-in session at Kimberley Nursery School was cancelled and not rearranged for the relaunch of the proposal.

A Children and Young People's Everyday Summary Version of this consultation was produced. Both this and the full version are available via the NCC website www.newport.gov.uk/schoolreorganisation. Hard copies can also be requested by emailing school.reorg@newport.gov.uk or by telephoning 01633 656656.

Comments and questions could be submitted by e-mail or by using the consultation response pro-forma. This pro-forma was available at the drop-in session and it could be submitted on the Council's website. Social media platforms such as Twitter and Facebook also shared information on proposed changes.

Following consultation, Newport City Council's Cabinet Member for Education & Skills will now consider the views expressed and will decide whether to proceed with the proposal. If the Cabinet Member decides to proceed, a statutory notice will be published and posted at the relevant school sites. The statutory notice period will last for 28 days following the date of publication and enables people to express their views in the form of supporting or objecting to the proposals. If objections are received then these will be detailed and answered in an objection report that will be published prior to the proposal being determined. If no objections are received following the publication of the statutory notice, Newport City Council's Cabinet Member for Education & Skills will make the final decision as to whether to proceed. If objections are received, the final decision will be referred to the Council's Cabinet.

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 key stakeholders that will be concerned with this proposal are children, families and carers accessing pre-school nursery provision. This also will concern the staff of the schools concerned.

The statutory Code outlines the key stakeholders who should be consulted with as part of this process that includes schools, parents, elected members, community councils and trade unions. The list is not exclusive however, and the Council has identified and added to this as a result of feedback received in relation to previous proposals. Consultation with stakeholder groups included pupils at the two affected schools. During the initial launch, a face-to-face session took place with a group of nursery children from Fair oak Nursery. When the consultation relaunched a similar activity took place with pupils at Kimberley Nursery, although due to the on-going health situation, members of Newport City Council were not present and a member of staff at the Nursery took notes of the pupils' responses.

Kimberley Nursery School is located in the Shaftesbury ward but recent data shows that the Nursery attracts pupils from other wards; mainly these pupils are from the Bettws and Malpas wards with other pupils coming from different areas across the city.

The Shaftesbury ward represents approximately 0.86% of the total area of Newport and is home to 3.53% of the total population of the city. ONS population figures show approximately 7.55% of the ward's population are aged 0 to 4. This is higher than the Newport number, which is 6.71%. Recent data received from the Newport City Council Intelligence Hub shows that 13% of pupils attend Kimberley Nursery School from within the Shaftesbury ward.

The Bettws ward represents approximately 2.70% of the total area of Newport and is home to 5.27% of the total population of the city. ONS population figures show approximately 7.13% of the ward's population are aged 0 to 4. This is higher than the Newport figure, which is 6.71%. Recent data from the Newport City Council Intelligence Hub shows that 22% of pupils attend Kimberley Nursery School from Bettws.

The Malpas ward represents approximately 1.09% of the total area of Newport and is home to 5.25% of the total population of the city. ONS population figures show approximately 5.72% of the ward's population are aged 0 to 4. This figure is below the Newport figure of 6.71%. Recent data received from the Newport City Council Intelligence Hub shows that 62% of pupils attend Kimberley Nursery School from within the Malpas ward.

The proposal has been developed in light of the declining numbers over recent years at both Kimberley Nursery School and Fair oak Nursery School with take-up of places leaving 53% surplus places available across both schools.

The St. Julian's ward represents approximately 1.02% of the total area of Newport and is home to 5.77% of the total population of the city. ONS population figures show approximately 6.28% of the ward's population are aged 0 to 4. This figure is below the Newport figure of 6.71%.

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	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal will see a reduction in local provision of funded nursery places in the area around Kimberley. Although there are sufficient surplus places in the area to provide places for children who would start in September, some families may have to travel further to access rising 3 places in January or April.</p> <p>The amalgamation of Kimberley and Fair oak could mean further travel for the pupils from the Bettws/Malpas /Shaftesbury areas to access nursery provision.</p>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Kimberley Nursery School currently hosts a Communication Class, which provides special nursery education for children from across Newport, and is believed to be a valuable and beneficial service. Under the proposal, the council intends to continue to offer this service. However, this provision will be relocated to Fair oak Nursery School.</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	
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	During the consultation period, some respondents stated that Malpas Church in Wales Primary school may be affected as many pupils attend Kimberley Nursery before moving to Malpas Church Primary School, as the school does not provide its own nursery provision. However, all nursery provision is non-denominational. There is therefore no reduction in faith based nursery provision under this proposal, and there will not be an impact on people that share this Protected Characteristic.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal will have neither a positive or negative effect on the Welsh language. All community-maintained nursery schools and classes will continue to use and teach the Welsh language in accordance with the national curriculum.

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>Pupil numbers are declining at Fair oak Nursery School with only 59 of 144 places taken in January 2019, and just 49 places taken for the new academic year in September 2019. At January pupil census in both 2018 and 2019, the number of pupils on roll (September and January intakes) across the two sites could have been accommodated in the Fair oak building. The numbers in the September 2019 intake indicate a continuation of this trend.</p> <p>Kimberley Nursery School has been operating with a deficit budget for the last four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.</p> <p>The amalgamation proposal provides an opportunity for the leadership team to pool resources and implement a sustainable business model for pre-school provision on one site.</p> <p>Staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fair oak.</p> <p>The current leadership and management of the learning communication class will not be affected by the proposed relocation.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>A formal statutory consultation has been carried out with the opportunity of engagement with all stakeholders and supported at each stage by a FEIA to consider impact.</p> <p>The proposal will be delivered through full engagement of the Kimberley and Fair oak leadership teams, and Newport City Council Education Inclusion and Early Years teams.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Involving those with an interest and seeking their views</p>	<p>The following stakeholders will be engaged as part of the consultation process:</p> <ul style="list-style-type: none"> • Parents, carers and guardians of pupils attending all affected schools; • Pupils attending schools affected by this proposal; • Members of staff currently employed at all schools affected by this proposal; • The Church in Wales, Diocese of Monmouth; • Roman Catholic Archdiocese; • Neighbouring Local Authorities across the South East Wales Consortium area; • The Headteacher and Governing Bodies of all Newport schools; • All Newport City Council elected members; • All Newport City Council Heads of Service; • All Community Councils across Newport; • The Welsh Ministers; • Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals; • Estyn; • Teaching and staff trade unions representing teachers and staff employed at all schools affected by this proposal; • The South East Wales Education Achievement Service; • The Police and Crime Commissioner for Gwent; • The Early Years Development and Childcare Partnership; • All non-maintained registered nursery education providers across Newport; • Aneurin Bevan Health Board; • Public Health Wales; • Newport Serennu Centre; • SNAP Cymru; • Gwent Association of Voluntary Organisations; • Preventative services; <p>Following formal consultation, a Consultation Report was prepared and has been published on the Council website.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 674 333 696">Prevention</p> <p data-bbox="145 707 421 851">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 304 1406 436">The proposal will reduce the amount of surplus places available, as numbers for both Kimberley Nursery School and Fair oak Nursery School currently are able to be accommodated in the Fair oak Nursery building comfortably.</p> <p data-bbox="459 472 1406 604">Kimberley Nursery School has been operating with a deficit budget for the last four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.</p> <p data-bbox="459 640 1406 840">The trend from the January pupil census in both 2018 and 2019 and the number of pupils on roll (September and January intakes) shows that the number of pupils across the two sites could have been accommodated in the Fair oak building. Places taken in September 2019 indicate a continuation of this trend with only 82 of the 224 mainstream half-day places taken.</p> <p data-bbox="459 875 1406 1041">The Communication Class currently hosted at Kimberley nursery is believed to be a valuable and beneficial service, which provides special nursery education for children from across Newport. The council intends to continue to offer this service, however, under the proposal this provision will be relocated to Fair oak Nursery School.</p>
 <p data-bbox="245 1384 336 1406">Integration</p> <p data-bbox="145 1420 421 1563">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 1072 1406 1238">A formal statutory consultation has been carried out and supported at each stage by a FEIA to consider impact. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals.</p>

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

The amalgamation of Kimberley and Fairoak Nursery School onto the Fairoak Nursery School site would see 80 half-day funded nursery places relocated from the Shaftesbury ward. Children from Bettws and Malpas wards also attend Kimberley Nursery School however there are nursery classes in all local community maintained schools with further spaces available in non-maintained settings in the area.

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

Parameter 1 – Equal treatment while recognising difference

The proposal supports a mixed economy of pre-school provision to meet differing needs of our children.

Parameter 2 – Mutual Obligations between citizens and government

The local authority has provided the places in Kimberley nursery school for a number of years and in recent years, the numbers have decreased with autumn places being allocated at under 50%, with the 'Rising 3' numbers added in the spring term still leaving a significant amount of places. Citizens are encouraged to apply for Nursery places by the local authority with the application windows publicised and accessible with online and paper applications available.

Parameter 3 – Interdependency and reciprocity within community relations

The amalgamation of Kimberley Nursery School and Fairoak Nursery School will provide an opportunity for the schools in the Shaftesbury/Bettws/Malpas areas with surplus places to fill those remaining spaces but also an opportunity for the private nurseries to increase their numbers. The amalgamation of Kimberley Nursery School and Fairoak Nursery School enables continuation of standalone nursery provision and the continuation of the communication class whilst supporting the success of community maintained primary schools.

Parameter 4 – Transparency and accountability in decision-making

The consultation document outlines the decision making process and is transparent and accountable in the information provided. It allows the effective democratic participation of citizens.

8. Equality Impacts and Actions

Please complete the below action plan which sets out steps that will/will not be taken in order to mitigate any negative impacts that your assessment has identified.

Impact identified	Who does it affect?	What will you do to mitigate the impact? If you plan to take no action, please justify your rationale	Who is responsible?
1 Reduction in nursery places available in the existing area of Kimberley Nursery School	Parents of Nursery aged children	<p>Mainstream pre-school provision will continue to be provided from the Fair oak Nursery School site. Six of the seven identified alternative nursery providers in the area have received judgements of 'Good' or better in all key inspection areas. This indicates that the high standard of education care will be maintained if the proposal is implemented.</p> <p>Although the amalgamation would represent a reduction in provision, the reduction in nursery places available is not expected to significantly impact the quality of education or wellbeing of children who might have otherwise attended Kimberley Nursery School.</p>	NCC
2 Moving of the Communication Class from Kimberley to Fair oak	Staff & pupils of the communication class.	<p>Kimberley and Fair oak nurseries are currently managed by the same Executive Headteacher and staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fair oak.</p> <p>The level of care support and guidance provided by this service will not be affected by the proposed amalgamation. Discretionary transport will still be provided to pupils placed in the Language Communication Class who reside more than 2 miles away.</p>	NCC

9. Monitoring, evaluating and reviewing

Any questions or comments made throughout the process were recorded and summarised in a consultation report. This report was published on the Council's website and will be considered when the Council decides on the way forward.

Following consultation, Newport City Council's Cabinet Member for Education & Skills will consider the views expressed and will decide whether to proceed with the proposal. If the Cabinet Member decides to proceed, a statutory notice will be published in the local press and at the affected schools.

The statutory notice period will last for 28 days following the date of publication and enables people to express their views in the form of supporting or objecting to the proposals.

If no objections are received following the publication of the statutory notice, Newport City Council's Cabinet Member for Education & Skills will make the final decision as to whether to proceed. If objections are received, the final decision will be referred to the Council's Cabinet.

10. Involvement

The consultation process represented an opportunity for people to learn about the proposal. The proposal was available online in both English and Welsh, via the Newport City Council's website, email and social media, and as a hard copy. The consultation involved 1 drop-in session Fair oak Nursery, where Council officers will be on hand to explain the proposals in more detail and answer any questions.

Any questions or comments made throughout the process were recorded and summarised in a consultation report. This report was published on the Council's website and will be considered when the Council decides on the way forward.

11. Summary of Impact (for inclusion in any report)

Equality Act 2010 (Wales)

There are schools in the area that have surplus capacity to admit those who may have otherwise applied for Kimberley Nursery School. The impact on availability of nursery places will therefore be minimal.

Welsh Language

It is acknowledged that the proposal does not contribute to the aim to promote and increase the use of the Welsh language. However, all community-maintained nursery schools and classes will continue to use and teach the Welsh language in accordance with the national curriculum.

Wellbeing of Future Generations (Wales) Act 2015

- **Long term: the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs:**

Pupil numbers are declining at both schools, and recent evidence indicates that the number of pupils on roll across the two schools could be accommodated within the larger Fair oak building. In addition, Kimberley Nursery School has been operating with a deficit budget for some time, and is projected to be in the region of £142,000 at the end of the current 2020/21 financial year, with Fair oak Nursery also now projecting a deficit of £2,000. The amalgamation proposal provides an opportunity for the leadership teams to consolidate under the current Executive Headteacher arrangement, and to pool resources to implement a sustainable business model for standalone pre-school provision on a single site.

- **Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives:**

The proposal will reduce the number of surplus places currently available in standalone nursery schools across the city. The larger Fair oak building is sufficiently large enough to accommodate the children on roll across both schools. Kimberley Nursery School has been operating with a worsening deficit budget for the last four years, and currently there is no achievable plan to indicate how this can be recovered. The Communication Class, which is currently hosted at Kimberley Nursery School, is a much-needed valuable and beneficial resource providing specialist nursery education to children across Newport. Under this proposal, this provision will continue but will be relocated to the Fair oak site.

- **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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals.

- **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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. The proposal will be delivered through full engagement with the governing bodies of both schools and Newport City Council’s Education Inclusion and Early Years teams.

- **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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This period of formal consultation offered the opportunity for engagement with all stakeholders where people were able to find out more information about the proposal and how it might affect them.

Parameters of Fairness

- **Parameter 1 – Equal treatment while recognizing difference:**

The proposal supports a mixed economy of pre-school provision.

- **Parameter 2 – Mutual Obligations between citizens and government:**

The local authority has provided places in Kimberley Nursery, over recent years the numbers have been declining with Newport publicizing application windows.

- **Parameter 3 – Interdependency and reciprocity within community relations:**

Opportunities for school with surplus places to fill them in the affected areas along with the non-maintained settings. This proposal enables the continuation of standalone nursery provision and the continuation of the communication class.

- **Parameter 4 – Transparency and accountability in decision making:**

The consultation document outlines the decision making process and is transparent and accountable in the information provided. It allows the effective democratic participation of citizens.