

# Report

## Cabinet Member for Education & Young People

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### Part 1

Date: 29 March 2017

Item No:

**Subject Malpas Church in Wales Infant & Malpas Church in Wales Junior Schools – final determination**

**Purpose** To seek Cabinet Member approval on the joint proposal with the Governing Body of Malpas Church in Wales Junior School **“to extend the age-range of Malpas Church in Wales Junior School from 7-11 to 4-11 with effect from 1st September 2017.** To enable a new all-through 4-11 primary school to be established on the site from September 2017. As a consequence, Newport City Council is **to discontinue Malpas Church in Wales Infant School on 31<sup>st</sup> August 2017.”**

**Author** Amanda B Davies, Assistant Head of Education (Resources & Planning)

**Ward** Malpas

**Summary** The full statutory consultation process on a Joint basis has now concluded on the proposal **“to extend the age-range of Malpas Church in Wales Junior School from 7-11 to 4-11 with effect from 1st September 2017.** To enable a new all-through 4-11 primary school to be established on the site from September 2017. As a consequence, Newport City Council is **to discontinue Malpas Church in Wales Infant School on 31<sup>st</sup> August 2017.”**

The statutory consultation passed through the statutory notice stage without objection and therefore a final decision can now be taken jointly by the Governing Body of the Malpas Church in Wales Junior School and the Cabinet Member for Education & Young People.

**Proposal** To note the Governing Body for Malpas Church in Wales Junior School are taking the decision **“to extend the age-range of Malpas Church in Wales Junior School from 7-11 to 4-11 with effect from 1st September 2017.** To enable a new all-through 4-11 primary school to be established on the site from September 2017. As a consequence, Newport City Council is **to discontinue Malpas Church in Wales Infant School on 31<sup>st</sup> August 2017.”**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Deputy Chief Education Officer

- Director of Education, Monmouth Diocesan Trust
- Senior Human Resources Business Partner
- Senior Finance Business Partner
- Headteacher and Chair of Malpas Church in Wales Junior School
- Acting Headteacher and Chair of Malpas Church in Wales Infant School
- Chair of the EYDCP
- Education Service Development Manager
- Early Years & Integration Business Manager
- School Admissions Manager

**Signed**

## Background

The Joint school reorganisation proposal has been taken forward through a full statutory consultation process with the Governing Body of Malpas Church in Wales Junior School. This included the joint publication of statutory notices. It is now appropriate to consider the findings of the process and for both parties to take a final decision.

### Current position

The joint proposal was published under statutory notices for a period of 28 days. The Junior School Governors published one to extend the Junior School and the Council published one to discontinue the Infant School in the event of the amalgamation. No objections were received and therefore in accordance with the School Organisation Code, July 2013 decisions can be taken by both parties.

Following the notification of the final decision taken by the Governing Body of the Malpas Church in Wales Junior School to extend the age range of the Juniors from 7 – 11 to 4 – 11, it is now appropriate for the Cabinet Member for Education & Young People to take the final decision to discontinue Malpas Church in Wales Infant School with effect from midnight on the 31<sup>st</sup> August 2017.

## Financial Summary

### CAPITAL:

There are no capital costs associated with this proposal.

### REVENUE:

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

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

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

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

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

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to move to final determination by both parties	L	L	This risk has been mitigated by both parties carrying out a full and public statutory consultation process, which took place without any legal objections	Chair of Junior GB / Chief Education Officer

## Links to Council Policies and Priorities

Council Improvement Plan  
 Education Service Plan  
 21CS Strategic Outline Plan  
 National Implementation Plan for 3 – 16 Education

## Options Available

Option 1: Following the final decision taken by the Malpas Church in Wales Junior School Governors to extend the Junior school from 7 – 11 to 4 – 11, to take the final determination to discontinue the Malpas Church in Wales Infant School with effect from midnight on 31<sup>st</sup> August 2017.

Option 2: Noting the final decision taken by the Malpas Church in Wales Junior School Governors to extend the Junior school from 7 – 11 to 4 – 11, however, not to take the final determination to discontinue the Malpas Church in Wales Infant School, but to allow the school to continue as a separate entity alongside the Junior School with an extended age range.

## Preferred Option and Why

The preferred option is Option 1, as this supports the seamless education vision for 4 – 11 places within Newport; eases the logistics for parents who have siblings in each school; supports families returning to work by schools operating as one school on one site; develops the professional learning communities in all-through primary schools; facilitates the National Implementation Plan for 3 – 16 Education.

## Comments of Chief Financial Officer

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

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

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

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

## **Comments of Monitoring Officer**

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. The proposal to extend the age range of the Malpas Church in Wales Junior Schools and, as a consequence, to close the Infant School is a regulated alteration and, therefore, has to be the subject of formal statutory consultation under the Code. The proposal to extend the age range of this voluntary Junior school has been formally published by the School Governing Body and the consequent proposal to discontinue the Infant school has been previously agreed, in principle, by the Cabinet Member and formally published by the Council, as education authority. Both linked proposals have been formally published and subjected to formal consultation in accordance with statutory procedures and meaningful consultation the has been carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. The consultation responses were largely supportive of the proposals and, therefore, the Governing Body and the Cabinet Member agreed to proceed with the relevant statutory notices. The proposal has been jointly published by way of formal statutory notice and displayed on the Council's website and no formal objections have been received within the statutory 28 days objection period. Therefore, the final decision on behalf of the education authority can now be taken by the Cabinet Member to discontinue the Infant School in consequence of, and conditional upon, final approval of the Governing Body proposals to increase the age range of the junior school.

## **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 the Fairness and Equality Impact Assessments (FEIA) has been reviewed and updated in light of the consultation responses received.*

From an HR perspective, depending on the budget and structure there are likely to be Human Resources implications as a result of the proposed extension of Malpas Juniors and the proposed closure of Malpas Infants, should this be the decision of the Cabinet Member. However, it is anticipated that, as has happened with previous amalgamations in Newport, the Governing Body of Malpas Juniors would agree to ring fence its recruitment to staff currently employed at Malpas Infant School. It should be noted that, following a change to the Staffing of Maintained Schools (Wales) Regulations in 2010, the Governing Body may also choose to ring-fence recruitment of any Deputy Headteacher post/s as appropriate. (The Headteacher is currently in place at the Juniors).

In terms of a proposed timescale, whilst it is likely that the extension of the Junior School can be achieved for 1<sup>st</sup> September 2017, if there is any slippage in timescales this might impact on the ability to achieve this. If there were to be any compulsory redundancies in respect of teaching staff, under the Conditions of Service for School Teachers in England and Wales, we would be required to issue notice by the end of May.

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

## **Local issues**

Ward Member comments from the Malpas Ward are invited.

## **Scrutiny Committees**

None

## Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An updated Fairness & Equality Impact Assessment is attached at Appendix 1.

### Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

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

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs **by supporting a seamless pathway for education from 4 – 11**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives **by the consolidation of a 4 – 11 school provides stability for education and employment**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies **full statutory consultation has been supported by an FEIA at each decision stage considering impact**
- 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 **full statutory consultation has been supported by an FEIA at each decision stage**
- 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 **full statutory consultation has been supported by an FEIA at each decision stage**

## **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## **Consultation**

All comments and feedback from the statutory consultation process have been shared at each stage of the decision making process.

## **Background Papers**

None

Dated: 29 March 2017

Appendix 1: Updated Fairness & Equality Impact Assessment

## Fairness and Equalities Impact Assessments F&EIAs (2015)

## APPENDIX 1

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.

<b>Service Area</b>	<b>Head of Service</b>	<b>Person responsible for the Assessment:</b>	<b>Date of Assessment</b>
Education	James Harris	Amanda B Davies	March 2017

1. What is the policy/ service being assessed?

To take the final determination on the joint proposal to extend the age range of Malpas Church in Wales Junior School from 7 – 11 to 4 – 11 and to discontinue the Malpas Church in Wales Infant School on the 31<sup>st</sup> August 2017.

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

To provide education within a seamless transition from 4 – 11 for pupils currently attending the current schools, on the same site.



### 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	School aged children  Parents / Carers	The expected impact of the proposal is to provide education within a seamless transition for primary school within the current site basis.			
Gender reassignment					
Disability					
Marriage/Civil Partnership					
Pregnancy and Maternity	Prospective parents	The availability of places at this all-through primary school will be positive for prospective parents.			
Race					

Religion/belief (or the absence of)					
Sex					
Sexual Orientation					
Welsh language	No – the proposal concerns English language provision	The decision will not affect Welsh-medium education provision; the Welsh language elements of the curriculum will apply to the new primary school for pupils in line with provision across the city		Chief Education Officer	

**4. Who has the service consulted regarding the proposed change? When should new consultation take place?**

NB: It is essential that service users and other interested parties are involved in the planning process at the earliest opportunity. Consultation at an initial stage should be along broad themes. It is appropriate to ask what services are valued, how services could be changed and or what could be done differently. This feedback should then inform your business case proposals and the F&EIA. When specific proposals have been drawn up, they too will need to be consulted upon. All stakeholders and their views need to be represented.

This is a joint proposal by the Governing Body of Malpas Church in Wales Junior School and the Cabinet Member for Education & Young People, Newport City Council.

Full statutory consultation has been carried out on the joint proposal.

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

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

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

The final decision on the proposal will be published by the Malpas Church in Wales Junior School Governing Body on the School web site and on the Council web site and will be available within the public domain.

**7 How will the policy/ practice make Newport more or less fair in relation to:**

- Health Inequalities
- Child Poverty
- Skills and Work
- Tackling Domestic Violence
- Alcohol and Substance misuse
- Homelessness
- Armed Forces Veterans

The final determination on this joint proposal will enable:  
Improved equality of access – seamless transition through the school for ages 4 – 11

**8. How will the service / policy affect local areas of the city?**

Will it have a positive or negative impact in terms of fairness and addressing local area deprivation (you will need to use spatial data available through the Newport Profile and specific Ward Profiles to address this question)?

As an authority we join the Malpas Church in Wales Junior School Governors in our aspiration to delivering education for all Newport pupils within a single education journey from 4 – 11.

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

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

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

The proposal will support delivery of a 4 – 11 school for pupils, within the current school site. Families will be able to access a seamless transition. The School Admission Policy will apply to this school and parental preference also applies.

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

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

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

**Date: March 2017**

*Amanda B Davies*

**Signed off by: James Harris: Chief Education Officer**

**Date: March 2017**

*James Harris*