

Report

Cabinet Member for Education & Young People

Part 1

Date: 20 December 2016

Item No: 02

Subject Milton Infant & Milton Junior Schools: move to statutory notice

Purpose To move to the publication of a Statutory Notice on the reorganisation proposal “**to amalgamate Milton Infant School and Milton Junior School into an all-through 3 to 11 years primary school, with effect from April 2017 or as soon as possible thereafter.**”

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

Ward Ringland

Summary Formal consultation has been carried out on the proposal “**to amalgamate Milton Infant School and Milton Junior School into an all-through 3 to 11 years primary school, with effect from April 2017 or as soon as possible thereafter.**” The consultation process was carried out during the period 5th September 2016 to 16th October 2016 and a “Consultation Report” is attached, which describes the findings in some detail, this has also been published on the Council web site. This report references those findings and makes a recommendation to move to the publication of a statutory notice in respect of this proposal. During that statutory notice period legal objections can be set by any consultee, which would need to be considered before any final determination is taken.

Proposal To move to the publication of a statutory notice for 28 days in respect of the proposal “**to amalgamate Milton Infant School and Milton Junior School into an all-through 3 to 11 years primary school, with effect from April 2017 or as soon as possible thereafter.**”

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Deputy Chief Education Officer
- Senior HR Business Partner
- Senior Finance Business Partner
- Education Service Development Manager
- Early Years & Integration Business Manager
- School Admissions Manager

Signed

Background

Following a formal consultation period from the 5th September 2016 to 16th October 2016, it was appropriate to publish a "Consultation Report" on the findings and after full consideration of the findings to take a decision whether or not to move to the next stage of the statutory consultation process which is to publish a statutory notice. A copy of the Consultation Report is attached at Appendix 1, the following is a synopsis.

Formal Consultation Findings:

Consultation Responses

18 consultation responses were received from parents of pupils across the two schools. Each of these respondents, therefore 100% of those stakeholders who shared their views, supported the proposal.

Estyn

The formal response from Estyn includes the following summary:

"The proposer has clearly defined the benefits of changing the age range of Milton Infants school from 3-7 to 3-11 and to close Milton junior school. It is Estyn's view that this proposal is likely to at least maintain the current standards of educational provision and outcomes for pupils in the area."

Learner Voice

Officers from the Council met with nine pupils from across Milton Junior School on Thursday 6th October 2016. All of these pupils thought that the proposal was a good idea. Points made in support on the proposal included: Pupils across the two schools would be able to help each other;

- Junior children could make sure that smaller children were not left alone at playtime;
- Being one school will make things easier for teachers, children and parents as there will be one set of events instead of two and only one drop-off and pick-up;
- There would be more space outside to play;
- The pupils would be able to enjoy the play equipment across the both schools;
- Children would find the move from Year Two to Year Three easier.

Against this however they thought that the older pupils could cause some disruption for the younger children and that this could lead to an increase in bad behaviour habits across the school.

The pupils were also asked for their views on the associated proposal to increase the published admission number of the school. Again all pupils thought that this was a good idea particularly because it would mean that there would be more room to accommodate children living in the area. In summary therefore, 100% of the pupils present at the meeting thought that the whole proposal was a good idea.

Financial Summary

CAPITAL:

There are no capital costs to be incurred through the publication of a statutory notice, and no capital costs incurred in implementing 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 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. 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 retained by the authority 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.

	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 statutory notice	L	L	This risk has been mitigated by carrying out a full and public statutory consultation process, which includes a 42 day formal consultation before moving to publication of a statutory notice for 28 days	Chief Education Officer

Links to Council Policies and Priorities

Council Improvement Plan – supporting raising of standards through the delivery of education within an all-through 3 – 11 setting.

Education Service Plan – the strategic principles for the delivery of education include a seamless learning pathway enabled by an all-through 3 – 11 primary school model, which is in line with WG national policy.

21CS Strategic Outline Plan – the 3 – 11 vision for seamless learning was set out in the original Strategic Outline Plan of 2010, this would be in line with that education vision.

National Implementation Plan for 3 – 16 Education – the application of a national policy

Options Available

Option 1: to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process and continues to allow for consultees to have their say and set legal objections against the proposal.

Option 2: not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period, this would mean not concluding the full statutory consultation process in order to take the decision to establish this school.

Preferred Option and Why

Option 1 is preferred as it takes the next stage in the full statutory consultation process and allows all consultees to fully consider the proposal during an additional 28 day period before taking any final determination on the proposal.

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 amalgamate Milton Infant and Junior Schools and to establish an all-through 3-11 age primary school has been formally published and subjected to formal consultation in accordance with the statutory procedure. A detailed consultation document has been prepared, setting out the reasons for the proposals, and there has been meaningful consultation with key stakeholders, including children and young people, who are likely to be affected by the changes. The consultation responses are attached to the Report and no objections have been received to the proposals. The Cabinet Member is now required to consider these representations and decide whether or not to proceed with the necessary statutory notices. If the decision is taken to proceed, then the proposal will need to be 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) must be allowed for statutory objections. If there are no objections, then the final decision can be taken by the Cabinet Member but if there are any unresolved statutory objections then the final decision will be referred to full Cabinet.

Comments of Head of People and Business Change

This proposal fits three of the five aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act by:

- Involvement - involving people with an interest at the appropriate stages of decision making
- Long Term - considering long term needs of children and families
- Integration - working with other public bodies in an integrated way when making decisions.

As required a Fairness and Equality Impact Assessments (FEIA) has been completed and is attached. This should be reviewed at each stage of the decision making process.

In terms of a proposed timescale, it would be unlikely that the amalgamation could take effect from April 2017. This would not give the Head teacher and Governing Body the requisite time to agree and consult upon a staffing structure. 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 February. This does not give us the required time to conduct a fair consultation process with staff and allow the right of appeal. Therefore it is the view of HR that a September amalgamation is a far more realistic proposal. We would work with the Headteacher and Governing Body to try and avoid any compulsory redundancy situations however if this were the case the Authority would support the individuals concerned in respect of seeking suitable alternative employment.

Local issues

Ward Member comments from the Ringland 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 2.

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

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- 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
- 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.

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

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

None

Dated: 20 December 2016

Appendix 1: Consultation Report

Appendix 2: Updated Fairness & Equality Impact Assessment



Newport City Council Consultation report

Proposal to amalgamate Milton Infant School and Milton Junior School into an all-through 3-11 years primary school with effect from April 2017 or as soon as possible thereafter.

Formal Consultation period:

5th September 2016 to 16th October 2016

Purpose

This report is published in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, July 2013.

This consultation report includes the following sections:

- The Proposal
- Stakeholder Engagement
- Everyday Summary Version – Children & Young People
- Consultation Responses
- Estyn
- Learner Voice
- Frequently Asked Questions
- Copy of the Pupil Questionnaire (at Appendix A)

The Proposal

To amalgamate Milton Infant School and Milton Junior School into an all-through 3-11 primary school with effect from April 2017 or as soon as possible thereafter.

Stakeholder Engagement

An invitation to take part in the statutory consultation was issued to the following stakeholders, with a link to the consultation pack on the Council's website sent by e-mail, or hard copies being made available through the schools:

- Teachers, staff and the governing body of Milton Infant School and Milton Junior School;
- Parents, carers and guardians of pupils attending Milton Infant School and Milton Junior School;
- Pupils at Milton Infant School and Milton Junior School;
- The Church in Wales, Diocese of Monmouth;
- Roman Catholic Archdiocese;
- The Headteachers and Governing Bodies of all local schools and those within the cluster, ie., Llanwern High School, Alway Primary School, Eveswell Primary School, Langstone Primary School, Llanmartin Primary School, Ringland Primary School, St Gabriel's RC Primary School;

- All Newport City Council elected members;
- The Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals;
- Estyn;
- The South East Wales Education Achievement Service;
- The regional Transport Consortium;
- Teaching and staff trade unions representing teachers and staff at Milton Infant School and Milton Junior School;
- The Police and Crime Commissioner for Gwent;
- The local Communities First partnership (or equivalent).

The following consultation events were arranged. These were publicised via a letter to stakeholders, on the Council website and through the consultation document.

Venue	Date and Time	Event type
Milton Junior School, Hendre Farm Drive, NP19 9HB	Monday 26 th September 2016 3pm-5pm	Drop-in event
Milton Infants School, Hendre Farm Drive, NP19 9HB	Wednesday 28 th September 2016 9am-11am	Drop-in event

It was unfortunate that no stakeholders chose to attend either of these drop-in events.

Everyday Summary Version – Children & Young People

An Everyday Summary Version of the main consultation document was published and shared with stakeholders. This document was also targeted at children and young people.

Officers from the Council also met with a group of children from Milton Junior School to discuss the proposal and gain the views of the pupils. A summary of the comments received is outlined in the Learner Voice section.

In addition a children’s questionnaire was created and shared with both schools for distribution amongst pupils. Unfortunately however no completed questionnaires were returned to the Council. For information, a copy of the questionnaire is shown at Appendix A.

Consultation Responses

18 consultation responses were received from parents of pupils across the two schools. Each of these respondents, therefore 100% of those stakeholders who shared their views, supported the proposal.

Estyn

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Learner Voice

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Against this however they thought that the older pupils could cause some disruption for the younger children and that this could lead to an increase in bad behaviour habits across the school.

The pupils were also asked for their views on the associated proposal to increase the published admission number of the school. Again all pupils thought that this was a good idea particularly because it would mean that there would be more room to accommodate children living in the area.

In summary therefore, 100% of the pupils present at the meeting thought that the whole proposal was a good idea.

Frequently Asked Questions

Following the issue of the consultation document, a set of Frequently Asked Questions was drafted as follows:

My child is currently in Year 2 at the Infant School. Should I submit an application for him / her to be admitted to the Junior School in September 2017 or is this no longer required?

This proposal is currently at the consultation stage and therefore the Council is unable to predict the outcome. As a result, parents of children currently in Year Two should still submit an application for admission to Year Three at the Junior School from September 2017. If the proposal is subsequently approved, the Council will contact parents to advise them that their applications are no longer required and so will be withdrawn. The application window will be open from 7th November 2016 to 13th January 2017.

What will happen to the staff at both schools if this proposal is approved?

If the proposal is approved, the current Infant Headteacher will become the Headteacher of the Primary School. Alongside this, the governing body of the Infant School will become responsible for the new Primary School, and will be required to approve a staffing structure. Whilst the closure of the Junior School will result in all junior staff being declared at risk of redundancy, it is anticipated that the governing body will agree to ring-fence recruitment for the primary school to those staff currently employed at the junior school.

Will there be any building works on the site to support an amalgamated primary school?

Unfortunately there is no capital funding associated with this proposal.

What will be the uniform at the new school and what will the school logo look like?

The Headteacher and governing body will be responsible for confirming a whole-school uniform policy and any changes to the current logos. It is likely that pupils will be asked for their opinions on these matters.

What will be the name of the new school?

The name of the new school will be agreed by the Headteacher and governing body. If any changes are proposed, it is likely that pupils will be asked for their opinions at the appropriate time.

Where will the Headteacher of the new school be based?

The Headteacher and governing body will be responsible for confirming the operational arrangements for the new primary school.

In accordance with the School Organisation Code (2013) this report is published electronically on Newport City Council's website at www.newport.gov.uk

To request a hard (paper) copy of this document please contact Newport City Council's Education Service Development Manager on 01633 656656 or email school.reorg@newport.gov.uk

Consultation Report



Amalgamation of Milton Infant School and Milton Junior School

We want to join Milton Infant School and Milton Junior School together to make a new primary school and we want to know what you think about this plan.

1. Do you think having one school instead of two is a good idea?



No

Don't know

Yes

2. What do you think will be good about having one school instead of two?

3. Can you think of any reasons why we shouldn't do this?

good or bad



Bad idea



Don't know



Good idea

6. Why do you think this?

7. Is there anything else you would like to tell us about our plan?

Thank you for taking the time to tell us what you think!

Fairness and Equalities Impact Assessments F&EIAs (2015)

This form presents evidence that equalities, Welsh language and fairness have been considered when taking policy and service delivery decisions in Newport City Council.

Our Equalities focus is taken from the Equalities Act 2010: we consider the nine protected equalities characteristics- age, gender reassignment, disability, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

Under the General Equality Duty we have a duty to:

- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity and
 - Foster good relations
- across the nine protected characteristics.

Under the Welsh Language Measure 2011 the Welsh language cannot be treated any less favourably than the English language

In Newport we focus on Fairness through the following themes: Health, Poverty, Skills and Work, Domestic Abuse and Tackling Area Based Deprivation.

Service Area	Head of Service	Person responsible for the Assessment:	Date of Assessment
Education	James Harris	Amanda B Davies	28 th November 2016

1. What is the policy/ service being assessed?

To publish the proposal “to amalgamate Milton Infant School and Milton Junior School into an all-through 3 – 11 primary school, with effect from April 2017 or as soon as possible thereafter”. Publication of the proposal is by Statutory Notice for 28 days.

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

To provide education within a seamless transition from 3 – 11 for pupils currently attending the two schools.

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	Pre-school and school aged children Parents / Carers	The expected impact of the proposal is to provide education within a seamless transition for primary school at this location.			
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.

The publication of a Statutory Notice for a period of 28 days, follows a 42 day period of formal statutory consultation with identified stakeholders including local and regional providers, pupils, parents, carers and staff in respect of education, Community councils, neighbouring Local Authorities, education professionals, Welsh Ministers.

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

The publication of a Statutory Notice will be 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?

Formal statutory consultation process and publication of statutory notices on the internet and at school gates.

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

Improved equality of access – seamless transition through the school for ages 3 – 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 aspire to delivering education for all Newport pupils within a single education journey from 3 – 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.

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

The proposal will support delivery of a 3 – 11 school for pupils. 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 community maintained schools in Newport.

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

Date: November 2016



Signed off by: James Harris: Chief Education Officer

Date: November 2016

