

Report

Cabinet Member for Education

Part 1

Date: May 2021

Item No:

Subject **School Reorganisation Proposal – Expansion of Ysgol Bryn Derw**

Purpose To seek approval to move to formal consultation on a school reorganisation proposal “to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022”.

Author Assistant Head of Education - Resources

Ward All wards, although the additional provision specifically referenced in the proposal is situated within the Shaftesbury ward.

Summary This report references the requirement to move to formal consultation on the proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022.

Ysgol Bryn Derw is an English-medium community maintained special school, situated in the Gaer area of Newport and is one of two special schools within the city. The school accommodates pupils aged between 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. This proposal supports the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision, due to the identified needs of pupils in Newport schools, is higher than current provision available within the city.

There is a requirement to move this forward by undertaking a school reorganisation proposal, which will commence with a period of formal consultation. The formal consultation pack will include further information regarding the proposal to enable all consultees and stakeholders to be fully informed on the proposals for expansion.

Proposal **To move to a period of formal consultation on a school reorganisation proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022.**

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR Business Partner
- Senior Finance Business Partner
- Headteacher and Chair of Governors of Ysgol Bryn Derw

Signed

Background

Ysgol Bryn Derw is an English-medium community maintained special school, situated in the Gaer area of Newport and is one of two special schools within the city. The school accommodates pupils aged between 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties, and whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. Admission is based on an assessment of need as determined by the Chief Education Officer. The school opened in September 2017 for 48 pupils and is currently able to accommodate 68 pupils following refurbishment of the on-site Annex building and an associated school reorganisation proposal which was effective from January 2020.

As per the October 2020 Pupil Census, 71 pupils were registered as attending the school meaning that the school is oversubscribed. There is currently a waiting list for pupils needing a specialist ASD placement who are placed in Learning Resource Bases in local Primary Schools. Where this is no longer deemed suitable, these pupils are having to be placed in out of county specialist provisions, which are costly and can be a significant distance away from a pupil's home address.

In September 2020, in order to maintain pupils with ALN within Newport and prevent further Out of County placements at an inflated annual fee, the LA established an additional ASD-specific Learning Resource Base (LRB) at Rogerstone Primary School. This was in order to meet demand for Reception aged pupils with ASD who required specialist placements. This provision is also now at capacity.

There are also currently 8 pupils in the Communication Class based in Kimberley Nursery School that will require Reception class places outside of mainstream learning from September 2021. Those pupils whose needs cannot suitably be met in LRB provision are likely to be referred to Maes Ebbw School due to an insufficiency of places at Ysgol Bryn Derw. Maes Ebbw School is a school which provides a high level of care for pupils with multiple and profound learning difficulties. This proposal therefore supports the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision, due to the identified needs of pupils in Newport schools, is higher than current provision available within the city.

Following determination of a separate school reorganisation proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021, the Kimberley Nursery School building will become vacant in July 2021 but will remain part of the Education estate. Refurbishing this site would support the development of additional facilities for Ysgol Bryn Derw, through the creation of a dedicated satellite base, without any detrimental impact on provision at the school, and indeed at any other school within the city. This proposal will benefit pupils across the whole of Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

Formal Consultation Process

The school reorganisation proposal will be undertaken in accordance with the guidance outlined in Welsh Government's statutory School Organisation Code. The formal consultation stage enables all consultees and stakeholders, in particular the families of current and prospective pupils, to find out more about the proposal. Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, no public drop-in events will be arranged to support this consultation. Instead, questions can be submitted to the Education Service, with officers providing a response to these within 7 days to enable stakeholders to submit informed responses by the deadline date. A list of *Frequently Asked Questions and Answers* will also be maintained and published on the Council website.

The proposal will be "**to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022**". Formal consultation will commence in the spring term of 2021 and last for a period of 42 days. Following this, a consultation report will be drafted and published on the Council website. The Cabinet Member for Education & Skills will then consider this consultation report when taking a decision as to whether or not 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 the expansion of Ysgol Bryn Derw. If there are any objections however, the decision will be referred to the full Cabinet of the Council, acting as the Local Determination Panel.

Financial Summary

Capital

The required refurbishments to the Kimberley Nursery School building to create a suitable ASD provision for Foundation Phase pupils will require a capital investment of approximately £1 million. This funding has been allocated by the Council via a Welsh Government Capital Maintenance Grant.

Revenue

There will be an increase in whole authority staff costs as additional teachers and support staff will be required to meet the needs of the increased pupil population. The proposal is considered to be cost effective however in that it will support pupils living in Newport to be able to receive education suitable to their needs within the city. Currently, on average, a placement at Ysgol Bryn Derw costs in the region of £19,500 per pupil per annum; the equivalent Out of County placement is costed at approximately £46,500 per pupil per annum.

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 gain approval for the proposal	H	L	The school reorganisation proposal will be undertaken in accordance with the requirements of the School Organisation Code.	Chief Education Officer
Funding insufficiency to deliver the project	H	L	A feasibility study has already been carried out and confirmed that the required refurbishments can be carried out within the overall funding allocation of £1 million.	Chief Education Officer
Demand for pupil places decreases	M	L	The new facility could be adapted to accommodate pupils with other additional learning needs from within the special school sector.	Chief Education Officer
Demand for places increases beyond proposed capacity increase	M	L	The Assistant Head of Education (Inclusion) will continue to plan for future provision across the city.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

Options Available

Option 1: To continue with the current arrangements, thereby maintaining the total capacity of Ysgol Bryn Derw at 68 pupil places, and ensuring that the number of pupils actually on roll does not exceed this figure. This would not however assist in increasing the number of specialist provision places across the city.

Option 2: To increase the capacity of Ysgol Bryn Derw from 68 pupil places to 96 pupil places by refurbishing the vacated Kimberley Nursery School building. This will increase the availability of specialist ASD school places across the city and will invest in improvements to a building within the school estate.

Option 3: To increase the capacity of Ysgol Bryn Derw by building a 4-classroom extension to the existing school. This would however require significant additional capital investment and would be difficult due to the topography of the site and the listed status of the school building.

Option 4: To build another special school in Newport at a site to be determined. However there is no available suitable parcel of land nor is there sufficient capital funding available.

Preferred Option and Why

The preferred option is Option 2. Increasing the capacity of Ysgol Bryn Derw through refurbishment of the Kimberley Nursery School building will increase the number of specialist ASD school places across the city for children with additional learning needs and will also invest in and improve an existing Education Service asset. The required capital investment of £1 million has been identified and agreed.

Comments of Chief Financial Officer

The pressure contained within the current MTFP covers the financial years 2021/22 to 2024/25 based on the expansion of Ysgol Bryn Derw for foundation phase pupils. The pressure is based on increasing provision by 24 places commencing with 8 places in reception from September 2021 growing to support year 1 and year 2 in subsequent years. The additional capacity of 4 places now identified will be recognised in the next iteration of the MTFP, which will result in an increased pressure of approximately £80,000. The pressure also accounts for site specific funding allocated through the funding formula of approximately £60k per annum, based on the current Kimberley nursery site funding.

Category 2 place led funding in 2020/21 is £19,983 and this would be allocated to YBD on the basis of an additional 8 places (pro rata in 2021/22) increasing annually as additional year groups are added.

This would allow for cost avoidance of places being required in out of county provision where pupils could not be placed within LA provision as the average 2020/21 ASD out of county placement cost is £42k.

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. Because the proposed permanent expansion of Ysgol Bryn Derw would increase the capacity of this special school by a further 28 pupil places, then this is a regulated alteration under the Code and, therefore, has to be the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document will need to be prepared, setting out the educational reasons for the proposals, and meaningful consultation will need to be carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. This statutory consultation process will need to be carried out for a period of 42 days and, because of continuing Covid-19 restrictions, the process will need to be adapted to avoid the need for public meetings. The outcome of the statutory consultation would then be reported back to the Cabinet Member to consider whether the Council should proceed with the necessary statutory notices.

Comments of Head of People and Business Change

The proposals to expand Ysgol Bryn Derw will increase specialist provision within an appropriate, secure and local school environment, by making use of the vacated Kimberley Nursery building. This should help deliver wellbeing benefits relating to equalities, community cohesion, and improved health, social and economic inclusion. It is requested that formal consultation be undertaken to ascertain stakeholder views on the proposal to refurbish and utilise the Kimberley Nursery building.

Local issues

Comment from Cllr Paul Cockeram, elected member for the Shaftesbury ward:

I am totally in support of the proposal, especially having advocated for these facilities for our most vulnerable children. The parents of these children will also I'm sure be so please of this proposal and the facilities it offers.

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. This 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) is available and will be reviewed as the proposal progresses.

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. **Ysgol Bryn Derw is currently oversubscribed, and there is a waiting list in place for pupils needing specialist ASD placements. This proposal will help alleviate the need for Out-of-County provision in the longer term, thus reducing costs, and will make effective use of an existing education facility.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **There is predicted to be an on-going demand for placements at Ysgol Bryn Derw across Newport. Increasing provision will reduce the number of future out-of-county placements and will also support more pupils being able to be educated within the city.**
- 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 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. In addition, this proposal supports the Newport City Council Well-being Objective "To improve skills, educational outcomes and employment opportunities". Wellbeing and attitudes to learning have been judged to be excellent at Ysgol Bryn Derw. The refurbishment will be agreed with the Headteacher to ensure that it has a positive impact on pupil wellbeing and attitudes to learning, in line with the Foundation Phase curriculum. A dedicated Foundation Phase base will also have a positive impact on wellbeing and attitudes to learning as the whole building will be age-appropriate.**

- 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. **There will be the opportunity to engage with all stakeholders through the formal statutory consultation process. The proposal has been developed with, and will be delivered through, full engagement with the Headteacher and Governing Body of Ysgol Bryn Derw and officers from Newport City Council.**
- 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 school reorganisation proposal will be undertaken and supported at each stage by a FEIA that will consider impact. This proposal will include a period of formal consultation that will offer the opportunity for all stakeholders to find out more information about the proposal and how it may affect them. Following conclusion of the formal consultation, a Consultation Report will be prepared, published and distributed to all identified stakeholders.**

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

FEIA (attached)

Dated: May 2021