

# Report



## Cabinet Member for Education

---

### Part 1

Date: December 2021

Item No:

**Subject** **School Reorganisation Proposal – Expansion of Ysgol Bryn Derw - Final Determination**

**Purpose** To seek final determination on the school reorganisation proposal “to increase the capacity of Ysgol Bryn Derw by 28 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 school reorganisation proposal has been carried out in accordance with the statutory School Organisation Code and included a period of formal consultation followed by the publication of a statutory notice for the required period of at least 28 days.

The consultation passed through the statutory notice stage without objection and therefore the Cabinet Member for Education can now take the final decision to implement the proposal as consulted on.

**Proposal** **To approve the 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 and Finance Business Partners
- Headteacher and Chair of Governors of Ysgol Bryn Derw

**Signed**

## **Background**

A school reorganisation proposal has been progressed to expand Ysgol Bryn Derw from 68 pupil places to 96 pupil places with effect from April 2022. This is possible through refurbishment of the former Kimberley Nursery School building. The proposal included a period of formal consultation carried out between 21<sup>st</sup> June 2021 and 1<sup>st</sup> August 2021, following which a consultation report, containing a summary of the issues raised and the Council's response, was prepared and published on the Newport City Council website. The decisions to launch the formal consultation and subsequently publish a statutory proposal were both approved by the Cabinet Member for Education in accordance with the Council's agreed democratic processes and procedures.

## **Current position**

The Council moved to the second stage in the school reorganisation process by publishing a statutory proposal between 15<sup>th</sup> October 2021 and 11<sup>th</sup> November 2021. This confirmed the intent to increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022 and gave an opportunity for stakeholders to lodge formal objections.

The Council published the statutory proposal on its website, with copies also displayed at the main entrance to Ysgol Bryn Derw and at the former Kimberley Nursery School building. Information was also distributed by email and weblink to all stakeholders as outlined in the statutory School Organisation Code, including pupils and staff of Ysgol Bryn Derw, and the parents / carers of those pupils. Hard copies of the statutory proposal were available on request.

The proposal passed through this statutory notice stage without objection and therefore the Cabinet Member for Education is now required to take the final decision as to whether or not to determine the proposal as consulted on.

## **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

The current MTFP contains the pressure for the expansion of Ysgol Bryn Derw for foundation phase pupils. The pressure allows for increasing provision by 28 places in total over 3 years of growth, commencing with 8 reception places provided during 2021/22 and future years at 10 places. The pressure also accounts for site specific funding allocated through the funding formula of approximately £58k per annum, based on the current Kimberley nursery site funding.

Category 2 place led funding for the financial year 2021/22 is £22,346 and this would be allocated to Ysgol Bryn Derw on the basis of an additional 10 places (pro rata in 2022/23). The increase in provision would allow for cost avoidance of places being required in out of county provision, the current average 2021/22 ASD out of county placement cost is £45k.

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 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.

	Year 1 (2022/23) £	Year 2 (2023/24) £	Year 3 (2024/2) £	Ongoing £	Notes including budgets heads affected
Costs (Income)	228,000	223,000	93,000		Included in the Council's MTFP
Net Costs (Savings)					
Net Impact on Budget	228,000	223,000	93,000		

### Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
Failure to finally determine the proposal	H	L	There has been mitigation by carrying out a full consultation process in accordance with the statutory School Organisation Code, and through the publication of a statutory notice that generated no objections.	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 and considered

Option 1: To determine to implement the proposal to increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022.

Option 2: To decide to withdraw the proposal and seek alternative solutions to provide appropriate education for pupils living in Newport with a diagnosis of Autistic Spectrum Disorder (ASD).

## **Preferred Option and Why**

The preferred option is Option 1. Increasing the capacity of Ysgol Bryn Derw through refurbishment of the former 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 but otherwise vacant Education Service asset. The demand for places in ASD specialist provision, due to the identified needs of pupils currently in Newport schools, is higher than current provision available within the City. The 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. The required capital investment of £1 million has been identified and agreed through a Welsh Government Capital Maintenance Grant.

## **Comments of Chief Financial Officer**

### Revenue

Additional funding was received in 2021/22 financial year to support additional places commencing in September 2021 and the current MTFP contains a funding pressure for the continued expansion of places as Ysgol Bryn Derw. This will support the growing demand for ASD specific placements within the city and avoid potentially high cost out of county placements.

### 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 Education Maintenance Grant 20/21 resourcing.

## **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 proposal for increased capacity at Ysgol Bryn Derw involves changes to a special school and a split-site, 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 was prepared, setting out the educational reasons for the proposals, and meaningful consultation was carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. The majority of the limited consultation responses were supportive of the proposed expansion and only two objections were received. The response from Estyn confirmed that this proposal would result in current educational standards being at least maintained. Although Estyn did raise issues regarding the split-site school and Welsh medium provision, those matters are again clarified in the consultation response and were not considered to override the educational benefits of the school reorganisation. Therefore, the Cabinet Member previously agreed to proceed with the statutory notices, in the light of those consultation responses. The proposal was then published by way of formal statutory notice on the Council's website and by public notices, and a period of 28 days was allowed for statutory objections. No statutory objections were received during this period and, therefore, the Cabinet Member can now take the final decision to proceed with the proposed expansion.

## **Comments of Head of People and Business Change**

The proposals to expand Ysgol Bryn Derw will increase specialist Autistic Spectrum Disorder provision within an appropriate, secure and school environment, in the local area, by making use of the vacated Kimberley Nursery building. This should help deliver wellbeing benefits relating to equalities, community cohesion, improved health, social and economic inclusion for pupils and their families.

In line with the school reorganisation policy a consultation process has been undertaken and a statutory notice period has ended without any objections. The Cabinet Member is now able to make the final decision on this school reorganisation proposal.

## **Scrutiny Committees**

None

## **Fairness and Equality Impact Assessment:**

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The Council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality. A Fairness and Equality Impact Assessment (FEIA) was completed to support the decision to launch this school reorganisation proposal and was reviewed and updated to support the decision to publish a statutory notice. It has now been reviewed and updated again to support this request for final determination. As this is a Cabinet Member for Education operational decision rather than a Council strategic decision, there is no requirement to evaluate the proposal in terms of the Council's Socio-economic Duties.

This school reorganisation proposal has been undertaken in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process, but this is not exclusive, and the Council has identified further consultees and extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process was emailed to the parents, children and staff of the affected school. Stakeholder emails were also sent to Newport City Council education partners. The proposal was published on the Newport City Council website. The Council consulted with pupils at Ysgol Bryn Derw through the Headteacher, and the feedback received is described in detail within the Consultation Report. Due to the current public health situation, there were no public drop-in events during this consultation, but a virtual drop-in session was offered to parents via Microsoft Teams. The publication of the statutory notice offered an opportunity for stakeholders to lodge legal objections against the proposal; however, no such objections were lodged.

The FEIA has identified a negative impact on the Welsh Language Protected Characteristic, as the proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City. It is therefore acknowledged that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050. However, children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg. There are positive impacts however in relation to two Protected Characteristics: Age and Disability. Ysgol Bryn Derw serves the whole of the City and supports the provision of education for children 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. Expansion of the school will provide additional pupil places and reduce the need to provide out of county placements for pupils living in Newport. The proposal will ensure that more children with ASD and associated learning difficulties are able to be educated within Newport. The new satellite base will be fully accessible and DDA compliant. The proposal will therefore have a positive impact on children with ASD by increasing provision of a rich learning environment which Estyn rates as 'excellent' in 4 out of 5 inspection areas.

The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- 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. **The proposal is supported by a regularly reviewed FEIA to consider the impact of the decision. 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 of the vacant building will be undertaken in consultation 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 was an opportunity to engage with all stakeholders through the formal statutory consultation process. The proposal was 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 has been undertaken, supported at each stage by a FEIA to consider the impact of the decision. This included a period of formal consultation which offered the opportunity for all stakeholders to find out more information about the proposal and how it might affect them. Following conclusion of the formal consultation, a Consultation Report was prepared, published and distributed to all identified stakeholders. The subsequent statutory notice period offered an opportunity for stakeholders to lodge legal objections against the proposal. There were no legal objections launched in this case.**

## **Crime and Disorder Act 1998**

Not applicable

## **Consultation**

This proposal has been subject to a full programme of stakeholder engagement as required under the statutory School Organisation Code, and as outlined in detail in the consultation report.

## **Background Papers**

Updated FEIA

Dated: December 2021