

# Report

## Cabinet Member for Education & Young People

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### Part 1

Date: 9 March 2017

Item No:

**Subject** New Primary School – final determination

**Purpose** To seek urgent Cabinet Member approval **“to establish a new Primary School with effect from September 2017”**.

### Reason For Urgency

This report refers to the final determination on the school reorganisation proposal to establish a new school. As a direct result of the tight timescales which stem from the original delays in the process there is an appropriate justification for the urgency of this decision.

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

**Ward** Rogerstone

**Summary** The full statutory consultation process has now concluded on the proposal **“to establish a new Primary School with effect from September 2017”**.

The statutory consultation passed through the statutory notice stage without objection and therefore a final decision can be taken by the Cabinet Member for Education & Young People.

**Proposal** **“To establish a new Primary School with effect from September 2017”**. To take this decision urgently as it is so urgent that it cannot go through the Council’s agreed consultation process and must be implemented immediately and therefore not subject to the Council’s call in procedures for the reasons set out under ‘Reasons for Urgency’ above.

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

**Action by** Chief Education Officer

**Timetable** Immediate

**Signed**

## Background

The school reorganisation proposal has been taken forward proposing **to establish a new Primary School with effect from September 2017**, under the statutory consultation process. The Cabinet Member has previously agreed that the statutory consultation process is undertaken at each stage including publication of the statutory notice.

### Current position

The proposal was published as a statutory notice for a period of 28 days during which objections could be lodged with the Chief Education Officer. No objections were received and therefore in accordance with the School Organisation Code, July 2013 a decision can be taken locally by the Cabinet Member.

### Financial Summary

#### CAPITAL:

If the establishment of this primary school goes ahead, there will be capital costs incurred at a level of £385,000 in respect of Fixtures, Fittings & Equipment which are not provided under the legal agreement with the Housing Developer. However these costs are included within the Capital Programme at £10k in 2016/2017, and £375k in 2017/2018.

#### REVENUE:

The revenue costs associated with the opening of the School from September 2017 are included within the table set out below, these are shown cumulatively, with the incremental additionality required in each year dealt with as follows. The funding of all schools is within the Council's 'Individual School's Budget' and this is included and reviewed within the Council's MTFP and annual budget setting regularly.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
<b>Costs (Income)</b>	<b>396k</b>	<b>789k</b>	<b>1,014k</b>	<b>1,104k</b>	
<b>Net Costs (Savings)</b>	<b>396k</b>	<b>789k</b>	<b>1,014k</b>	<b>1,104k</b>	
<b>Net Impact on Budget</b>	<b>396k</b>	<b>789k</b>	<b>1,014k</b>	<b>1,104k</b>	

### 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 approve the proposal	L	L	This risk has been mitigated by carrying out a full and public statutory consultation process, which took place without any legal objections.	Chief Education Officer

### Options Considered/Available

Option 1: To confirm the decision and give formal agreement **“to establish a new Primary School with effect from September 2017”**.

Option 2: To not establish the primary school and for the Council to utilise the premises for other public services.

### **Preferred choice and reasons**

The preferred option is Option 1, as this supports the seamless education vision for 3 – 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.

### **Sustainability and Environmental Issues**

None

### **Crime Prevention Impact**

None

### **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 establish a new “growing” primary school and nursery at Jubilee Park is a regulated alteration under the Code. Therefore, the proposal has been formally published and subjected to formal consultation in accordance with the statutory procedure and there has been meaningful consultation with key stakeholders, including children and young people, who are likely to be affected by the changes. The consultees were largely supportive of the proposal and, therefore, the Cabinet Member has previously taken an urgent decision to proceed with the formal statutory notices. The necessary statutory notice have been published and displayed on the Council’s website and no formal objections have been received within the 28 day objection period. Accordingly, the Cabinet Member can now take the final decision to establish the new school. The proposed new “growing” school meets the requirements of the planning consent and the section 106 Agreement with the developer and also allows the school numbers to increase on a phased basis in line with the development

### **Comments of Chief Financial Officer**

The establishment of the School will bring financial implications with regard to the operation costs of the new school. The increase in revenue costs will need to be factored into the funding of the ISB as it currently stands and in line with the current Council budget strategy.

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

As noted in the report aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act have been considered in the development of this proposal.

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

From an HR perspective the HR implications in this report are linked to the recruitment to the post of Headteacher and the creation of the structure and recruitment to all other posts ready for implementation in September. This is contingent on the notice dates that a Headteacher would need to give (28th April) in order to take up a new post in September. The current deadlines, albeit are very tight but can be achieved through a project management principal being adopted with clear planning, direction and support given to the temporary governing body as required and as appropriate.

### **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. 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 statutory planning application process 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.

Alongside the actual planning consent to build this school by the housing developer, this report is on the statutory reorganisation consultation process, which does aim consultation on affected groups including children and young people.

## 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 – ***this has been taken into consideration through the development of seamless learning for ages 3 – 11 within a new primary school setting***
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives – ***this has been taken into consideration through the development of seamless learning for ages 3 – 11 within a new primary school setting***
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies – ***this proposal meets a number of the well-being goals and will have no adverse effect on the others or any other organisation***
- 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 – ***this has been taken into consideration through the development of seamless learning for ages 3 – 11 within a new primary school setting***
- 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 – ***this has been taken into consideration by following the full statutory consultation process for all interested parties to 'have their say'***

## **Other Relevant Consultation**

None

## **Background Papers**

None

Dated: 9 March 2017

Appendix 1: Updated Fairness & Equality Impact Assessment

## 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	March 2017

1. What is the policy/ service being assessed?

To take the final determination on the proposal **“to establish a new Primary School for pupils aged 3 – 11, on the Jubilee Park housing development, with effect from September 2017”**.

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

To provide education within a seamless transition for pupils aged 3 – 11.

### 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 this new primary school within a new school setting.			
Gender reassignment					
Disability					
Marriage/Civil Partnership					
Pregnancy and Maternity	Prospective parents	The availability of places at this new 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.

A full statutory consultation process has been carried out on the proposal **“to establish a new Primary School for pupils aged 3 – 11, on the Jubilee Park housing development, with effect from September 2017”**.

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

The full statutory consultation has been 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 determination of the proposal will be published on the Council web site and will also be in 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

Taking the final determination on this proposal to establish a new primary school supports the:

Improved equality of access locally – to a new primary school, with a seamless transition for pupils aged 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 final determination of this proposal will support access to a local primary school where pupils can enjoy 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 final determination on this proposal will support the establishment and delivery of a new 3 – 11 school for pupils. 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 final determination on this 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 and all other Monmouth Diocesan Trust schools.

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

**Date: March 2017**



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

**Date: March 2017**

