

# Report

## Cabinet Member for Education & Young People

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### Part 1

Date: 24 October 2016

Item No:

**Subject** **New Primary School – reorganisation proposal**

**Purpose** To seek Cabinet Member approval to move to the Formal Consultation stage of the statutory consultation process for a school reorganisation proposal “to establish a new Primary School with effect from September 2017”.

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**Ward** Rogerstone

**Summary** This report details moving to Formal Consultation to establish a new Primary School which is to be situated on the Alcan housing development and currently has the working title of “Jubilee Park” Primary School. When the school is established the Temporary Governing Body can determine the name of the school.

In order to establish a new Primary school, a Formal Consultation with all stakeholders is required.

It is proposed that the establishment of this school which will include a nursery takes effect from September 2017 or as soon as possible thereafter.

This proposal is for a “growing school” on a growing development, the report provides some detail and assurance that the full Formal Consultation pack will enable all consultees and stakeholders to be fully appraised of the proposed design for the school.

**Proposal** **To move to Formal Consultation on the reorganisation proposal “to establish a new Primary School for ages 3 – 11 with effect from September 2017”.**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director – Place
- Strategic Director – People
- Education Senior Management Team
- Education Senior Human Resources Business Partner
- Education Senior Finance Business Partner

**Signed**

## **Background**

The city of Newport population is burgeoning from the new housing developments and all the families require schools for their children. One such development is on the Alcan site in Rogerstone where the first tranche of houses have been built and this is now to be joined by a new primary school on that site.

The school is being given a working title of “Jubilee Park” Primary School by the housing developer, until such a time as the school is established and the Temporary Governing Body can determine the permanent name of the school.

It is now appropriate to move to Formal Consultation of the legal statutory consultation process to establish this new school.

### **Statutory Consultation Process**

The formal consultation stage will ensure that all stakeholders, in particular pupils and their families are able to find out more details of the reorganisation proposal. They will be invited to make comments and provide feedback on the issues.

The whole process will be taken forward under a regulated Statutory Code for School Reorganisation.

The proposal will be:

**“To establish a new Primary School for pupils aged 3 – 11 with effect from September 2017”.**

It is planned that the formal consultation process will commence within the autumn term 2016 and will last for 42 days.

After which, the Cabinet Member will be invited to review the findings through a consultation report which will also be published on the web site. The next stage would be for the Cabinet Member to take the decision to move to the publication of the Statutory Notice for a 28 day period. If there are no objections, the Cabinet Member can take the decision to establish the new school. If there are objections the case will be referred to full Cabinet who will act as a Local Determination Panel.

### **“Growing School for a Growing Development”**

Traditionally, in Newport new schools have been established as a seedling school that is to say with school places available in the first and occasionally secondary year groups only, to allow for staffing.

Jubilee Park is a new housing development in the Rogerstone area of Newport, and on completion will consist of circa 900 dwellings. Due to the size of the development, the Council’s planning agreement included a requirement for a new 1.5 form entry (45 places per year group, equating to a published admission number of 45) primary school to serve families living on the site. There will also be a 24 place nursery class able to take 48 children in total over the morning and afternoon sessions.

### **What is a “growing” school?**

As stated the Jubilee Park estate is a growing housing development that is expected to be fully complete by March 2021. On completion, there will be in the region of 900 dwellings on the site. Opening a new school as a growing school allows it to grow in size as the population of the development grows. Under this arrangement, the school will grow incrementally over a three year period.

This is demonstrated in the following table:

Academic Year	Number of Dwellings	School Capacity (statutory school age)	Published Admission Number (PAN)	Nursery Capacity (Full time equivalent*)
2017/18	460	105	15	15
2018/19	610	210	30	24
2019/20	760	315	45	24
2020/21	910	315	45	24

\* Nursery places are offered on a part-time basis, either a morning or afternoon session. The number of children who can be offered places is therefore 30 in the first year, and 48 thereafter.

Under this model, admission will be capped in the first two years to allow the school to grow with the size of the development. In the first year, four classes will be in operation as follows:

- A mixed Nursery / Reception Class with a maximum of **30 pupils** (Early Years);
- A mixed Year 1 / Year 2 Class with a maximum of **30 pupils** (Upper Foundation Phase);
- A mixed Year 3 / Year 4 Class with a maximum of **30 pupils** (Lower Key Stage 2);
- A mixed Year 5 / Year 6 Class with a maximum of **30 pupils** (Upper Key Stage 2).

In the second year, there will be seven straight-age classes for the Reception to Year Six groups, plus a separate nursery class. The school will be fully grown from the start of the third year in September 2019.

### Why is a “growing” school an appropriate solution?

The new school is being provided by the site developer as part of the planning agreement with the Council to meet the needs of the local community, and will open in September 2017. By this time however the housing development will not be fully complete, and indeed this is not likely to be the case until early 2021.

In accordance with the Welsh Government statutory School Admissions Code, the Council is unable to either restrict admission to a school to those pupils living within the designated catchment area or to reserve places in a school for any pupils who may subsequently move into the catchment area.

If the new school was opened to immediate full capacity therefore, admission applications could be submitted from children living across the City and even from outside of the City. Provided that the published admission number was not reached, the Council would have no grounds to refuse such applications, and thus the school could potentially be filled straight away. If this was the case, there would be little or no spaces available for children who later move into the catchment area meaning that they would be forced to attend other schools across the City. Opening the school as a “growing” school will go some way towards mitigating this risk.

Councils in other Local Authority areas have successfully opened new schools under a growing school model in the past, and there is precedent across the region for these arrangements to support new housing developments.

### **What are the benefits of a growing school?**

- Additional school places are created across all year groups, supporting families who may have more than one child of primary school age;
- The school would grow in line with the population of the development;
- Manages the risk of pupils being admitted from outside the area;
- Ensures that school places are available for families who move during the latter stages of the housing development;
- Reduces the possibility of mass movement of pupils from other schools;
- Effectively manages class sizes to support staffing and the school budget.

### **What are the disadvantages of a growing school?**

- Even with a reduced published admission number, pupils living outside the school catchment area can still apply for a place at the school and may be successful;
- In some circumstances, siblings could be split if one is able to attend the new school and another isn't;
- Pupils who move into the area during the course of an academic year, could be forced to wait until the following September to join the school;

### **What will the new school provide?**

Long term, a single phase primary school offers a range of benefits to pupils, staff and the local community:

- A high standard of education in line with the National Categorisation model;
- Easier and more effective opportunities for curriculum planning across all primary age groups to maximise the potential for improving levels of achievement;
- A more effective approach to resource management, particularly in relation to specialist equipment;
- Easier transition for children from the Foundation Phase to Key Stage 2;
- Opportunities for interaction between staff and children of all ages. This will benefit all children, particularly those with additional learning needs;
- Greater breadth of staff experience and an increased opportunity for staff development through an agreed management and support structure;
- An efficient and effective system of parental and community engagement.

## Financial Summary

The funding required for the operation of the school will be provided through the Councils overall schools budget. The profiled budget requirements have been included within the Councils medium term financial plan for consideration within the current budget round. The school once established will require appropriate funding from within the overall schools budget, whether or not the proposal for growth within the current MTFP is accepted.

The required funding profile for the school is as follows:

Required funding	Year 1 2017/18 £'000	Year 2 2018/19 £'000	Year 3 2019/20 £'000	Year 4 2020/21 £'000
In year	396	393	225	90
Cumulative	396	789	1014	1104

## 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?
Not moving to Formal Consultation	High	Low	The housing development is within the LDP for the Council and the Section 106 legal agreement has been in place many years which identified that the developer would provide a new primary school for the Council	Chief Education Officer

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Council Improvement Plan  
 Education Service Plan  
 21CS Strategic Outline Plan  
 Well-being of Future Generations (Wales) Act 2015

## Well-being of Future Generations (Wales) Act 2015

The decision to move to the publication of a statutory notice on the proposal for a new ASD school fulfils the Act in the following ways:

<b>A prosperous Wales</b>	<b>...which develops a skilled and well-educated population...</b>
<b>Sustainable Development principle – involvement through consultation</b>	<b>The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves</b>

## **Options Available**

Option 1: To move to Formal Consultation on the proposal, “to establish a new primary school”.

Option 2: Not to move to Formal Consultation on the proposal to establish a new school on that site.

## **Preferred Option and Why**

Option 1 is the preferred option as it delivers against the Section 106 legal agreement which was agreed many years ago in readiness for when the housing development required education provision. It also provides much needed English medium primary school expansion across the city.

## **Comments of Chief Financial Officer**

Although there are no major financial implications of moving to formal consultation phase, the financial consequences of new schools is a factor considered within the medium term financial plan of the Council, and is therefore considered within the normal budgetary process of the Council. No decisions have yet been made with regard to proposals within the current MTFP, however the school, once established will require funding from within the overall schools budget irrespective of pending decisions with regard to the current MTRP.

There are consequences with regard current funding of all schools if growth within the MTFP for new schools is not accepted, as the current level of the overall schools budget will be required to fund additional schools without additional funding. Therefore overall funding will need to be allocated across more schools, and will become diluted.

Further reports will be brought before the Cabinet Member as the process continues.

## **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 proposed new school needs to be formally published and subjected to formal consultation in accordance with the statutory procedure. In accordance with the statutory procedures, a detailed consultation document needs to be prepared, setting out the reasons for the proposals, and there has to be meaningful consultation with key stakeholders, including children and young people. A consultation period of at least 42 days has to be allowed (of which at least 20 should be school days). At the end of the statutory consultation period, a report will be prepared setting out the responses received and the Cabinet Member will be required to consider these representations before deciding whether or not to proceed with the necessary statutory notices. 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.

## **Staffing Implications: Comments of Head of People and Business Change**

There are no staffing implications as a result of this report in terms of the consultation at this time. However should the proposals be delayed this would impact on the ability to recruit the workforce in line with the opening date of the school.

The workforce would comprise teachers (employed under teachers terms and conditions) and support staff under NJC terms and conditions. In line with school teachers pay and conditions, adherence to Burgundy book national conditions of service would apply with respect to notice periods of teaching professionals.

This proposal fits one of the five aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act by involving people with an interest at the appropriate stages of decision making.

As required a Fairness and Equality Impact Assessments (FEIA) has been completed and is attached.

## **Local issues**

Ward Members comments invited.

## **Equalities Impact Assessment**

A Fairness & Equality Impact Assessment (FEIA) has been developed to be included within the proposal pack for Formal Consultation and will be published on the Council web site. It is attached at Appendix 1, to have consideration in taking this decision.

## **Children and Families (Wales) Measure**

Children and Young People will be a key stakeholder group for formal consultation on the proposal detailed within this report.

## **Background Papers**

None

Dated: 24 October 2016

Enc: Appendix 1: 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	October 2016

1. What is the policy/ service being assessed?

To formally consult on the proposal to establish a new primary school for ages 3 – 11 with effect from September 2017. The proposal consultation pack sets out how the school will operate on the current site.

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

To formally consult on the provision of a new primary school for ages 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 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 proposal by the Cabinet Member for Education & Young People.

Formal statutory Consultation with identified stakeholders including local and regional providers, pupils, parents, carers and staff in respect of the Special sector of education, Community councils, neighbouring Local Authorities, education professionals, Welsh Ministers and the Monmouth Diocesan Trust.

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

Formal Consultation will be conducted in accordance with the School Standards and Organisation (Wales) Act 2013, and the Statutory Code, 2013.

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**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 local primary school where pupils can enjoy 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 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 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: October 2016**



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

**Date: October 2016**

