

Report

Cabinet Member for Education & Skills

Part 1

Date: February 2021

Item No:

Subject **School Reorganisation Proposal – Amalgamation of Kimberley and Fairoak Nursery Schools – Final Determination**

Purpose To seek final determination on the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

Author Assistant Head of Education - Resources

Ward Shaftesbury, St Julian’s, Victoria

Summary This school reorganisation proposal has been undertaken 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 & Skills can now take the final decision to implement the proposal as consulted on.

Proposal **To approve the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.**

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
- Executive Headteacher and Chairs of Governors of Fairoak Nursery School and Kimberley Nursery School

Signed

Background

A school reorganisation proposal has been progressed to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single nursery school on the current Fair oak site from September 2021. This proposal included a period of formal consultation - initially carried out from 10th March 2020 until its withdrawal on 30th March 2020 in response to the Covid-19 pandemic – and re-launched to run from 29th June 2020 until 11th September 2020. Following its conclusion, 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 Cabinet Member for Education & Skills approved the decisions to launch formal consultation and subsequently publish a statutory proposal 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 1st December 2020 and 6th January 2021. This confirmed the intent to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single nursery school on the current Fair oak site from September 2021 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 entrances to Fair oak Nursery School and Kimberley Nursery School, and information distributed by email and weblink to all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of children currently attending both schools. 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 and Skills is now required to take the final decision as to whether or not to determine the proposal as consulted on.

Financial Summary

Capital

There is no capital expenditure associated with this proposal. The Fair oak Nursery School building is in good condition and is sufficiently large enough to accommodate the projected pupil number at both schools without the need for physical expansion.

The proposal will however result in the vacation of the Kimberley Nursery School building. The Council is considering re-purposing this building to become a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD), wholly funded from a Welsh Government Capital Maintenance grant.

Revenue

Based on the current formula funding arrangements, amalgamated schools are likely to generate similar Age Weighted Pupil Unit (AWPU) levels. There will however be an overall reduction in funding relating to the formula lump sum payment and the site specific funding associated with the Kimberley Nursery School building. This overall saving is in the region of £65,000 per annum and will be available for re-distribution within the individual school's budget (ISB) via the funding formula applied across all schools. This will be available in the financial year following amalgamation, i.e., 2022/23.

In taking forward this amalgamation, both of the affected schools will close and a new school established in its place. Under the authority's formula funding arrangements, a lump sum payment of up to £35,000 is available to all new and amalgamating schools in the first financial year of opening to support any additional costs specifically arising from the amalgamation, funded via the ISB.

Kimberley Nursery School is currently projecting a negative closing reserve balance of approximately £125,000 as at the end of the 2020/21 financial year. Fair oak Nursery School is projecting a small surplus of approximately £2,000 for the same period. Reserve balances, surplus or deficit, would transfer to the central education budget as an in-year pressure and would not remain with the newly amalgamated school.

Therefore, this decision will result in the Councils general budget having to fund, as a one-off unbudgeted cost, any net deficit on these school's reserves at the time of amalgamation. The authority would meet any costs of redundancies arising because of the amalgamation process. The financial balances of the two schools at the point of amalgamation (either surplus or deficit) will passport to the Education Service and will not be allocated against the budget of the new school.

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 finally determine the proposal	L	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
Demand for pre-school nursery provision increases	M	L	There are a significant number of surplus places for 3 year-olds across the maintained and non-maintained sectors.	Chief Education Officer
Demand for standalone nursery provision further reduces	M	L	The proposed amalgamation will provide greater flexibility to accommodate changing demands, and the council will continue to monitor demand for pre-school places.	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 determine to implement the proposal to amalgamate Kimberley Nursery School and Fair Oak Nursery School into a single nursery school on the current Fair Oak site from September 2021.

Option 2: To decide to withdraw the proposal and continue to maintain both schools as standalone nursery schools within the school estate.

Preferred Option and Why

The preferred option is Option 1. The current operating model is not economically viable, and this rationalisation will support the continuation of standalone nursery provision and the nursery specific Communication Class. The savings arising from the rationalisation will be available for re-distribution amongst other schools across the city.

Comments of Chief Financial Officer

The proposed amalgamation would result in a full financial year saving of approximately £65,000 based on 2020/21 funding for lump sums and site specific funding. In the first financial year of amalgamation a one off lump sum of £35,000 is funded via the ISB.

The current projected closing balances at 31 March 2021 for Kimberley and Fairoak Nurseries are £125,000 and £2,500 respectively. Reserve balances, whether surplus or deficit, will transfer to central education on amalgamation as an in year pressure and does not remain with the newly amalgamated school. Therefore, on amalgamation the council budgeted would be required to fund a one off unbudgeted pressure of the transfer of any negative reserve.

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 proposed amalgamation of Kimberley and Fairoak Junior Schools 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 consultation process was carried out in accordance with the requirements of the Code (as amended by the Coronavirus Regulations). Because the consultation responses were broadly supportive of the proposed amalgamation, including the comments from Estyn, the Cabinet Member took the decision to proceed with the statutory notice. The proposal was published by way of formal statutory notice on the Council's website and by public notices, and a period of 28 days has been allowed for statutory objections. However, no objections were received during the statutory consultation period and, therefore, the Cabinet Member can now take the final decision to proceed with the proposed school amalgamation.

Comments of Head of People and Business Change

The Education Service has consulted on the reorganisation proposal in line with the School Organisation Code and has extended the arrangements as a result of the closure of schools due to Covid19.

Pupil numbers are declining at Fairoak Nursery School and with Kimberley Nursery School operating with a deficit budget for the last four years the proposed amalgamation provides an opportunity for the leadership team to pool resources and implement a sustainable business model for pre-school provision on one site.

The Communication Class currently hosted at Kimberley nursery provides special nursery education for children from across Newport. The council intends to continue to offer this service, however, under the proposal this provision will be relocated to Fairoak Nursery School. A full Fairness and Equalities Impact Assessment (FEIA) has been undertaken which indicates how the impacts arising from the above amalgamation can be mitigated. The author of the report has considered the five ways of working' and this is set out in the FEIA.

Local issues

Comments of Cllr Paul Cockeram, Ward Member for Shaftesbury

The comments I have given previously on this matter still stand.

Comments of Cllr Phil Hourahine, Ward Member for St Julians

I totally support the amalgamation of Fairoak and Kimberly nursery schools.

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 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 intends 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.

The updated Fairness & Equality Impact Assessment (FEIA) is available for review.

Children and Families (Wales) Measure

Pupil engagement sessions took place as part of the formal consultation process, and the feedback received is included within the Consultation Report.

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 meet long-term needs.

Pupil numbers are declining at both schools, and recent evidence indicates that the number of pupils on roll across the two schools would fit within the larger Fairoak building. In addition, Kimberley Nursery School has been operating with a deficit budget for some time, and is projected to be in the region of £125,000 at the end of the current 2020/21 financial year. Fairoak Nursery School is projecting a small surplus of approximately £2,000 for the same period. The amalgamation proposal provides an opportunity for the leadership teams to consolidate under the current Executive Headteacher arrangement, and to pool resources to implement a sustainable business model for standalone pre-school provision on a single site.

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

The proposal will reduce the number of surplus places currently available in standalone nursery schools across the city. The larger Fairoak building is sufficiently large enough to accommodate the children on roll across both schools. Kimberley Nursery School has been operating with a worsening deficit budget for the last four years, and currently there is no achievable plan to recover this. The Communication Class hosted at Kimberley Nursery School is a much-needed valuable and beneficial resource providing specialist nursery education to children across Newport. Under this proposal, this provision will continue on the Fairoak site.

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

The Consultation Report describes the detail of the statutory formal consultation process with key stakeholders, with the FEIA supporting this. The 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.

- 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.
The Consultation Report describes the detail of the statutory formal consultation process with key stakeholders, with the FEIA supporting this. Delivery of the proposal requires full engagement with the governing bodies of both schools and Newport City Council’s Education Inclusion and Early Years teams.
- 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.
The Consultation Report describes the detail of the statutory formal consultation process with key stakeholders. This period of formal consultation offered the opportunity for engagement with all stakeholders where people were able to find out more information about the proposal and how it might affect them. 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

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

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: February 2021