

# Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Robert Fisher **Role:** Education Information and Development Officer

**Head of Service:** Sarah Morgan **Date:** 12/08/2021

**I confirm that the above Head of Service has agreed the content of this assessment**

**Yes / No**

**When you complete this FEIA, it is your responsibility to submit it to**  
impact.assessments@newport.gov.uk

## **1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

Formal Consultation has now concluded on the school reorganisation proposal to increase the capacity of Ysgol Bryn Derw by 28 places, and thereby increase the capacity of the school from 68 to 96 with effect from April 2022.

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 currently in Newport schools, is higher than current provision available within the city.

The proposal will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

The consultation period which ran from 21 June 2021 until 1 August 2021, enabled Newport City Council to seek views on the proposal.

**2. Outline how you have/will consult with stakeholders who will be affected by the policy/proposal. Please refer specifically to FEIA guidance in relation to relevant Welsh language duties.**

Permission to take this proposal forward was granted, the proposal was undertaken in accordance with the requirements of the statutory School Organisation Code.

The consultation process represented an opportunity for people to learn about the proposal, ask questions and make comments that will be recorded and summarised in a consultation report. This report has been published on the Council's website and will be considered when the Council decides on the way forward.

An invitation to engage in the consultation process was emailed to the parents, children and staff of the affected schools. Stakeholder emails were also sent to Newport City Council education partners. The proposal was published on the Newport City Council website.

A Children and Young People's Everyday Summary Version of this consultation was produced, along with an ASD friendly version. Both of these and the full version were available via the NCC website [www.newport.gov.uk/schoolreorganisation](http://www.newport.gov.uk/schoolreorganisation). 10 hard copies of the full consultation document, 20 hard copies of the Everyday Summary Version for Children and Young People, and 30 hard copies of the ASD Friendly version were provided to Ysgol Bryn Derw. Copies were available to be requested by emailing [school.reorg@newport.gov.uk](mailto:school.reorg@newport.gov.uk) or by telephoning 01633 656656. The Council consulted with pupils at Ysgol Bryn Derw through the Head teacher.

Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, the Council did not propose holding any public drop-in events during this consultation. Instead, questions could have been submitted by e-mail to [school.reorg@newport.gov.uk](mailto:school.reorg@newport.gov.uk) and Council officers generally provided a response within 7 days. This enabled stakeholders to submit informed responses to the consultation.

A virtual drop-in session via Microsoft Teams was offered to parents of pupils at Ysgol Bryn Derw by the Headteacher, to allow parents to raise comments or ask questions about the proposal. The session would have been led by officers from the Education Service, although no parents expressed an interest in attending.

Comments and questions could be submitted by e-mail or by using a consultation response pro-forma. Social media platforms such as Twitter and Facebook also shared information on proposed changes.

Following consultation, Newport City Council's Cabinet Member for Education & Skills will now consider the views expressed and will decide whether to proceed with the proposal. If the Cabinet Member decides to proceed, a statutory notice will be published and posted at the relevant school sites. The statutory notice period will last for 28 days following the date of publication and enables people to express their views in the form of supporting or objecting to the proposals. If objections are received then these will be detailed and answered in an objection report that will be published prior to the proposal being determined. If no objections are received following the publication of the statutory notice, Newport City Council's Cabinet Member for Education & Skills will make the final decision as to whether to proceed. If objections are received, the final decision will be referred to the Council's Cabinet.

### **3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**

The Statutory Code outlined the key stakeholders who were consulted with as part of the process which included schools, parents, elected members, community councils and trade unions. The list is not exclusive however, and the Council identified and added to this because of feedback received in relation to previous proposals.

The key stakeholders that the proposal concerns are children, families and carers who currently attend Ysgol Bryn Derw and those who potentially may attend the school such as those in the communication class at Kimberley Nursery. Residents who live in the area of the Kimberley Building may also have views regarding the proposal.

Ysgol Bryn Derw opened in September 2017 with a capacity for 48 learners across the 3-19 age range. A refurbishment of the on-site Annexe building means the school can now accommodate 68 pupils which became effective from January 2020 following the associated school reorganisation proposal. As per the April 2021 Pupil Census, 71 pupils were registered as attending the school meaning the school is oversubscribed.

There is currently a waiting list for pupils needing specialist ASD placements in Newport 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.

An invitation to engage with the consultation process was sent to the following stakeholder groups:

- The Headteacher, teachers, staff and the governing body of Ysgol Bryn Derw
- Pupils at Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Maes Ebbw School;
- Parents, carers and guardians of pupils attending the Nursery Communication Class;
- Parents, carers and guardians of pupils attending Learning Resource Base classes across the City;
- Parents, carers and guardians of pupils with a diagnosis of ASD and attending placements outside the City;
- The Headteachers and Governing Bodies of all other Newport schools;
- All Newport City Council elected members;
- All Newport Community Councils;
- The Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the school subject to the proposal;
- Other Local Authorities across the South East Wales Consortium region, including relevant Transport departments;
- The South East Wales Education Achievement Service;
- The Church in Wales, Diocese of Monmouth;
- Roman Catholic Archdiocese;
- Estyn;

- Teaching and staff trade unions representing teachers and staff at Ysgol Bryn Derw;
- The Early Years Development and Childcare Partnership
- The Police and Crime Commissioner for Gwent;
- Gwent Police;
- South Wales Fire and Rescue Service;
- Aneurin Bevan University Health Board;
- Public Health Wales;
- Newport Serennu Centre;
- SNAP Cymru;
- Gwent Association of Voluntary Organisations;
- Preventative Services.

Consultation with stakeholder groups also included pupils, with the assistance of affected schools via Microsoft Teams and through questionnaires.

#### 4. Equalities and Welsh language impact

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Age</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 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.
<b>Disability</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.  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.

## 5 How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>The school opened in September 2017 with a capacity for 48 learners across the 3-19 age range and is currently able to accommodate 68 pupils following a refurbishment of the on-site Annexe. As per PLASC 2020, 69 pupils were registered as attending the school meaning the school is oversubscribed. There is currently a waiting list for pupils needing a specialist ASD placement who are in our local Primary Learning Resource Bases. These pupils are having to be placed in out of county provisions, which are costly and can be a significant distance away from a pupil's home address.</p> <p>Expanding the school will help alleviate the costs of Out-of-County provision in the long term, and make effective use of an existing education facility.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>A formal statutory consultation has been carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.</p> <p>The proposal was developed and delivered through the full engagement of the Headteacher at Ysgol Bryn Derw and Newport City Council Officers. The scheme is made possible through the allocation of capital maintenance funding supported by Welsh Government.</p>



Involving those with an interest and seeking their views

The following stakeholders were engaged as part of the consultation process:

- The Headteacher, teachers, staff and the governing body of Ysgol Bryn Derw;
- Pupils at Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Maes Ebbw School;
- Parents, carers and guardians of pupils attending the Communication Class;
- Parents, carers and guardians of pupils attending Learning Resource Base classes across the City;
- Parents, carers and guardians of pupils with a diagnosis of ASD and attending placements outside the City;
- The Headteachers and Governing Bodies of all other Newport schools;
- The Headteacher and Governing Body of Maes Ebbw School;
- All Newport City Council elected members;
- All Newport Community Councils;
- The Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the school subject to the proposal;
- Other Local Authorities across the South East Wales Consortium region, including relevant Transport departments;
- The South East Wales Education Achievement Service;
- The Church in Wales, Diocese of Monmouth;
- Roman Catholic Archdiocese;
- Estyn;
- Teaching and staff trade unions representing teachers and staff at Ysgol Bryn Derw;
- The Newport Early Years Development and Childcare Partnership
- The Police and Crime Commissioner for Gwent;
- Gwent Police;
- South Wales Fire and Rescue Service;
- Aneurin Bevan University Health Board;
- Public Health Wales;
- Newport Serennu Centre;
- SNAP Cymru;
- Gwent Association of Voluntary Organisations;
- Preventative Services.

Following formal consultation, a Consultation Report has been prepared and published on the Council website.

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 456 333 479">Prevention</p> <p data-bbox="145 488 421 629">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 302 1407 450">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.</p>
 <p data-bbox="245 922 336 945">Integration</p> <p data-bbox="145 954 421 1102">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 633 1407 804">A formal statutory consultation has been 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.</p> <p data-bbox="459 837 1407 938">In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”.</p> <p data-bbox="459 972 1407 1240">Wellbeing and attitudes to learning have been judged to be excellent at Ysgol Bryn Derw. The refurbished building will be designed with input from the school to ensure that it will have a positive impact on pupil wellbeing and attitudes to learning, in line with the foundation phase curriculum. Further, with this being a proposal to establish a dedicated Foundation Phase base, we believe this will have a positive impact on wellbeing and attitudes to learning as the whole site will be age-appropriate.</p>

## 6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

No - Ysgol Bryn Derw is an established school accessible to pupils across the city. The proposal supports the development of additional facilities 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.

## 7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

### Parameter 1 – Equal treatment while recognising difference

The proposal recognises that the children affected by the proposal require a different style of education whilst giving them the same opportunities to receive a rich and nurturing education as all other children have access to in Newport.

### **Parameter 2 – Mutual Obligations between citizens and government**

Admission to Ysgol Bryn Derw is based on individual need following an assessment undertaken by the Education Inclusion Team. All pupils attending the school have a statement of Special Educational Needs. The Council determines admission taking parental preference into consideration and following consultation with the Headteacher and Governing Body as to the appropriateness of the placement. The system requires understanding and co-operation from parents, carers and families in order for children to be provided the most appropriate level of education and care.

### **Parameter 3 – Interdependency and reciprocity within community relations**

Perceived benefits of the proposal include:

- Provision of additional specialist education places in an appropriate dedicated school where placement in supported mainstream environments is not deemed appropriate;
- The subsequent potential availability of places in Learning Resource Bases to support pupils who require supported mainstream environments;
- Development of an existing education asset;
- Reduction in current and / or future out-of-county placements and an opportunity for pupils who are currently attending out-of-county provision to re-integrate back into their local area to continue their education;
- Reduced travel time for pupils who are attending out-of-county placements;
- Provision of a wider range of spaces for pupils with ASD who find noisy and busy areas difficult.

The proposal involves the use of the former Kimberley Nursery School building as a satellite base of Ysgol Bryn Derw for children aged 3-7 years. Some members of the local community raised concerns during the formal consultation to amalgamate Kimberley and Fair oak nursery schools and thereby vacate the site, that this would represent a loss to the community. The proposal provides continuity in the site being used to provide education for some of our youngest learners.

### **Parameter 4 – Transparency and accountability in decision-making**

The consultation document outlines the decision making process and is transparent and accountable in the information provided. It allows the effective democratic participation of citizens.

## 8. Equality Impacts and Actions

Please complete the below action plan which sets out steps that will/will not be taken in order to mitigate any negative impacts that your assessment has identified.

<b>Impact identified</b>	<b>Who does it affect?</b>	<b>What will you do to mitigate the impact? If you plan to take no action, please justify your rationale</b>	<b>Who is responsible?</b>
Welsh-language	Pupils	Ysgol Bryn Derw is an English-medium community maintained special school. As a result, 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.	Newport City Council

## 9. Monitoring, evaluating and reviewing

Any questions or comments made throughout the process were recorded and summarised in a consultation report. This report was published on the Council's website and will be considered when the Council decides on the way forward.

Following consultation, Newport City Council's Cabinet Member for Education will consider the views expressed and then decide whether to proceed with the proposal. If the Cabinet Member decides to proceed, a statutory notice will be published in the local press and at the school.

The statutory notice period will last for 28 days following the date of publication and enables people to express their views in the form of supporting or objecting to the proposals.

If no objections are received following the publication of the statutory notice, Newport City Council's Cabinet Member for Education will make the final decision as to whether to proceed. If objections are received, the final decision will be referred to the Council's Cabinet.

## 10. Involvement

The consultation process represented an opportunity for people to learn about the proposal. The proposal was available online in both English and Welsh, via the Newport City Council's website, email and social media, and as a hard copy.

Questions could be submitted at any point during the consultation process and were responded to within 7 days – this replaced the usual drop-in sessions due to the current public health situation.

Any questions or comments made throughout the process were recorded and summarised in a consultation report. This report was published on the Council's website and will be considered when the Council decides on the way forward.