

# Agenda



## Delegated Decisions - Cabinet Member for Education and Skills

Date: Wednesday, 7 August 2019

To: Councillor G Giles

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Item		Wards Affected
1	<u>Post 16 Home to School Transport</u> (Pages 3 - 20)	All Wards
2	<u>School Reorganisation Proposal - Expansion of Ysgol Bryn Derw</u> (Pages 21 - 42)	All Wards

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Date of Issue: 30 July 2019

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# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 6 August 2019

Item: 1

**Subject** Post-16 Home to School Transport Costs

**Purpose** To confirm the charging mechanism for Post-16 Home to School Transport Costs and concessionary transport for the 2019/20 academic year

**Author** Education Business Manager

**Ward** All

**Summary** A decision by a previous Cabinet Member for Education & Young People in June 2013 approved implementation of an amended charging mechanism for Post-16 Transport Costs on contracted services on a phased approach which would achieve full removal of the existing subsidy by September 2017.

This decision was implemented in September 2014 when the parental contribution in respect of this provision was increased from £45 per annum to £347 per annum in line with the same costs charged to students using the local bus network. Further increases were due in September 2015, September 2016 and September 2017 to achieve full removal of the subsidy.

However in June 2015, a decision was made to suspend the proposed September 2015 increase and instead amend the sharing mechanism to align the additional top-up fee with the cost of a season ticket on the local bus network, setting the fee at £370 per academic year.

In 2016, the same decision was made to suspend the planned increase for September 2016, maintaining the current level of charges. This would not reduce the subsidy but maintain the current position. The costs charged to all students using contracted services would remain equal. This decision was also agreed for 2017 and 2018.

**Proposal** To suspend the further price increase planned for September 2019 and therefore maintain the current level of charges.

**Action by** Chief Education Officer with the Head of City Services

**Timetable** Implementation from September 2019

This report was prepared after consultation with:

- Chief Executive
- Strategic Director - People
- Strategic Director - Places

- Chief Education Officer
- Head of City Services
- Head of Law and Regulation
- Head of People and Business Change
- Head of Finance

**Signed**

## Background

The provision of Post-16 Home to School Transport is not a statutory responsibility, and Local Authorities have discretion to consider whether or not to make such provision and the value. This Council's current discretionary policy provides an annual travel grant of £150 to those students who meet the eligibility criteria for this assistance. Parental contributions are required to meet the remainder of the annual travel costs.

A report in June 2015 approved amending the charging mechanism for Post-16 Home to School Transport costs so that all students were required to make the same financial contribution, regardless of whether they were using the local bus network or a contracted vehicle. As a result, the parental contribution for September 2015 was set at £370 per eligible child to correspond with the top-up fee charged by Newport Transport for an annual season ticket. Similar reports in June 2016, June 2017 and June 2018 agreed to maintain these costs for the 16/17, 17/18 and 18/19 academic year.

This superseded a previous decision taken in June 2013 to increase the fee to £400 from September 2015, and make further increases to £500 and £600 in September 2016 and September 2017 respectively.

Following the 2015 decision, the Council re-tendered local bus network school transport provision. The successful provider, NAT, levied the cost of an annual season ticket at £470 which, when offset by the discretionary travel grant, set the cost to parents at £320 per pupil. In September 2017 the provision was re-tendered back to Newport Transport. The cost of a Youth Service Bus Pass is reviewed annually and is currently £320 per pupil per academic year.

As a result, despite the intentions of the original report, the cost charged to the parents of eligible post-16 students for home to school transport has not been aligned in recent years and is currently £320 for children using the local bus network and £370 for those on contracted provision.

As an aside, the Council is able to offer the sale of vacant seats on contracted services on a concessionary basis. These seats are offered for sale from September each year, on a first-come first-served basis, but can be withdrawn at short notice if they are subsequently required for a qualifying pupil. **The cost of these concessionary seats is aligned with the full cost of post-16 travel, and currently therefore is fixed at £520 per annum.**

## September 2019

The local bus network provider has confirmed that they have not yet taken a decision on whether to increase the cost of an annual season ticket in September 2018. It seems unlikely however that any increase would be set at more than £50 per pupil, and therefore the parents of these pupils will be asked for a smaller contribution than those using contracted provision.

Notwithstanding this however, the actual cost of travelling on contracted provision is more than the cost of a season ticket. Currently, there are four secondary schools not served by the local bus network – Bassaleg School, Caerleon Comprehensive School, St Joseph's RC High School and Ysgol Gyfun Gwynllyw.

The Head of City Services has estimated that the average cost of a seat on the contracted provision to these schools is as follows:

- Bassaleg - £740
- Caerleon - £845
- St Joseph's - £805
- Gwynllyw - £1665

It would not be feasible to levy varying parental contributions dependent on which of these schools a child attends, and thus a standard contribution for contracted provision must be agreed. It should be

noted however than any failure to fully recover these costs will increase the Council's financial commitment to an already subsidised service.

### Financial Summary

A further reduction in the Post-16 Home to School Transport subsidy has not been included within current budgets, although an inflationary increase has been included on income lines within budgets at 4%. Maintaining the existing charges will not however accrue any further savings and therefore the current level of subsidy will remain.

### 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?
The Council could be accused of failing to treat all students equitably	M	M	Even though the charges imposed on parents of students using contracted services might be slightly higher than those incurred by pupils using the local bus network, the Council is still subsidising the actual cost of provision thus reducing hardship on families	Chief Education Officer / Head of City Services
The Council continues to subsidise the actual costs of this discretionary service	L	H	A reduction in the subsidy level has not been built into the current budget	Chief Education Officer / Head of Finance
Complaints from parents over the cost levied for concessionary seats	L	M	There is no obligation on the Council to provide transport assistance to children who do not qualify for assistance under the terms of the agreed Home to School Transport policy	Chief Education Officer / Head of City Services

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

Newport City Council Post-16 Home to School Transport Policy  
 Newport City Council Home to School Transport  
 Newport City Council School Admissions Policy  
 Learner Travel (Wales) Measure Guidance 2014  
 Welsh Government Statutory School Admissions Code  
 Wellbeing of Future Generations Act, 2015

### Options Available

Option 1: To maintain the current parental contributions of £370 per child. This will not reduce the subsidy but will maintain the current position. Under this scenario, the costs charged to all students using contracted services remain equal.

Option 2: To reduce the parental contributions in respect of contracted services to align with those charged on the local bus network. This will no doubt be received positively by parents and pupils but will increase the Council's subsidy on this discretionary service and will likely result in a budget pressure.

Option 3: To increase the contribution to £400 per year as per the deferred recommendation from the June 2013 report. This will reduce the Council's subsidy in relation to this service but will likely be received negatively by parents and pupils. It could also increase the disparity between pupils using the local bus network and contracted provision, and in some circumstances could lead to allegations of the Council profit making from the pupils and parents.

Option 4: To implement different charging mechanisms for each of the four schools using contracted services. This would have the effect of fully removing the subsidy but would lead to confusion for officers and parents. This would be negatively received and difficult to administer.

### **Preferred Option and Why**

The preferred option is Option 1. Whilst this will result in the current level of subsidy being maintained, a reduction has not been built into the MTFP and therefore this action would not result in additional pressures on the Council budget. Any further increase to the current level of parental contributions will result in additional disparity between students using the local bus network and contracted services, and possibly profit, and thus lead to complaints and negative publicity for the Council. The fee charged to the parents of eligible post-16 students using contracted services will therefore remain at £370 for the 2019/2020 academic year, resulting in the charge for concessionary seats being set of £520 per annum.

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

The preferred option of maintaining the current level of parental contributions would not impact adversely on the budgets nor would it reduce the levels of subsidy. The income element of the budget was over achieved in 2018/19 which helped offset an overall overspend so consideration ought to be given moving forward to developing a model for full cost recovery.

### **Comments of Monitoring Officer**

The Council has no statutory duty to provide Post-16 Home to School Transport and, therefore, has a discretion to determine the extent to which this should be provided and any costs to be charged. However, as with all discretionary powers, the Council must act reasonably and consistently, having regard to all relevant considerations and, in particular, its public sector equality duty and well-being objectives and ways of working. The Council has continued to pay a standard £150 travel grant to all eligible post-16 pupils and charges are imposed for the cost of concessionary seats on contracted services. Previously, the Cabinet Member had decided to remove the Council subsidy altogether for these discretionary services and increase the charges on a phased basis. This was superseded in June 2015, when it was decided to bring the discretionary charges into line with the costs of a season ticket on the local bus services, and the same decision was taken to maintain this level of charges over the past three years. However, the re-tendering of the contracted bus service over this period has resulted in a reduction in the costs of the season tickets for the local network services, which has meant that the concessionary charges have remained higher than the equivalent season tickets during this period. The local service provider has not made any decision yet regarding the season ticket costs as from September 2019, although the likelihood is that they will remain lower than the concessionary charges. There are a range of charging options available to the Council for the forthcoming academic year. The recommendation that the current top-up fees for concessionary travel should remain fixed at £370 is considered to be reasonable, as this maintains the current position and is consistent with the position adopted over the last three years. The FEIA confirms the fairness of the proposal and the fact that there is no discrimination or breach of equalities duties. The service will continue to be subsidised by the Council and all parents continue to pay the same level of fees for concessionary seats.

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

The subsidy for post-16 home to school transport is discretionary, and the preferred option seeks to support post-16 learners to access education across the city whilst balancing the financial pressures on the Council with the costs faced by parents. As the report notes, post 16 education plays a major part in skills development and employability, which have wider wellbeing benefits to the individual, wider society and economy. Further to this, the Wellbeing Plan for Newport has highlighted the importance of having sustainable travel options and support for the use of public transport will help to reduce vehicle emissions and reduce congestion.

There are no human resources implications in this report.

### **Comments of the Head of City Services**

The preferred option of maintaining the current level of parental contributions is supported at this time, as the income element is achieving above the current budget level. Increasing charges in future years may not achieve more income due to a lower take up of places. Future charging structures should be considered in line with any changes in post 16 Education Policy. These charges are also similar to neighbouring authority's charges on post 16 provision.

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

The proposal aims to maintain current levels of parental contributions rather than impose the increase prescribed in a report to the previous Cabinet Member for Education & Young People in June 2013. It is anticipated therefore that this will be viewed and received positively. This relates to a discretionary service rather a statutory function. There is no requirement for additional consultation perceived.

### **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. **The provision of post 16 transport is not a statutory function but the Council maintains this discretionary award to support pupils to undertake post 16 education. Any changes to this service could have a short term effect and a long term impact on the sustainability of post 16 education across the city. Continuing to provide a partially subsidise transport function for post 16 students enables young people to gain access to appropriate education and skills to support their long term future.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies **A FEIA has been prepared to consider the impact on groups with protected characteristics. This proposal supports the “A more equal Wales” and “A globally responsible Wales” 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”**
- 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. **Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.**
- 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. **Due to this being a discretionary function to which we will be maintaining the current charge, there is no need for consultation at this time. However, a Fairness and Equalities Impact assessment has been carried out and is available to support this decision.**

### **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.

### **Background Papers**

None

Dated: 6 August 2019



# 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:** Ceri Gibbons

**Role:** Education Business manager

**Head of Service:** Sarah Morgan

**Date:** 08/05/19

**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.assessment@newport.gov.uk

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

Home to School Transport Policy. - Post 16 Transport.

A decision by a previous Cabinet Member for Education & Young People in June 2013 approved implementation of an amended charging mechanism for Post-16 Transport Costs on contracted services on a phased approach which would achieve full removal of the existing subsidy by September 2017.

This decision was implemented in September 2014 when the parental contribution in respect of this provision was increased from £45 per annum to £347 per annum in line with the same costs charged to students using the local bus network. Further increases were due in September 2015, September 2016 and September 2017 to achieve full removal of the subsidy.

However in June 2015, a decision was made to suspend the proposed September 2015 increase and instead amend the sharing mechanism to align the additional top-up fee with the cost of a season ticket on the local bus network, setting the fee at £370 per academic year.

In 2016 the same decision was made to suspend the planned increase for September 2016, maintaining the current level of charges. This would not reduce the subsidy but maintain the current position. The costs charged to all students using contracted services would remain equal. This decision was also agreed for 2017 and 2018.

**2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Skills and thus will be taken through the Council's agreed democratic process.

Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

**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 proposal aims to maintain current levels of parental contributions rather than impose the increase prescribed in a report to the previous Cabinet Member for Education & Young People in June 2013. It is anticipated therefore that this will be viewed and received positively. This relates to a discretionary service rather a statutory function. There is no requirement for consultation perceived.


**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	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs.
Gender reassignment/ transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable

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	
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs
Sex/ Gender Identity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At present, pupils seeking Welsh-medium post-16 provision can only access this outside the city, generally via a contracted service. Retaining the current position in relation to travel assistance ensures that parity is achieved between both Welsh and English medium pupils

## 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 provision of post 16 transport is not a statutory function but the Council maintains this discretionary award to support pupils to undertake post 16 education. Any changes to this service could have a short term effect and a long term impact on the sustainability of post 16 education across the city. Continuing to provide a partially subsidise transport function for post 16 students enables young people to gain access to appropriate education and skills to support their long term future.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Due to this being a discretionary function to which we will be maintaining the current charge, there is no need for consultation at this time.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>This proposal supports the “A more equal Wales” and “A globally responsible Wales” 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”</p> <p>This proposal promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2019. There is no discrimination or breach of equalities duties.</p>

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

There will be no disproportionate impact on a specific area. All children eligible for a travel grant will now pay the same level of parental contribution towards travel costs regardless of where they live and which school they attend.

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

Maintaining the current parental contributions would mean that the costs charged to all students using contracted services remain equal.

**8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?**

Not applicable

## 9 Monitoring, evaluating and reviewing

The impact of maintaining the grant will be monitored by the Passenger Transport Team and Education.

## 10 Involvement

### **How will people be advised of the changes and of the FEIA?**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Young People and thus will be taken through the Council's agreed democratic process. Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

## 11 Summary of Impact (for inclusion in any report)

### **Equality Act 2010 AND Welsh Language**

There is no discrimination or breach of equalities duties. All communities would have an equal outcome.

Welsh language is not affected by the policy as Welsh Medium pupils will be treated in the same way as English Medium pupils.

This proposal therefore promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2019.

### **Wellbeing of Future Generations (Wales) Act 2015**

Young people entitled to transport and their families will not be affected by the decision to maintain the current parental contributions.

# 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:** Ceri Gibbons

**Role:** Education Business manager

**Head of Service:** Sarah Morgan

**Date:** 08/05/19

**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.assessment@newport.gov.uk

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

Home to School Transport Policy. - Post 16 Transport.

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This decision was implemented in September 2014 when the parental contribution in respect of this provision was increased from £45 per annum to £347 per annum in line with the same costs charged to students using the local bus network. Further increases were due in September 2015, September 2016 and September 2017 to achieve full removal of the subsidy.

However in June 2015, a decision was made to suspend the proposed September 2015 increase and instead amend the sharing mechanism to align the additional top-up fee with the cost of a season ticket on the local bus network, setting the fee at £370 per academic year.

In 2016 the same decision was made to suspend the planned increase for September 2016, maintaining the current level of charges. This would not reduce the subsidy but maintain the current position. The costs charged to all students using contracted services would remain equal. This decision was also agreed for 2017 and 2018.

**2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Skills and thus will be taken through the Council's agreed democratic process.

Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

**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 proposal aims to maintain current levels of parental contributions rather than impose the increase prescribed in a report to the previous Cabinet Member for Education & Young People in June 2013. It is anticipated therefore that this will be viewed and received positively. This relates to a discretionary service rather a statutory function. There is no requirement for consultation perceived.





**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	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs.
Gender reassignment/ transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable



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?
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Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network.
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All pupils eligible for assistance will be treated equitably and required to pay the same level of parental contribution towards travel costs
Sex/ Gender Identity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pupils accessing post-16 studies in a school environment who are eligible for a discretionary travel grant will be required to pay the same level of parental contribution towards actual travel costs regardless of whether they use a contracted vehicle service or access the local bus network
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At present, pupils seeking Welsh-medium post-16 provision can only access this outside the city, generally via a contracted service. Retaining the current position in relation to travel assistance ensures that parity is achieved between both Welsh and English medium pupils

## 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 provision of post 16 transport is not a statutory function but the Council maintains this discretionary award to support pupils to undertake post 16 education. Any changes to this service could have a short term effect and a long term impact on the sustainability of post 16 education across the city. Continuing to provide a partially subsidised transport function for post 16 students enables young people to gain access to appropriate education and skills to support their long term future.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>Collaboration is undertaken with the local bus network where possible. Where this is not possible, tenders are offered under a framework agreement to local suppliers.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Due to this being a discretionary function to which we will be maintaining the current charge, there is no need for consultation at this time.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Providing partially subsidised transport to ensure students can access appropriate education and gain skills which will mean they have better life chances</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>This proposal supports the “A more equal Wales” and “A globally responsible Wales” 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”</p> <p>This proposal promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2019. There is no discrimination or breach of equalities duties.</p>

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

There will be no disproportionate impact on a specific area. All children eligible for a travel grant will now pay the same level of parental contribution towards travel costs regardless of where they live and which school they attend.

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

Maintaining the current parental contributions would mean that the costs charged to all students using contracted services remain equal.

## 8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

Not applicable

## 9 Monitoring, evaluating and reviewing

The impact of maintaining the grant will be monitored by the Passenger Transport Team and Education.

## 10 Involvement

### **How will people be advised of the changes and of the FEIA?**

The proposed change will be subject to a formal report to the Cabinet Member for Education & Young People and thus will be taken through the Council's agreed democratic process. Once the outcome is confirmed, service users will be advised as appropriate by the Integrated Transport Unit Manager.

## 11 Summary of Impact (for inclusion in any report)

### **Equality Act 2010 AND Welsh Language**

There is no discrimination or breach of equalities duties. All communities would have an equal outcome.

Welsh language is not affected by the policy as Welsh Medium pupils will be treated in the same way as English Medium pupils.

This proposal therefore promotes equality by maintaining the same level of contribution across the City rather than applying an increase for some students from September 2019.

### **Wellbeing of Future Generations (Wales) Act 2015**

Young people entitled to transport and their families will not be affected by the decision to maintain the current parental contributions.



# Report

## Cabinet Member for Education & Skills

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### Part 1

Date: 6 August 2019

Item No: 2

**Subject** School Reorganisation Proposal – Expansion of Ysgol Bryn Derw

**Purpose** To move to the publication of a statutory notice on the school reorganisation proposal “to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68”.

**Author** Education Service Manager – Planning & Resources

**Ward** All

**Summary** Formal consultation has now concluded on the school reorganisation proposal “to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68”.

This formal consultation was carried out between 1<sup>st</sup> May 2019 and 11<sup>th</sup> June 2019. Following conclusion of this process a consultation report, which describes the consultation process and feedback received, has been drafted and is attached at Appendix 1. The report has also been published on the Newport City Council website and shared with stakeholders as outlined in the statutory School Organisation Code.

This report references those findings, the result of which recommends that the Council move to publish a statutory proposal. During this statutory proposal period, legal objections can be lodged by any stakeholder, and will need to be considered before any final determination is taken.

The original report to the Cabinet Member for Education & Skills, which sought permission to take forward the proposal, suggested an implementation date of September 2019. However, delays in confirmation of the capital grant investment via the Integrated Care Fund mean that this date is now longer achievable. As a result, it is recommended that the proposed implementation date be modified to January 2020.

**Proposal** To move to the publication of a statutory notice for a period of 28 days in respect of the proposal “to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020”.

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Senior Leadership Team
- Education Senior Management Team
- Senior HR Business Partner
- Strategic Finance Business Partner
- Lead Finance Business Partner
- Headteacher, Ysgol Bryn Derw
- Chair of Governors, Ysgol Bryn Derw

**Signed**

## **Background**

A formal consultation on the proposal to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 from January 2020 was carried out between 1<sup>st</sup> May 2019 and 11<sup>th</sup> June 2019. Following conclusion of this process, a consultation report was prepared, published on the Newport City Council website and shared with stakeholders as outlined in the statutory School Organisation Code.

There is now a requirement to consider the content of this report and determine whether or not it is appropriate to move to the next stage in the school reorganisation process which is the publication of a statutory proposal. During this statutory proposal period, legal objections can be lodged by any stakeholder, and if any are received, will need to be considered before any final determination is taken.

A copy of the Consultation Report is attached at Appendix 1 but there now follows a synopsis of the feedback received.

## **Stakeholder Engagement**

An invitation to take part in the statutory consultation was issued to an extensive list of stakeholders, with two separate drop-in events arranged where people directly affected by the proposal could attend to find out more information and share their views. Both of these events were held at the school.

No stakeholders attended the first event, although seven members of staff from the school attended the second session to find out more information about the plans to redevelop the annexe building. No concerns were raised, and all who attended confirmed that they were supportive of the proposal. These drop-in events are described in more detail within the Consultation Report at Appendix 1 (pages 9 and 10 of this report).

## **Learner Voice**

The Council is keen to gain the views of learners when taking forward school reorganisation proposals. However, in this instance the Headteacher and Chair of Governors felt that it would not be appropriate to engage with pupils currently attending Ysgol Bryn Derw during the consultation stage due to their specific additional learning needs. Pupils at the school, all of whom have a diagnosis of Autistic Spectrum Disorder (ASD), struggle with change, are confused by the unknown, and can be unpredictable with high anxiety levels. Given the fact that the proposal was only at the formal consultation stage, pupil engagement and possible confusion was considered unnecessary. They will however be fully engaged and consulted in the refurbishment plans if the proposal is taken forward.

## **Consultation Responses**

Eight formal responses were received during the consultation period, all of which supported the proposal. Further information about these responses are included within the Consultation Report at Appendix 1 (page 10 of this report).

## **Estyn**

The formal response from Estyn concluded that the proposal “is likely to at least maintain the current standards of education and provision in the area” and states that:

- The consultation document gives a clear rationale for the proposed expected benefits;
- There is valid evidence that extra places are necessary;
- The additional advantages of the proposal have been noted, and;
- Disadvantages of the proposal have been suitably identified.

Further narrative is included within the Consultation Report at Appendix 1 (pages 10 and 11 of this report).

## Financial Summary

### Capital

The Council has been successful in an application to the Welsh Government Integrated Care Fund (ICF) Capital Investment Plan for Gwent for full capital funding to undertake this project. The outcomes of the project clearly support two of the priorities set out by the Children & Families Strategic Partnership namely:

- *To improve outcomes for children and young people with complex needs through earlier intervention, community based support and placement closer to home.*
- *To increase the support available to children and families with complex needs to reduce the number of out of county placements and increase number of young people provided skills for living.*

An amount of £300,000 has been awarded to this capital project, equating to a value of £25,000 per learner based on 12 additional learners. This funding will cover the full capital expenditure required to deliver this scheme.

### Revenue

Creation of an additional 12 pupil places at Ysgol Bryn Derw will deliver cost mitigation as pupils will be educated within the city rather than in costly out-of-county placements and whilst there is a cost associated with providing the in-house solution here. It is cheaper and more effective than the alternative of out of County provision – being £19,468 per learner, based on 2019/20 AWPU, compared to the average cost of an out-of-county placement of £36,000, plus associated transport costs. The proposal is considered to be cost effective therefore in that it will support pupils living in Newport to be able to receive education suitable to their needs within the City. There will be an additional cost of delivery of £148,000 in 2019/2020, increasing to £256,000 per annum thereafter (excluding inflation), and this will need to be included in the Medium Term Financial Plan as a new budget pressure for consideration. If it is not funded but the expansion happens anyhow, it will dilute funding to all other schools, already under significant financial challenge.

	<b>Year 1 2019/20 £</b>	<b>Year 2 2020/21 £</b>	<b>Year 3 2021/22 £</b>	<b>Year 4 2022/23 £</b>	<b>Notes</b>
<b>Bryn Derw Expansion</b>	<b>148,000</b>	<b>256,000</b>	<b>256,000</b>	<b>256,000</b>	School expanding from September 2019 (AWPU only)

## 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 move to statutory notice	L	L	This risk has been mitigated by carrying out a full consultation process in accordance with the statutory School Organisation Code. The proposal cannot be progressed without publishing a statutory notice.	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 move to the next stage in this school reorganisation process, which is the publication of a statutory proposal (notice) for a period of 28 days, and is the opportunity at which any legal objections can be lodged against the proposal.

Option 2: To withdraw the proposal following consideration of the feedback received during the formal consultation period and outlined in detail within the attached Consultation Report.

## **Preferred Option and Why**

The preferred option is Option 1. The publication of a statutory notice is the next stage in this school reorganisation proposal. This 28-day period will provide all consultees and stakeholders with an opportunity to further consider, and if necessary lodge legal objections to, the proposal.

## **Comments of Chief Financial Officer**

A bid for £300,000 funding to the Integrated Care Fund (ICF) Capital Investment Plan has been awarded to support the expansion and will cover the capital expenditure associated with this scheme.

Additional places will be created at Ysgol Bryn Derw to support Newport City Council pupils thus avoiding out of county placement costs, which were an average cost of £36,000 in 2018/19, plus transport costs. This cost is substantially more expensive than providing similar in house provision.

The additional places from September 2019 have been funded from existing ISB at a cost of £147,635 based on the current age weighted pupil unit cost (AWPU). Full year costs for 2020/21 will be £255,620 based on the 2019/20 AWPU; this is not currently within the MTFP and will be included for consideration. If it is not funded but the expansion happens anyhow, it will dilute funding to all other schools, already under significant financial challenge and would be, under the current position, unrealistic.

## **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 Ysgol Bryn Derw is a special school for pupils with ASD and the proposals would increase the capacity of the school from 48 to 68 pupils, 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 has been carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. Eight formal responses were received during the consultation period, all of which were supportive of the proposal, including the response from Estyn. The Cabinet Member is now required to consider whether, in the light of the consultation responses, the Council should proceed with the necessary statutory notices. If agreed, then the proposal will need to be published by way of formal statutory notice, on the Council's website and by public notices, and a period of 28 days (including, at least, 15 school days) will need to be allowed for statutory objections. If no objections are received during the statutory consultation period, then the Cabinet Member can take the final decision about whether to proceed with the proposal but, if there are any unresolved objections, the final determination will have to be referred to full Cabinet, acting as the Local Determination Panel. Because of delays in securing the ICF capital grant funding, the proposed opening date in the statutory notices would need to be deferred until January 2020.

## Comments of Head of People and Business Change

The proposals to expand Ysgol Bryn Derw will increase specialist provision within an appropriate, secure and local school environment. This should help deliver wellbeing benefits relating to equalities, community cohesion, improved health, social and economic inclusion. The proposals have been subject to statutory consultation including stakeholders, staff and trade unions. No objections were received from unions and one response in support of the proposal was received from a member of staff. It is noted that engagement with pupils has not taken place at this stage following the advice of staff and governors, however this will be undertaken if the proposal progresses.

There may be staffing implications for Ysgol Bryn Derw in terms of appointing any additional teaching and support staff necessary to support an increase in pupil numbers. This can be managed effectively through existing staff recruitment arrangements.

## Local issues

None

## 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. A Fairness & Equality Impact Assessment (FEIA) has been developed and updated and is attached at Appendix 2.

## Children and Families (Wales) Measure

Pupils at the school will be engaged and consulted on the plans for refurbishment of the annexe building if the proposal is taken forward.

## 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: ***By supporting the increasing demand for specialist education provision across Newport.***
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives: ***The proposal will benefit pupils across the city as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment and will also enable pupils with additional needs to attend a local school.***

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies: ***A formal statutory consultation has been carried out with key stakeholders, the outcome of which is described in detail within the consultation report. 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”.***
- 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: ***A formal statutory consultation has already been carried out. A FEIA has also been prepared and updated to consider the impact of the proposal.***
- 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 statutory consultation has already been carried out. A FEIA has also been prepared and updated to consider the impact of the proposal.***

### **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**

Stakeholder consultation has been carried out and is outlined in some detail in the attached consultation report.

### **Background Papers**

Consultation Report (attached at Appendix 1)

Updated FEIA (attached at Appendix 2)

Dated: 6 August 2019

# **Newport City Council**

## **School Reorganisation Proposal**

### **Consultation Report**

**Proposal to expand Ysgol Bryn Derw and increase the capacity of the school from 48 to 68 with effect from January 2020**

**Formal Consultation Period:  
1<sup>st</sup> May 2019 to 11<sup>th</sup> June 2019**

#### **Purpose**

This report is published in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, November 2018.

This consultation report includes the following sections:

- The Proposal
- Stakeholder Engagement
- Everyday Summary Version – Children & Young People
- Learner Voice
- Consultation Responses
- Estyn
- Other Considerations
- Recommendations

#### **The Proposal**

To expand Ysgol Bryn Derw and increase the capacity of the school from 48 to 68 with effect from January 2020.

## Stakeholder Engagement

An invitation to take part in the statutory consultation was issued to the stakeholders outlined below, with either a link to the consultation pack on the Council's website and an electronic version of the pack sent by e-mail, or alternatively by hard copies of the consultation material being issued:

- Teachers, staff and the governing body of Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Ysgol Bryn Derw;
- Pupils attending Ysgol Bryn Derw;
- Parents, carers and guardians of children attending Maes Ebbw School;
- Parents, carers and guardians of children attending Learning Resource Base classes across the City;
- Parents, carers and guardians of children 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 schools subject to the proposals;
- 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.

The following consultation events were arranged and were publicised via a letter to stakeholders. This information was also shared on the Council website and outlined throughout the consultation document:

Venue	Date and Time	Event type
Ysgol Bryn Derw, Melfort Road, Newport. NP20 3FQ	Thursday 16 <sup>th</sup> May 2019 9:45am to 11:45am	Drop-in event
Ysgol Bryn Derw, Melfort Road, Newport. NP20 3FQ	Tuesday 21 <sup>st</sup> May 2019 4.00pm to 6.00pm	Drop-in event

These drop-in events were unfortunately not well attended. No stakeholders attended the first event which was supported by the Special Education Needs (SEN) Manager, the Education Business Development Officer and an Education Information & Development Officer. Seven stakeholders attended the second event, all of which were Ysgol Bryn Derw staff members. The Education Service Manager - Resources & Planning, the 21<sup>st</sup> Century Schools Client Officer and the Adviser for Additional Learning Needs (ALN) Cognition & Learning, supported this event. The Adviser for ALN Cognition & Learning is also the Chair of Governors at Ysgol Bryn Derw. The stakeholders attending this second drop-in session raised no concerns, and all confirmed that they were supportive of the proposal to increase the capacity of the school through refurbishment of the annexe building.

## **Everyday Summary Version – Children & Young People**

An Everyday Summary Version of the main consultation document was also published and was targeted specifically at children and young people.

## **Learner Voice**

The Council is keen to gain the views of learners when taking forward school reorganisation proposals. However, in this instance the Headteacher and Chair of Governors felt that it would not be appropriate to engage with pupils currently attending Ysgol Bryn Derw during the consultation stage due to their specific additional learning needs. Pupils at the school, all of whom have a diagnosis of Autistic Spectrum Disorder (ASD), have high anxiety levels, struggle with change, are confused by the unknown, and can be unpredictable. Given the fact that the proposal was only at the formal consultation stage, and in light of the considerations above pupil engagement was not undertaken. They will however be fully engaged and consulted in the refurbishment plans if the proposal is taken forward.

## **Consultation Responses**

Eight consultation responses were received during the consultation period, all of which (100%) supported the proposal as it was consulted upon. Responses were received from four parents, three professionals and one staff member. Responses received included comments that the additional provision was needed and would benefit children and young people in Newport who are diagnosed with ASD. The comments also reflected that the proposal would make good use of an otherwise vacant building on the school site.

## **Estyn**

The formal response from Estyn concluded that the proposal “is likely to at least maintain the current standards of education and provision in the area”

The response goes on to say that the consultation document gives a clear rationale for the proposed expected benefits in relation to offering a well-resourced environment for children aged 3 years to 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties. There is also valid evidence that extra places are necessary in order to meet anticipated demand for provision as the school is currently operating above agreed capacity. The response also acknowledges that the additional advantages of the proposal have been noted, including the provision of additional specialist education place is an appropriate dedicated school 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. This will also have a positive impact on learner travel, as it will reduce the number of pupil journeys to placements outside of the city of Newport.

Disadvantages of the proposal were also suitably identified, focussing on the possible disruptive impact on pupils and staff whilst building work is ongoing, and the fact that parents of pupils already in alternative provision could be reluctant to move them to an expanded Ysgol Bryn Derw.

The response from Estyn ends by stating that the Council “has considered comprehensively that this proposal will have a positive impact on the provision and quality of education outcomes in the special school sector” and “concludes reasonably that it does not anticipate any negative impacts on the quality of standards of education and wellbeing of pupils in the school”.

## **Other Considerations**

This expansion is possible following a successful capital grant application to Welsh Government’s Integrated Care Fund (ICF). The additional capacity will allow the Council to increase specialist ALN provision within the City, therefore reducing the number of pupils attending out of county placements.

## **Recommendations**

It is recommended that permission be sought to move this proposal forward by publishing a statutory notice. This decision will be referred to the Cabinet Member for Education and Skills and taken through the Council’s agreed democratic process.



## APPENDIX 2

# 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 & Development Officer

**Head of Service:** Sarah Morgan      **Date:** 26/06/2019

**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](mailto:impact.assessments@newport.gov.uk)

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

The purpose is to seek permission to take forward a school reorganisation proposal to expand Ysgol Bryn Derw and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020. This proposal is supported by full capital funding from the Gwent Integrated Care Fund (ICF) Capital Investment Plan.

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 Newport, as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

The consultation period has enabled Newport City Council to seek views on the proposal.



## **2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

The consultation process represented an opportunity for people to learn about the proposal, ask questions and make comments. The consultation involved two drop-in sessions with those most directly affected by the proposal, where Council officers were on hand to explain the proposals in more detail and answer any questions. Booklets were also made available in the affected school for parents to collect.

Comments and questions were submitted using a response pro-forma. This pro-forma was available at the drop-in sessions or responses could be submitted via the online response form on the Council's website. Social media platforms such as Twitter and Facebook were also used to share information on the proposed changes.

Following consultation, Newport City Council's Cabinet Member for Education & Skills will consider the views expressed and then decide whether to proceed with the proposal. If the decision is taken 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 & 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.

A Children and Young People's Everyday Summary Version consultation document was produced and distributed.

The Council is keen to gain the views of learners when taking forward school reorganisation proposals. However, in this instance the Headteacher and Chair of Governors felt that it would not be appropriate to engage with pupils currently attending Ysgol Bryn Derw during the consultation stage due to their specific additional learning needs. Pupils at the school, all of whom have a diagnosis of Autistic Spectrum Disorder (ASD), have high anxiety levels, struggle with change, are confused by the unknown, and can be unpredictable. Given the fact that the proposal was only at the formal consultation stage, and in light of the considerations above pupil engagement was not undertaken. They will however be fully engaged and consulted in the refurbishment plans if the proposal is taken forward.

## **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 School Organisation Code outlines the key stakeholders who should be consulted with as part of this process. This list is not exclusive however, and the Council has identified and added to this as a result of feedback received in relation to previous proposals.

These stakeholder groups will include pupils, parents, carers, Headteachers and Governing Bodies of Newport Schools, school staff, Newport City Council elected members and Estyn.

Pupils at the school, all of whom have a diagnosis of Autistic Spectrum Disorder (ASD), have high anxiety levels, struggle with change, are confused by the unknown, and can be unpredictable.



Following the period of formal consultation, a Consultation Report has been prepared and published on the Council website, and will be used to determine whether or not to move to publication of a statutory proposal. The FEIA has also been updated at this stage. The publication of a statutory proposal enables stakeholders to lodge legal objections against a proposal.

## 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 from 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 reduce the need to provide out of county placements for pupils living in Newport and therefore supports Newport pupils being able to be educated within the city.
<b>Disability</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 from 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 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 expanded provision will be fully accessible and DDA compliant.
<b>Gender reassignment/ transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.

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>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Sex/ Gender Identity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
<b>Welsh Language</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg

## 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>Ysgol Bryn Derw was established in September 2017 to create a special school providing 48 full-time school places for children with ASD and associated learning difficulties across the Nursery to Year 14 groups (3-19 age range).</p> <p>As per the January 2018 Pupil Level Annual School Census (PLASC) submission, there were 47 children registered as attending the school. The last remaining place was allocated for a September 2018 admission.</p> <p>A re-assessment of the school capacity in the summer term of 2018 identified that an additional 8 pupils could potentially be accommodated from September 2018. All the original and additional places were filled in September 2018 and a waiting list is now in place. The school is therefore oversubscribed in the second year of opening.</p> <p>The current pupil cohort indicates that there will potentially be no further movement out of the school for another four years as the oldest pupils are currently in Year 10. Given this position, and the fact that pupils can remain on roll at the school until the age of 19, there will be limited opportunities to admit further pupils during the forthcoming academic years. This could lead to those pupils currently needing a specialist ASD placement who are in our local Primary LRBs 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>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.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>The Council has submitted a bid to the Welsh Government Integrated Care Fund (ICF) Capital Investment Plan for Gwent for full capital funding to undertake this project. The outcomes of the project clearly support two of the priorities set out by the Children &amp; Families Strategic Partnership namely:</p> <ul style="list-style-type: none"> <li><i>To improve outcomes for children and young people with complex needs through earlier intervention, community based support and placement closer to home.</i></li> <li><i>To increase the support available to children and families with complex needs to reduce the number of out of county placements and increase number of young people provided skills for living.</i></li> </ul>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Involving those with an interest and seeking their views</p>	<p>The following stakeholders have been engaged as part of the consultation process:</p> <ul style="list-style-type: none"> <li>• Teachers, staff and the governing body of Ysgol Bryn Derw;</li> <li>• Parents, carers and guardians of pupils attending Ysgol Bryn Derw;</li> <li>• Pupils at Ysgol Bryn Derw;</li> <li>• Parents, carers and guardians of children attending Maes Ebbw School;</li> <li>• Parents, carers and guardians of children attending Learning Resource Base classes across the City;</li> <li>• Parents, carers and guardians of children with a diagnosis of ASD and attending placements outside the City;</li> <li>• The Headteachers and Governing Bodies of all other Newport schools;</li> <li>• The Headteacher and Governing Body of Maes Ebbw School;</li> <li>• All Newport City Council elected members;</li> <li>• All Newport Community Councils;</li> <li>• The Welsh Ministers;</li> <li>• Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the school subject to the proposal;</li> <li>• Other Local Authorities across the South East Wales Consortium region, including relevant Transport departments;</li> <li>• The South East Wales Education Achievement Service;</li> <li>• The Church in Wales, Diocese of Monmouth;</li> <li>• Roman Catholic Archdiocese;</li> <li>• Estyn;</li> <li>• Teaching and staff trade unions representing teachers and staff at Ysgol Bryn Derw;</li> <li>• The Police and Crime Commissioner for Gwent;</li> <li>• Gwent Police;</li> <li>• South Wales Fire and Rescue Service;</li> <li>• Aneurin Bevan University Health Board;</li> <li>• Public Health Wales;</li> <li>• Newport Serennu Centre;</li> <li>• SNAP Cymru;</li> <li>• Gwent Association of Voluntary Organisations;</li> <li>• Preventative Services.</li> </ul> <p>Following formal consultation, a Consultation Report will be prepared and published on the Council website.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>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>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The Council firmly believes that this proposal will have a positive impact on the provision and quality of educational outcomes in the special school sector. Ysgol Bryn Derw is already well equipped to deliver a full curriculum across all year groups from Nursery to Year 14, and increasing the number of places available within the school community will not have any detrimental impact on this provision. The proposal will result in additional facilities being provided to support children who have specialist needs in an appropriate and secure environment.</p> <p>Perceived benefits of the proposal include:</p> <ul style="list-style-type: none"> <li>• Provision of additional specialist education places in an appropriate dedicated school where placement in supported mainstream environments is not deemed appropriate;</li> <li>• The subsequent potential availability of places in LRBs to support pupils who require supported mainstream environments;</li> <li>• Development of an existing school site;</li> <li>• 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;</li> <li>• Reduced travel time for pupils who are attending out-of-county placements;</li> <li>• Provision of a wider range of spaces for pupils with ASD who find noisy and busy areas difficult.</li> </ul>

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

Ysgol Bryn Derw is already 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 the 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 given them the same opportunities to receive a rich and nurturing education as all other children have the opportunity to in Newport.

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

Ysgol Bryn Derw does not have a catchment area. It is primarily used to accommodate pupils residing within Newport, although if spaces exist, there is a facility to allow neighbouring LAs to purchase vacant places for their pupils. Pupils are not able to apply for a place at Ysgol Bryn Derw via the Council's usual admission arrangements. Instead, admission 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.

### **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;
- Potential availability of places in Learning Resource Bases to support pupils who require supported mainstream environments;
- Development of an existing school site;
- 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.

### **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 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

Although unlikely, if demand for provision diminishes, the school could be adapted to accommodate pupils with other additional learning needs from within the special school sector. If demand for provision increases, the Assistant Head of Education (Inclusion) will continue to plan for future provision across the City.

## 9 Monitoring, evaluating and reviewing

Any questions or comments made throughout the process will be recorded and summarised in a consultation report. This report will be 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 & Skills will consider the views expressed and then decide whether to proceed with the proposal. If the decision is taken 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 & 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.

## 10 Involvement

The consultation process represented an opportunity for people to learn about the proposal. The proposal was available online, as a hard copy, via email and social media. The consultation involved two drop-in sessions with those most directly affected by the proposal, where Council officers were on hand to explain the proposal in more detail and answer any questions.

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



## 11 Summary of Impact (for inclusion in any report)

### Equality Act 2010

Due to the school already being established as a purpose built specialist school for ASD pupils, it is fully compliant with the Equality Act 2010.

### Welsh Language

Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.

### Wellbeing of Future Generations (Wales) Act 2015

- **Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs:**

By supporting the increasing demand for specialist education provision across Newport and enabling pupils to attend a school more local to their home address.

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

The proposal will benefit pupils across the city as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment and will also enable pupils with additional needs to attend a local school.

- **Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies:**

A formal statutory consultation is being 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. In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”.

- **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:**

A formal statutory consultation is being out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.

- **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 statutory consultation is being carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.

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