

# Agenda



## Delegated Decisions - Cabinet Member for Education and Skills

Date: Friday, 28 February 2020

Time: Time Not Specified

Venue:

To: Councillors G Giles

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<b>Item</b>		<b>Wards Affected</b>
1	<u>Amalgamation of Kimberley and Fair oak</u> (Pages 3 - 24)	All Wards

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Date of Issue: 20/02/2020

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# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 28 February 2020

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

**Purpose** To seek approval to move to formal consultation on a school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

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

**Ward** Shaftesbury, St Julian’s, Victoria

**Summary** This report references the requirement to move to formal consultation on the proposal to amalgamate Newport’s two remaining standalone nursery schools - Kimberley Nursery School and Fairoak Nursery School - into a single school on the Fairoak Nursery School site from September 2021.

Since September 2018, the substantive Headteacher of Fairoak Nursery School has managed both schools under an Executive Headteacher arrangement. Take-up of places at the schools over recent years has been around 50% of the respective Published Admission Numbers. Kimberley Nursery School has been operating with a deficit budget for the last three years. This deficit is projected to be approximately £75,000 at the end of the 2019-20 financial year.

There is now a requirement to move to the formal consultation stage of the statutory consultation process. The formal consultation pack will include further information regarding the proposal to enable all consultees and stakeholders to be fully informed of the proposals for the new school.

**Proposal** **To move to a period of formal consultation on a school reorganisation proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021.**

**Action by** Chief Education Officer

**Timetable** Immediate  
This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR Business Partner
- Senior Finance Business Partner
- Executive Headteacher and Chairs of Governors of Fairoak Nursery School and Kimberley Nursery School

**Signed**

## Background

Kimberley Nursery School is a community maintained standalone nursery school located off the Malpas Road, in the Shaftesbury ward. It has a published admission number of 80 pupils, equivalent to 40 pupils per morning and afternoon session, with an age range of 3-4 years. The school also hosts a 16-place Communication Class for children aged 3-4 years with additional learning needs specifically associated with Autistic Spectrum Disorder (ASD).

Fairoak Nursery School is a community maintained standalone nursery school located in the St. Julian's ward, on the border with the Victoria ward. It has a published admission number of 144 pupils, equivalent to 72 pupils per morning and afternoon session, with an age range of 3-4 years.

Kimberley and Fairoak are Newport's only two community maintained standalone nursery schools (meaning they are not attached to a primary school). Since September 2018, the substantive Headteacher of Fairoak Nursery School has managed both schools under an Executive Headteacher arrangement. Take-up of mainstream places at the schools over recent years has been around 50% of the published admission numbers, with approximately 50 places being allocated at Kimberley each academic year. In September 2019, only 39 places were taken up at this school, which is less than half the published admission number. Although further 'rising 3' places will be taken in January and April 2020, this uptake indicates a further decline in pupil numbers. The school has been operating a deficit budget for three years, and as at January 2020 this is projected to be approximately £75,000 at the end of the 2019-20 financial year.

Pupil numbers at Fairoak Nursery School have also declined with only 51 places taken up in September 2019. Across the two sites there are 224 half day places available, with take-up declining from 72% in January 2017, to just 47% by January 2019. At the January pupil census in both 2018 and 2019, the number of pupils on roll (relating to September and January intakes) across the two sites could have been accommodated in the Fairoak building. The number of places taken up in September 2019 indicates a continuation of this trend with only 90 of the 224 mainstream half-day places taken (equivalent to 40%).

The council therefore considers that the current operating model of Kimberley and Fairoak Nursery Schools operating across two sites with approximately 50% surplus places is not economically viable and, having considered a range of options, proposes to amalgamate the two schools on the Fairoak Nursery School site.

The Communication Class currently hosted at Kimberley nursery is believed to be a valuable and beneficial service which provides specialist nursery education for children from across Newport. The council intends to continue to offer this service, however, under the proposal this provision will be relocated to Fairoak Nursery School.

It is anticipated that children who would normally access nursery provision at Kimberley Nursery School will be offered places at other local school nursery classes or at Fairoak Nursery School. Nursery places are also available in a variety of non-maintained (private nursery) settings.

## Formal Consultation Process

The school reorganisation proposal will be undertaken in accordance with the guidance outlined in Welsh Government's statutory School Organisation Code. The formal consultation stage enables all consultees and stakeholders, in particular the families of current and prospective pupils, to find out more about the proposal. There will be an opportunity for drop-in events and a facility for comments and feedback to be shared. The proposal will be ***"to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021"***.

Formal consultation will take place during the spring term of 2020 and last for a period of 42 days. Following the end of this period, a consultation report will be prepared and will be published on the Council website. This consultation report will also be considered by the Cabinet Member for Education &

Skills when taking the decision on whether to move to the next stage in the process which is the publication of a statutory notice.

If there are no objections to the statutory notice, the Cabinet Member for Education & Skills will be asked to take the final decision on establishment of the new school. If there are any objections, the case will be referred to the full Cabinet of the Council, acting as the Local Determination Panel. If a decision is taken to implement the proposal, a temporary governing body will be established which will decide on a name for the new school and agree a staffing structure. In this instance, the existing governing bodies would be dissolved on 31<sup>st</sup> August 2021, and a replacement single governing body created to govern the new school.

## Financial Summary

### Capital

There is no capital expenditure associated with this proposal. The Fair oak Nursery School building is in good condition and is sufficiently large enough to accommodate the projected pupil number at both schools without the need for physical expansion. The proposal will however result in the vacation of the Kimberley Nursery School building which will remain an asset within the Local Authority's portfolio and will be discussed by the Council's Capital Strategy and Asset Management Group in conjunction with the Education Senior Management Team to consider suitable future alternative uses of the building at the appropriate time.

### Revenue

Based on the current formula funding arrangements, amalgamated schools are likely to generate similar Age Weighted Pupil Unit (AWPU) levels. There will however be an overall reduction in funding relating to the formula lump sum payment and the site specific funding associated with the Kimberley Nursery School building. This overall saving is estimated at £60,000 per annum and will be re-distributed within the individual school's budget (ISB) via the funding formula applied across all schools. This will be available in the financial year following amalgamation, i.e., 2022/23.

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

Projected closing balances for 2019/20 for Kimberley and Fair oak are -£75,000 negative reserve and £1,000 surplus reserve respectively. Reserve balances, surplus or deficit, would transfer to the to the central education budget as an in year pressure and would not remain with the newly amalgamated school. Therefore, this decision will result in the Councils general budget have to fund, as a one-off unbudgeted cost, any net deficit on these school's reserves at the time of amalgamation. Any costs of redundancies as a result of the amalgamation process would be met by the authority. The financial balances of the two schools at the point of amalgamation (either surplus or deficit) will be passed back to the Education Service and will not allocated against the budget of the new school.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to move to formal consultation means that the current unviable arrangements will continue	H	L	Whilst the current operating model is not viable, it can be protected by rationalising standalone nursery provision onto a single site.	Chief Education Officer

Demand for pre-school nursery provision increases	M	L	There are a significant number of surplus places for 3 year-olds across the maintained and non-maintained sectors.	Chief Education Officer
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?
Demand for standalone nursery provision further reduces	M	L	The proposed amalgamation will provide greater flexibility to accommodate changing demands, and the council will continue to monitor demand for pre-school places.	Chief Education Officer

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

### Options Available

Option 1: To maintain the status quo and continue to operate the two nursery schools in their current forms.

Option 2: To continue to maintain both schools but reduce provision so that one or both are only open for one session (either morning or afternoon) each day.

Option 3: To amalgamate Kimberley Nursery School and Fair oak Nursery School into a single nursery school on the Fair oak Nursery School site from September 2021.

Option 4: To close both Kimberley Nursery School and Fair oak Nursery School and thus remove standalone nursery provision from Newport.

### Preferred Option and Why

The preferred option is Option 3. The current operating model is not economically viable. However, this proposal would maintain standalone nursery provision through rationalisation of the current school estate. The savings which will arise through this rationalisation will be re-distributed amongst other schools across the city. The proposal will also enable the nursery Communication Class provision to be maintained, albeit at a different location than at present.

### Comments of Chief Financial Officer

The proposed amalgamation of Kimberley and Fair oak nurseries would result in revenue savings of approximately £60,000 based on the 2019/20 funding, for lump sums and site specific funding provided to Kimberley Nursery. In the first financial year, this would be offset by lump sum payment available from the ISB to new and amalgamating schools of £35,000. The balance of savings would remain, within the ISB, for distribution to schools through the funding formula.

Projected closing balances for 2019-20 for Kimberley and Fair oak are -£75,000 negative reserve and £1,000 surplus reserve respectively. Reserve balances, surplus or deficit, would transfer to the to the central education budget as an in year pressure and would not remain with the newly amalgamated school. Therefore, this decision will result in the Councils general budget have to fund, as a one-off unbudgeted cost, any net deficit on these school's reserves at the time of amalgamation.

Therefore, the CM and education management team are recommended to work with the current Headteacher and implement savings wherever possible over the next 16 months to minimise ant current projected deficit reserves.

### **Comments of Monitoring Officer**

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. The proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single nursery school on the current Fair oak site as from September is a regulated alteration and, therefore, a formal statutory consultation process has to be carried out in accordance with the Code. A detailed consultation document will need to be prepared, setting out the financial and educational reasons for the proposals, and meaningful consultation is required with key stakeholders, including children and young people, who are likely to be affected by the changes. At least 42 days will need to be allowed for this period of formal consultation. The Cabinet Member will then be invited to consider whether, in the light of the consultation responses, the Council should proceed with the necessary statutory notices. The report sets out the reasons why these two stand-alone nursery schools are considered to be economically unviable in the light of falling admission numbers and the proposed alternative educational arrangements. Therefore, there are clear grounds under the Code and the Regulations to proceed to formal consultation on the reorganisation proposals.

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

The proposal aims to put in place a sustainable business model for the long-term future of nursery provision in this part of Newport. This includes continuing specialist support provided by the Communication Class which would be moved to the Fair oak site. The proposal seeks to move to a formal consultation stage whereby key stakeholders would be involved. An initial Fairness and Equality Impact Assessment is in place and this will be reviewed as the proposal develops.

A decision to proceed to formal consultation on the amalgamation of Kimberley Nursery and Fair oak Nursery could have potential staffing implications should the proposal be taken forward to statutory notice and implementation. Whilst at leadership level there are no staffing implications because the post of Head teacher in Kimberley is vacant and both nurseries are overseen by the substantive Headteacher of Fair oak under Executive Headteacher arrangements, the amalgamation of both nurseries will potentially result in all staff being declared at risk of redundancy until the Governing Body of the newly formed nursery school determines its staffing structure. As with all other amalgamations in Newport, the Council will ask the Governing Body to agree to ring-fence all posts required for the implementation of the nursery school to the existing staff of Kimberley Nursery and Fair oak Nursery. Any displacement as a result will be managed through the Council's Job Security Policy.

### **Local issues**

Local ward members are aware of the content of this report.

### **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 also been developed and will be updated as the proposal progresses.

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

Children and Young People will be consulted as part of the statutory consultation process.

## **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. **Pupil numbers are declining at both schools. The January Pupil Level Annual School Census (PLASC) for both 2018 and 2019 indicated that the number of pupils on roll across the two schools could be accommodated within the larger Fair oak building. In addition, Kimberley Nursery School has been operating with a deficit budget for the last three years, and is projected to be in the region of £75,000 at the end of the current 2019/20 financial year. The amalgamation proposal provides an opportunity for the leadership teams to consolidate under the current Executive Headteacher arrangement, and to pool resources to implement a sustainable business model for standalone pre-school provision on a single site.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **The proposal will reduce the number of surplus places currently available in standalone nursery schools across the city. The larger Fair oak building is sufficiently large enough to accommodate the children on roll across both schools. Kimberley Nursery School has been operating with a worsening deficit budget for the last three years, and currently there is no achievable plan to indicate how this can be recovered. The Communication Class which is currently hosted at Kimberley Nursery School is a much-needed valuable and beneficial resource providing specialist nursery education to children across Newport. Under this proposal, this provision will continue but will be relocated to the Fair oak site.**
- 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 will be 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.**
- 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 will be carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact. The proposal will be delivered through full engagement with the governing bodies of both schools and Newport City Council’s Education Inclusion and Early Years teams.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve. **A formal school reorganisation proposal will be undertaken and supported at each stage by a FEIA that will consider impact. This proposal will include a period of formal consultation that will offer the opportunity for engagement with all stakeholders and will include a series of drop-in events where people can find out more information about the proposal and how it may affect them. Following conclusion of the formal consultation, a Consultation Report will be prepared, published and distributed to all identified stakeholders.**

## **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**

None at this stage but this will be facilitated with key stakeholders as part of the school reorganisation proposal.

### **Background Papers**

FEIA (attached)

Dated: February 2020

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# 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:** 17/01/2020

**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 amalgamate Kimberley Nursery School and Fair oak Nursery School on the Fair oak Nursery School site from September 2021.

Kimberley Nursery School is a community maintained standalone nursery school located off Malpas Road, in the Shaftesbury ward. It has a published admission number of 80 pupils, equivalent to 40 pupils per morning and afternoon session, with an age range of 3-4 years. The nursery school also hosts a 16-place Communication Class for children aged 3-4 years with additional learning needs.

Fair oak Nursery School is a community maintained standalone nursery school located in the St. Julian's ward, on the border with the Victoria ward. It has a published admission number of 144 pupils, equivalent to 72 pupils per morning and afternoon session, with an age range of 3-4 years.

Kimberley and Fair oak are Newport's only two community maintained standalone nursery schools (meaning they are not attached to a primary school). The substantive Headteacher of Fair oak Nursery School has managed both schools under an Executive Headteacher arrangement since September 2018. Take up of mainstream places at the schools over recent years has been around 50% of the published admission numbers, with approximately 50 places being allocated at Kimberley. Only 39 places were taken at Kimberley for September 2019, which is less than half the published admission number. This indicates a continuing decline in pupil numbers although further places are likely to be taken by 'rising 3's'. The school has been operating a deficit budget for three years, which as at January 2020 is projected to be approximately £65,000 at the end of the 2019-20 financial year.

Pupil numbers at Fairoak Nursery School have declined with 59 of 144 places taken in January 2019, and just 51 places taken in September 2019. Across the two sites there are 224 half day places available, with take-up declining from 72% in January 2017 to just 47% by January 2019. The numbers of pupils on roll (September and January intakes) across the two sites could have been accommodated in the Fairoak building.

The council therefore considers that the current operating model of Kimberley and Fairoak Nursery Schools operating across two sites with approximately 50% surplus places is not economically viable and, having considered a range of options, proposes to amalgamate the two schools on the Fairoak Nursery School site.

Kimberley Nursery School currently hosts a Communication Class which provides special nursery education for children from across Newport, and is believed to be a valuable and beneficial service. Under the proposal the council intends to continue to offer this service. However, this provision will be relocated to Fairoak Nursery School.

**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.*

If permission to take this proposal forward is granted, the proposal will be undertaken in accordance with the requirements of the statutory School Organisation Code.

The consultation process represents an opportunity for people to learn about the proposal, ask questions and make comments. A combination of online and face to face consultation methods will ensure those most directly affected by the proposal are able to contribute to the decision making process and Council officers will be on hand to explain the proposals in more detail and answer any questions.

Stakeholder letters will be produced and distributed to the parents, children and staff of the affected schools. Stakeholder emails will be sent to Newport City Council education partners. The proposal will be published on the Newport City Council website.

The consultation will involve drop-in sessions with those most directly affected by the proposal, where Council officers will be on hand to explain the proposals in more detail and answer any questions.

A Children and Young People's Everyday Summary Version of this consultation will be produced. Both this and the full version will be available via the NCC website [www.newport.gov.uk/schoolreorganisation](http://www.newport.gov.uk/schoolreorganisation), from the Civic Centre, and the Information Station. Copies can also be requested by emailing [school.reorg@newport.gov.uk](mailto:school.reorg@newport.gov.uk) or by telephoning 01633 656656.

Comments and questions can be submitted by e-mail or by using a consultation response pro-forma. This pro-forma will be available at the drop-in sessions or can be submitted on the Council's website. Social media platforms such as Twitter and Facebook will also share information on 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. 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 answered in an objection report that will follow the closing of the statutory notice, 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 key stakeholders that will be concerned with this proposal are children, families and carers accessing pre-school nursery provision. This also will concern the staff of the schools concerned.

The statutory Code outlines the key stakeholders who should be consulted with as part of this process that includes schools, parents, elected members, community councils and trade unions. The 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. If possible and practical, consultation with stakeholder groups will also include pupils, via face-to-face meetings and activities.

Kimberley Nursery School is located in the Shaftesbury ward but recent data shows that the Nursery attracts pupils from other wards, mainly these pupils are from the Bettws and Malpas wards with other pupils coming from different areas across the city.

The Shaftesbury ward represents approximately 0.86% of the total area of Newport and is home to 3.53% of the total population of the city. ONS population figures show approximately 7.55% of the ward's population are aged 0 to 4. This is higher than the Newport number which is 6.71%. Recent data received from the Newport City Council Intelligence Hub shows that 13% of pupils attend Kimberley Nursery School from within the Shaftesbury ward.

The Bettws ward represents approximately 2.70% of the total area of Newport and is home to 5.27% of the total population of the city. ONS population figures show approximately 7.13% of the ward's population are aged 0 to 4. This is higher than the Newport figure which is 6.71%. Recent data from the Newport City Council Intelligence Hub shows that 22% of pupils attend Kimberley Nursery School from Bettws.

The Malpas ward represents approximately 1.09% of the total area of Newport and is home to 5.25% of the total population of the city. ONS population figures show approximately 5.72% of the ward's population are aged 0 to 4. This figure is below the Newport figure of 6.71%. Recent data received from the Newport City Council Intelligence Hub shows that 62% pupils attend Kimberley Nursery School from within the Malpas ward.

The proposal has been developed in light of the declining numbers over recent years at both Kimberley Nursery School and Fair oak Nursery School with take-up of places leaving 53% surplus places available across both schools.



The St. Julian's ward represents approximately 1.02% of the total area of Newport and is home to 5.77% of the total population of the city. ONS population figures show approximately 6.28% of the ward's population are aged 0 to 4. This figure is below the Newport figure of 6.71%.

#### 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposal will see a reduction in local provision of funded nursery places in the area around Kimberley. Although there are sufficient surplus places in the area to provide places for children who would start in September, some families may have to travel further to access rising 3 places in January or April.</p> <p>The amalgamation of Kimberley and Fair oak could mean further travel for the pupils from the Bettws /Malpas /Shaftesbury areas to access nursery provision.</p>
<b>Disability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Kimberley Nursery School currently hosts a Communication Class which provides special nursery education for children from across Newport, and is believed to be a valuable and beneficial service. Under the proposal the council intends to continue to offer this service. However, this provision will be relocated to Fair oak Nursery School.</p>
<b>Gender reassignment/transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.</p>
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.</p>
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.</p>
<b>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.</p>



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>Religion or Belief or non-belief</b>	<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.
<b>Sex</b>	<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
<b>Sexual Orientation</b>	<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
<b>Welsh Language</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal will have no effect on the Welsh language. Local community-maintained school nursery classes will deliver the relevant curriculum.

## 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>Pupil numbers are declining at Fairoak Nursery School with only 59 of 144 places taken in January 2019, and just 49 places taken for the new academic year in September 2019. At January pupil census in both 2018 and 2019, the number of pupils on roll (September and January intakes) across the two sites could have been accommodated in the Fairoak building. The numbers in the September 2019 intake indicate a continuation of this trend.</p> <p>Kimberley Nursery School has been operating with a deficit budget for the last three years, this deficit is projected to be approximately £65,000 at the end of the 2019-20 financial year.</p> <p>The amalgamation proposal provides an opportunity for the leadership team to pool resources and implement a sustainable business model for pre-school provision on one site.</p> <p>The specialist staff in the learning communication class will transfer with the provision, this would help to ensure standards are maintained when the class is relocated. The current leadership and management of the learning communication class will not be affected by the proposed relocation.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>A formal statutory consultation will be 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 will be delivered through full engagement of the Kimberley &amp; Fairoak leadership teams, and Newport City Council Education Inclusion and Early Years teams.</p>



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 will be engaged as part of the consultation process:</p> <ul style="list-style-type: none"> <li>• Parents, carers and guardians of pupils attending all affected schools;</li> <li>• Pupils attending schools affected by this proposal;</li> <li>• Members of staff currently employed at all schools affected by this proposal;</li> <li>• The Church in Wales, Diocese of Monmouth;</li> <li>• Roman Catholic Archdiocese;</li> <li>• Neighbouring Local Authorities across the South East Wales Consortium area;</li> <li>• The Headteacher and Governing Bodies of all Newport schools;</li> <li>• All Newport City Council elected members;</li> <li>• All Newport City Council Heads of Service;</li> <li>• All Community Councils across Newport;</li> <li>• The Welsh Ministers;</li> <li>• Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals;</li> <li>• Estyn;</li> <li>• Teaching and staff trade unions representing teachers and staff employed at all schools affected by this proposal;</li> <li>• The South East Wales Education Achievement Service;</li> <li>• The Police and Crime Commissioner for Gwent;</li> <li>• The Early Years Development and Childcare Partnership;</li> <li>• All non-maintained registered nursery education providers across Newport;</li> <li>• Aneurin Bevan 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 data-bbox="231 660 335 683">Prevention</p> <p data-bbox="143 689 422 835">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 302 1407 436">The proposal will reduce the amount of surplus places available as numbers for both Kimberley Nursery School and Fair oak Nursery School currently are able to be accommodated in the Fair oak Nursery building comfortably.</p> <p data-bbox="459 470 1407 571">Kimberley Nursery school has been operating a deficit budget for three years, and as at January 2020, this is projected to be approximately £65,000 at the end of the 2019-20 financial year.</p> <p data-bbox="459 604 1407 806">The trend from the January pupil census in both 2018 and 2019 and the number of pupils on roll (September and January intakes) shows that the number of pupils across the two sites could have been accommodated in the Fair oak building. Places taken in September 2019 indicate a continuation of this trend with only 82 of the 224 mainstream half-day places taken.</p> <p data-bbox="459 840 1407 1008">The Communication Class currently hosted at Kimberley nursery is believed to be a valuable and beneficial service which provides special nursery education for children from across Newport. The council intends to continue to offer this service, however, under the proposal this provision will be relocated to Fair oak Nursery School.</p>
 <p data-bbox="247 1332 343 1355">Integration</p> <p data-bbox="143 1366 422 1512">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 1037 1407 1205">A formal statutory consultation will be 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>

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

The amalgamation of Kimberley and Fair oak Nursery School onto the Fair oak Nursery School site would see 80 half-day funded nursery places relocated from the Shaftesbury ward. Children from Bettws and Malpas wards also attend Kimberley Nursery School however there are nursery classes in all local community maintained schools with further spaces available in non-maintained settings in the area.

## **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 supports a mixed economy of pre-school provision to meet differing needs of our children.

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

The local authority has provided the places in Kimberley nursery school for a number of years and in recent years the numbers have decreased with autumn places being allocated at under 50%, with the 'Rising 3' numbers added in the spring term still leaving a significant amount of places. Citizens are encouraged to apply for Nursery places by the local authority with the application windows publicised and accessible with online and paper applications available.

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

The amalgamation of Kimberley Nursery School and Fairoak Nursery School will provide an opportunity for the schools in the Shaftesbury/Bettws/Malpas areas with surplus places to fill those remaining spaces but also an opportunity for the private nurseries to increase their numbers. The amalgamation of Kimberley Nursery School and Fairoak Nursery School enables continuation of standalone nursery provision and the continuation of the communication class whilst supporting the success of community maintained primary schools.

### **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.

Impact identified	Who does it affect?	What will you do to mitigate the impact? If you plan to take no action, please justify your rationale	Who is responsible?
1 Reduction in nursery places available in the existing area of Kimberley Nursery School	Parents of Nursery aged children	<p>Mainstream pre-school provision will continue to be provided from the Fair oak Nursery School site. Six of the seven identified alternative nursery providers in the area have received judgements of 'Good' or better in all key inspection areas. This indicates that the high standard of education care will be maintained if the proposal is implemented.</p> <p>Although the amalgamation would represent a reduction in provision, the reduction in nursery places available is not expected to significantly impact the quality of education or wellbeing of children who might have otherwise attended Kimberley Nursery School.</p>	<b>NCC</b>
2 Moving of the Communication Class from Kimberley to Fair oak	Staff & pupils of the communication class.	Kimberley and Fair oak nurseries are currently managed by the same Executive Headteacher and under this proposal the specialist staff in the learning communication class will transfer with the provision to Fair oak, this will ensure standards are maintained when the class	<b>NCC</b>

		relocates. The level of care support and guidance provided by this service will not be affected by the proposed amalgamation. Discretionary transport will still be provided to pupils placed in the Language Communication Class who reside more than 2 miles away.	
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## 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 represents an opportunity for people to learn about the proposal. The proposal will be available online in both English and Welsh, via the Newport City Council's website, email and social media, and as a hard copy. The consultation will involve two drop-in sessions with those most directly affected by the proposal, where Council officers will be on hand to explain the proposals in more detail and answer any questions.

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.

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

### Equality Act 2010 (Wales)

There are schools in the area that have surplus capacity to admit those who may have otherwise applied for Kimberley Nursery School. The impact on availability of nursery places will therefore be minimal.

### Welsh Language

This proposal has no impact on the Welsh language. It is acknowledged that the proposal does not contribute to the aim to promote and increase the use of the Welsh language.

### 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 amalgamating two standalone nursery schools, one of which is currently operating a budget deficit. Both nurseries have a significant number of surplus places. The amalgamation presents an opportunity to consolidate the provision at one location and implement a sustainable business model to deliver preschool places over coming years.

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

The proposal will prevent Kimberley Nursery School debt increasing while maintaining a sufficient level of provision across the city.
- 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:**

Working with the non-maintained sector is an opportunity for Newport City Council to minimise the impact of amalgamating Kimberley Nursery School and Fair oak Nursery School. A mixed economy of provision can be sought and provided to those who may have otherwise applied for Kimberley Nursery School.
- 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.

#### **Parameters of Fairness**

- Parameter 1 – Equal treatment while recognizing difference:**

The proposal supports a mixed economy of pre-school provision.
- Parameter 2 – Mutual Obligations between citizens and government:**

The local authority has provided places in Kimberley Nursery, over recent years the numbers have been declining with Newport publicizing application windows.
- Parameter 3 – Interdependency and reciprocity within community relations:**

Opportunities for school with surplus places to fill them in the affected areas along with the non-maintained settings. This proposal enables the continuation of standalone nursery provision and the continuation of the communication class.
- 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.

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