

Agenda



Delegated Decisions - Cabinet Member for Education and Skills

Date: Thursday, 19 November 2020

To: Councillor G Giles

Item	Wards Affected
1	<u>School Reorganisation Proposal – Amalgamation of Kimberley and Fair oak Nursery Schools</u> (Pages 3 - 36)

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Report

Cabinet Member for Education & Skills

Part 1

Date: 18 November 2020

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

Purpose To move to publish a statutory notice on the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

Author Service Manager - Education Planning & Resources

Ward Shaftesbury, St Julian’s, Victoria

Summary Formal consultation has now concluded on the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

The proposal was initially launched in March 2020, with the six-week period of formal consultation scheduled to run from 10th March 2020 until 21st April 2020. However, following the subsequent short-notice closure of all schools in response to the Covid-19 pandemic, the proposal was withdrawn on 30th March 2020 and was later re-launched in June 2020 when schools re-opened. Formal consultation on the re-launched proposal was carried out between 29th June 2020 and 11th September 2020.

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 decision 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.

Proposal **To move to publish a statutory notice for a period of 28 days in respect of the 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

Formal consultation on the proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021 was initially carried out from 10th March 2020 until its withdrawal on 30th March 2020, before being re-launched to run from 29th June 2020 until 11th September 2020. 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 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, these 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. When the proposal was initially launched in March 2020, the Council arranged two stakeholder drop-in sessions, which were publicised via the Council's website and in all correspondence and documentation relating to the proposal. The drop-in session at Fairoak Nursery was held as planned; however, the planned session at Kimberley Nursery was cancelled following the Council's suspension of public meetings in response to the Covid-19 pandemic, and the subsequent withdrawal of the consultation.

Two Council officers supported the drop-in session at Fairoak Nursery, and the Executive Headteacher of the two nursery schools was also present. Only one stakeholder attended the session however, and whilst this individual confirmed that they supported the proposal in light of low pupil numbers across the two schools, this individual did not submit a formal response to the consultation.

Due to the ongoing public health situation, no face-to-face consultation events were arranged to support the relaunched consultation. Instead, stakeholders were advised that any questions concerning the proposal could be submitted to the Council for a timely reply to ensure that informed responses could be submitted during the new consultation period. No queries were received in this way however.

Learner Voice

The Council is keen to gain the views of learners when taking forward school reorganisation proposals. In this instance, this was facilitated through two pupil workshops held at Fairoak Nursery School and Kimberley Nursery School. Further information about these sessions is included within the Consultation Report at Appendix 1 (pages 12 and 13 of this report).

Consultation Responses

Overall, 18 responses were received during the two consultation periods from a range of stakeholders. Twelve of these respondents (equivalent to 67%) stated that they were not supportive of the proposal, however a number of responses were almost identical in content. Further information about the respondents and their comments, along with the Council's responses to the points raised, are included within the Consultation Report at Appendix 1 (pages 13-16 of this report).

Estyn

The formal response from Estyn concluded that it is unlikely the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained. The response also stated that:

- The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fairoak Nursery School.

- Both schools have been running well under capacity over recent years, therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.
- The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal.

However it was noted that whilst the proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out, and as both nursery schools are currently categorised as English-medium schools, the proposal does not consider specifically Welsh medium needs.

In response, the Consultation Report outlines that if the two nursery schools are amalgamated, a new governing body will be established for the new school. This governing body will be responsible for determining the appropriate staffing structure for the new school and making the necessary appointments. Until this process is complete, it is not possible to fully understand the possible staffing implications of the proposal. As set out in the consultation document, the Council's Job Security Policy and officers from the Council's Human Resources team would support this process.

In terms of Welsh-medium needs, the two schools currently use and teach the Welsh language in accordance with the national curriculum. The proposal is therefore expected to have neither a positive nor a negative impact on the availability of provision to meet Welsh-medium needs. However, a separate school reorganisation proposal to establish a new Welsh-medium primary school for pupils aged 3-11 years was determined by the Council in June 2020, and accordingly this new school will open for Nursery and Reception pupils in September 2021.

The full response from Estyn is included within the Consultation Report at Appendix 1 (pages 20 and 21 of this report).

Other Considerations

Since the launch of the statutory consultation on this proposal, the Council has allocated funding to potentially be used for the refurbishment of the Kimberley Nursery building with a view to this being re-purposed as a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if appropriate, a separate school reorganisation proposal will be progressed in due course.

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. As outlined above, the Council is considering re-purposing this building to become a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if taken forward will be wholly funded from a Welsh Government Capital Maintenance grant.

Revenue

Based on the current formula funding arrangements, amalgamated schools are likely to generate similar Age Weighted Pupil Unit (AWPU) levels. There will however be an overall reduction in funding relating

to the formula lump sum payment and the site specific funding associated with the Kimberley Nursery School building.

This overall saving is estimated at £65,000 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.

Both schools are currently projecting negative closing reserve balances at the end of the 2020/21 financial year – approximately £143,000 for Kimberley and £2,500 for Fair Oak. Reserve balances, surplus or deficit, would transfer to the central education budget as an in year pressure and would not remain with the newly amalgamated school. Therefore, this decision will result in the Council's general budget having to fund, as a one-off unbudgeted cost, any net deficit on these school's reserves at the time of amalgamation. The authority would meet any costs of redundancies arising because of the amalgamation process. The financial balances of the two schools at the point of amalgamation (either surplus or deficit) will be passed back to the Education Service and will not be allocated against the budget of the new school.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to 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
Demand for pre-school nursery provision increases	M	L	There are a significant number of surplus places for 3 year-olds across the maintained and non-maintained sectors.	Chief Education Officer
Demand for standalone nursery provision further reduces	M	L	The proposed amalgamation will provide greater flexibility to accommodate changing demands, and the council will continue to monitor demand for pre-school places.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

Options Available

Option 1: To 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

The proposed amalgamation of Fairoak and Kimberley Nurseries would result in full financial year annual revenue savings of approximately £65,000, based on the 2020/21 funding, for lump sums and site specific funding. In the first financial year of amalgamation, this would be offset against an opening/amalgamation lump sum of £35,000, funded via the ISB. The balance of savings would remain within the ISB for distribution to schools via the funding formula.

The projected closing reserve balances for both Kimberley and Fairoak Nursery are in deficit, £143,000 and £2,500 respectively. Reserve balances, whether surplus or deficit, will transfer to central education on amalgamation as an in year pressure and do not remain with the newly amalgamated school. Therefore, amalgamation would result in the council budget being required to fund a one off unbudgeted cost pressure the transfer of any negative reserves at the time of amalgamation. It is therefore recommended that the Education Management Team continue to work with the schools to implement savings where possible and minimise 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 proposed amalgamation of Kimberley and Fairoak Nursery Schools is a regulated alteration under the Code and, therefore, has to be the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document was prepared; setting out the educational reasons for the proposals, and meaningful consultation has been carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. The original consultation process had to be suspended and re-commenced later due to the schools closure and face-to-face consultation meetings were not possible because of the on-going Covid-19 restrictions. However, the consultation process has been conducted strictly in accordance with the requirements of the Code (as amended by the Coronavirus Regulations). Of the 18 responses to the consultation, 12 were not supportive of the proposed amalgamation, but their objections were the same and they are not considered to be sufficient to override the proposed educational benefits of the school reorganisation. The response from Estyn confirmed that this proposal would result in current educational standards being at least maintained and, although issues were raised about revised governance and staffing arrangements and Welsh language provision, these matters can be addressed at a later stage, if the proposal is implemented. Therefore, the Cabinet Member is now required to consider whether to proceed with the statutory notices, in the light of those consultation responses. If this is 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 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 to proceed with the proposal. However, if there are unresolved objections, then the final decision will have to be referred to full Cabinet as the Local Determination Panel.

Comments of Head of People and Business Change

The Education Service has consulted on the reorganisation proposal in line with the School Organisation Code and has extended the arrangements as a result of the closure of schools due to Covid19. Pupil numbers are declining at Fairoak Nursery School and with Kimberley Nursery School operating with a

deficit budget for the last four years the proposed amalgamation provides an opportunity for the leadership team to pool resources and implement a sustainable business model for pre-school provision on one site.

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

Local issues

Comments from Cllr Paul Cockeram, elected member for Shaftesbury ward:

I do believe there is not a great deal to add to the report than was already said in the email sent in relation to the consultation. I am passionate that Kimberley Nursery remains open, maybe not in its present form but for children with communication problems. There is a pressure in this area and speaking to parents, they are desperate for this facility. I do have my doubts if many parents will send their children across the city for 2 hours, especially when Tiny Tots in Malpas are offering 30 hrs free childcare.

Comments from Cllr Herbert Thomas, elected member for Shaftesbury ward:

I concur with the views expressed by Cllr Cockeram.

Comment from Cllr Phil Hourahine, elected member for St Julian's ward:

I completely support the proposal.

Comment from Cllr Carmel Townsend, elected member for St Julian's ward:

As a governor of Fairoak Nursery, I support these proposals.

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 available.

Children and Families (Wales) Measure

Pupils attending the two nursery schools have been engaged as part of the formal consultation process through specifically targeted pupil workshops. The feedback received is detailed within the Consultation Report, a copy of which is attached at Appendix 1.

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, and recent evidence indicates 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 some time, and is projected to be in the region of £142,000 at the end of the current 2020/21 financial year, with Fair oak Nursery also now projecting a deficit of £2,000. 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 four 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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. 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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. 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 statutory consultation process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This period of formal consultation offered the opportunity for engagement with all stakeholders where people were able to find out more information about the proposal and how it might affect them.**

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 as detailed in the attached consultation report.

Background Papers

Consultation Report (attached at Appendix 1)

Updated FEIA

Dated: November 2020

APPENDIX 1

Newport City Council

School Reorganisation Proposal

Consultation Report

Proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021.

Formal Consultation Period:

Initial launch: 10th March 2020 – 30th March 2020

Relaunch: 29th June 2020 – 11th September 2020

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
- Consultation Launch Details
- Stakeholder Engagement
- Learner Voice
- Consultation Responses
- Estyn's Response
- Other Considerations
- Recommendations
- Appendices

The Proposal

This consultation report concerns a proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021.

Consultation Launch Details

The proposal was initially launched to run from 10th March 2020 until 21st April 2020. Due to the closure of all schools in response to the Covid-19 pandemic, the consultation was withdrawn on 30th March 2020.

The proposal was subsequently re-launched when schools re-opened on 29th June 2020 and ran until 11th September 2020.

Stakeholder Engagement

An invitation to take part in the statutory consultation was issued to the stakeholders outlined below, with a link to the consultation pack on the Council's website sent by e-mail:

- Parents, carers and guardians of pupils attending Kimberley Nursery School, Fair oak Nursery School, Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School, Monnow Primary School, Chuckles Nursery and Tiny Tots Nursery;
- Pupils attending Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School and Monnow Primary School.
- Members of staff currently employed at Kimberley Nursery School, Fair oak Nursery School, Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School, Monnow Primary School, Chuckles Nursery and Tiny Tots Nursery;
- The Church in Wales, Diocese of Monmouth;
- Roman Catholic Archdiocese;
- Neighbouring Local Authorities across the South East Wales Consortium area;
- The Headteacher and Governing Bodies of all Newport schools;
- All Newport City Council elected members;
- All Newport City Council Heads of Service;
- All Community Councils across Newport;
- The Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals;
- Estyn;
- Teaching and staff trade unions representing teachers and staff employed at Kimberley Nursery School and Fair oak Nursery School;
- The South East Wales Education Achievement Service;
- The Police and Crime Commissioner for Gwent;
- The Early Years Development and Childcare Partnership;
- All non-maintained registered nursery education providers across Newport;
- Aneurin Bevan Health Board;
- Public Health Wales;
- Newport Serennu Centre;
- SNAP Cymru;
- Gwent Association of Voluntary Organisations;
- Preventative Services.

Hard copies of the full consultation document and the Everyday Summary Version for Children and Young People were available at the two nursery schools, the Information Station and from the Civic Centre, and were provided bilingually in Welsh and English.

The schools identified as being affected by the proposal are listed below:

School	Reason
Directly Affected	
Kimberley Nursery School	The school will be affected due to the proposed amalgamation with Fair oak Nursery School
Fairoak Nursery School	The school will be affected due to the proposed amalgamation with Kimberley Nursery School
Possibly Affected	
Crindau Primary School	Possibly affected. If the proposal is implemented, applications for nursery places at these settings could increase
Malpas Court Primary School	
Malpas Park Primary School	
Millbrook Primary School	
Monnow Primary School	
Chuckles Nursery	
Tiny Tots Nursery	

Distribution of Information

Initially 20 hard copies of the full consultation document and 20 hard copies of the Children and Young People's Everyday Summary Version were provided to both Kimberley Nursery and Fair oak Nursery to be available for staff, pupils and parents. Two copies of each document were also provided to the possibly affected schools and nursery settings listed above. Further copies of the document were available to be delivered to schools on request. The consultation documents were reviewed and refreshed prior to the relaunch in June 2020. As a result, copies of the updated documents were provided to the directly affected and possibly affected settings outlined above under the same arrangements as for the original launch

Drop-in Events

When the consultation was launched in March 2020, the Council arranged two stakeholder drop-in sessions, which were publicised via the Council's website and in all correspondence and documentation relating to the proposal. The drop-in session at Fair oak Nursery was held as planned; however, the planned session at Kimberley Nursery was cancelled following the Council's suspension of public meetings and the subsequent withdrawal of the consultation. The drop-in session at Fair oak Nursery was held on Tuesday 17th March 2020 between 11:15 – 13:15 to accommodate parents/carers of children attending both morning and afternoon nursery sessions. The session was facilitated by the Council's Education Transformation Officer and an Education Information and Development Officer and the Head Teacher of the nursery school was also present. Only one stakeholder attended the session. This stakeholder confirmed that they supported the proposal in light of low pupil numbers across the two nursery sites, but did not submit a formal response to the consultation.

Due to the ongoing public health situation, there were no face-to-face consultation events arranged to support the relaunched consultation. Stakeholders were advised that any questions concerning the proposal could be submitted to school.reorg@newport.gov.uk and Council officers would provide a

timely reply to ensure that informed responses could be submitted during the consultation period. No queries were received this way.

Learner Voice

Everyday Summary Version – Children & Young People

An Everyday Summary Version of the main consultation document was prepared and published, and was targeted specifically at children and young people. This summary version was available on request from the Information Station and the Civic Centre. The Council is committed to gaining the views of learners, and this was facilitated through School Pupil Workshops at Fair oak Nursey School and Kimberley Nursery School.

Fairoak Nursery Session – 17th March 2020

The first session was held at Fairoak Nursery during the initial launch and was attended by two Newport City Council officers, a teacher at Fairoak Nursery School and eight pupils from the school. Due to the age of the pupils, the session was led by their teacher.

Teacher Actions and Questions	Pupil Responses
The teacher started by explaining to the children that there is another nursery school in Newport called Kimberley Nursery School. She showed the children pictures of toys and activities that the children play with at the two nursery schools. The children were invited to share their thoughts and ask questions.	The children observed that the toys at Kimberley Nursery were the same that they have in their Nursery at Fairoak and realised that the children in both nurseries do the same things and play with the same toys.
The teacher then asked the children what they thought about the idea of the two nurseries joining and the children from Kimberley Nursery coming to join the children at Fairoak Nursery.	The children liked the idea as they would have a lot of new friends and would be able to play with each other and share toys. They expressed that they would be kind and nice to each other and would show their new friends smiles. One child stated it would be wonderful to join together.
The teacher asked the children if they thought the other children and their parents would like to come to Fairoak Nursery.	The children said that they thought the other children would love to come to Fairoak Nursery as they would have new friends and get to play with new toys. The children voiced that they love to share, therefore they would like to be able to share their toys. They also thought that the children from Kimberley Nursery would like to be shown around Fairoak and be shown the toys they can play with. The children also expressed how the children from Kimberley would have new teachers, which they believed they would like as they are very nice and friendly.
The teacher then asked the children how they thought the new families would get to the nursery.	The children thought that the new families would drive to the new nursery by car.
The teacher followed up with the children and asked if they had any questions or anything else they would like to say about the two nurseries potentially becoming one.	One child thought it could be a good idea for the children at Kimberley Nursery, to come and visit Fairoak Nursery to meet the new children before they move. The children also thought it would be very exciting and a nice idea for the

	two nurseries to join together, with one child replying that the joint nursery would be like a cotton candy cloud.
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Kimberley Nursery Session – 14th July 2020

Following the relaunch of the proposal, a second session was held at Kimberley Nursery School. This was facilitated by a teacher at the school with six pupils taking part. Due to the public health situation following the outbreak of Covid-19, no Council officers were present, and so a teaching assistant observed and acted as scribe.

Teacher Actions and Questions	Pupil Responses
The teacher began by asking the children what they liked about their nursery and what lovely things they liked to do. She then explained that there was another local nursery called Fairoak where she used to work.	The children responded to the teacher by telling her what they liked about Kimberley – the fairy door, the bikes, playing with their friends and hot chocolate in the forest school area.
The teacher then showed the children pictures of the resources in the other nursery. <i>(To ensure consistency the teacher used the same resources as in the workshop at Fairoak).</i>	In response to the pictures of items at Fairoak, the children named the items and agreed that they have the same toys at Kimberley. They got excited by the pictures and began to talk about which toys they liked and who they played with.
The teacher then explained that the two nurseries might become one and asked children what they thought about the children from Kimberley going instead to Fairoak to play and learn.	The children’s responses included: “Yes, we can go and play with them”; “I’d feel a little bit scared when I meet new people”; “Maybe one day when lockdown finishes we can meet them”.

The Council is very grateful to the staff and pupils who took part, and would like to thank them for their valuable contributions to this process.

Consultation Responses

Responses received during the initial consultation period and the re-launch are included in this consultation report. Overall, a total of eighteen responses were received during the two consultation periods.

Eight responses were made via the standard response pro-forma (see Appendix A), from the following stakeholder groups:

- Current/past/prospective parents/carers of pupils at Kimberley Nursery
- Residents in the area of Fairoak Nursery
- Staff at Newport schools
- Governors at Newport schools

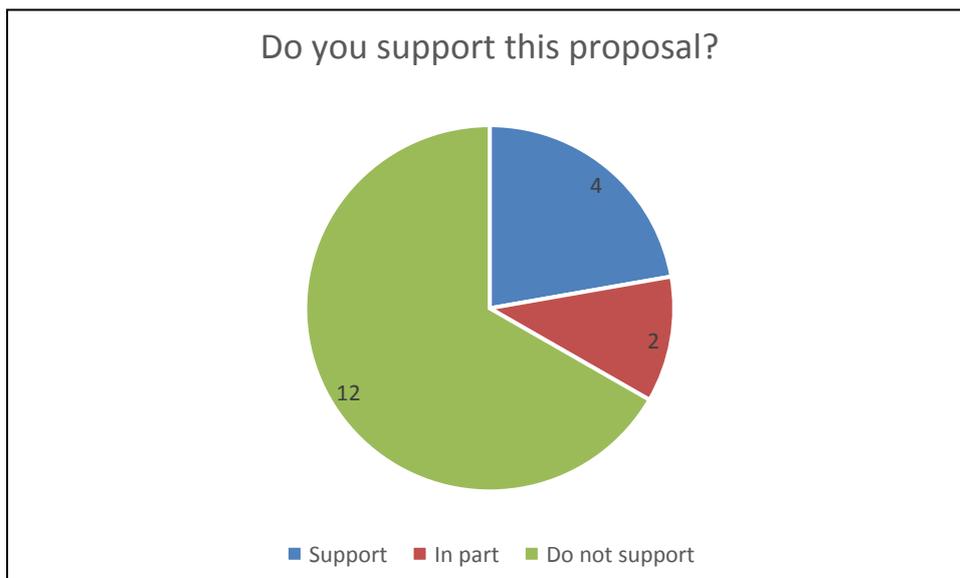
There were ten responses by email, from the following stakeholder groups:

- Current/past/prospective parents/carers of pupils at Kimberley Nursery

- The previous Head teacher of Kimberley Nursery School
- A Newport elected member
- A Trade Union representative
- Estyn (*Her Majesty's Inspectorate for Education and Training in Wales*)

Seven of the ten email responses were sent directly to the Cabinet Member of Education and Skills with another sent directly to the Chief Education Officer. It was noted that the wording in six of the seven e-mails sent to the Cabinet Member for Education and Skills was almost identical.

A summary of the responses provided are shown in the chart below:



The following table below shows the various adverse comments and questions raised during the consultation period, and the Council's response to these points. As many respondents raised more than one issue, the number of commentators listed below is greater than the total number of consultation responses received.

Comment	Number of Similar Comments	Council's Response
The provision is long-standing with excellent facilities and would be a loss to the local community	7	The low pupil numbers and deficit budget position mean the current model of provision must change. There are a number of very good alternatives in the local area, including the new school that will be created by the amalgamation.
This proposal would will impact other schools nearby.	7	The Council anticipates some increase in applications for nursery places in schools and non-maintained settings in the Malpas and Bettws areas but considers there to be sufficient places available to meet this demand.
The removal of nursery provision from Kimberley will negatively affect Malpas Church in Wales Primary.	4	In taking forward this proposal, the Council did not and does not anticipate any adverse impact on Malpas Church in Wales Primary

<p>Many families consider there to be natural transition between the two.</p>		<p>School. The Council is committed to ensuring that this school is viable and will work with school leadership team to ensure a sustainable future.</p>
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Comment	Number of Similar Comments	Council's Response
The distance between the two nursery schools is too far.	6	The distance between the two locations has been noted. However, there are a range of alternative provisions in the Malpas/Bettws areas, both in maintained and non-maintained settings.
Increased congestion around Fair oak Nursery at drop-off and pick-up times	2	Fairoak Nursery has capacity for 144 pupils and in the recent past has had in excess of 100 pupils on roll. As Fairoak nursery is currently not reaching capacity, any additional pupils coming from Kimberley will not result in pupil numbers in excess of the building capacity. We do not expect congestion to be a huge issue, however staggered start and finish times could be considered by the governing body to help alleviate any problems.
A purpose built new nursery in a central location would offer a better solution to the Fair oak building.	1	There are no other Council owned available sites nor available funds to build a new nursery in an alternative location.
Relocation of the Communication Class could cause distress for affected pupils and could affect the quality of provision.	2	Staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fairoak. The relocation would be effective at the start of the academic year reducing the number of pupils who will be required to transfer to a new school. Any pupils who will be required to transfer will be supported through the change by their teachers.
Additional provision is required across Newport for children with additional learning needs	1	The Council is currently considering plans for the future use of the Kimberley Nursery School building should this proposal be successful. Further information on this is included later in this report.

Comment	Number of Similar Comments	Council's Response
Current nursery provision should not be reviewed during the Covid-19 pandemic	2	The proposal, if approved, would not come into effect until September 2021, and unfortunately, the Council is unable to predict whether this will still be a factor at this time. However, all Headteachers have all received appropriate guidance on completion of risk assessments to enable schools to continue to operate safely during this pandemic.
Compulsory redundancies should be avoided.	1	If there are any potential staffing reductions as a result of the proposal, these will be dealt with in accordance with the Council's Job Security Policy. The Council will work with two existing Governing Bodies to redeploy any unplaced staff to other vacancies across the city, either in schools or elsewhere in the Council.

The Council was made aware of an online petition started within the community to *Save Kimberley Nursery*. The petition had received 1,283 signatures at the time when the second consultation period concluded, but this has not been formally submitted to the Council. During the relaunched consultation period, a banner was erected outside Kimberley Nursery reading 'SAVE OUR NURSERY!' The banner was subsequently removed as it was not erected with permission.

Estyn's Response

The full response from Estyn is included at Appendix B of this report. However, in summary, the response states:

- The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fair Oak Nursery School.
- Both schools have been running well under capacity over recent years, therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.
- The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal.
- The proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out.
- Both nursery schools are currently categorised as English medium language category. The proposal does not consider specifically Welsh medium needs.

In conclusion, the response states that it is unlikely the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained.

In response to the comments in relation to staffing implications and Welsh medium needs, the Council response is as follows:

If the two nursery schools are amalgamated, a new governing body will be established for the new school. This governing body will be responsible for determining the appropriate staffing structure for the new school and making the necessary appointments. Until this process is complete, it is not possible to fully understand the possible staffing implications of the proposal. As set out in the consultation document, this process would be supported by the Council's Job Security Policy and officers from the Council's Human Resources team.

The proposal concerns the amalgamation of two English language nursery schools that both use and teach the Welsh language in accordance with the national curriculum. The proposal is expected to have either a positive or a negative impact on the availability of provision to meet Welsh-medium needs. However, a separate proposal to establish a new Welsh-medium primary school for pupils aged 3-11 years was determined in June 2020. This new school will open to Nursery and Reception pupils from September 2021.

Other considerations

Since the launch of the statutory consultation on this proposal, the Council has allocated funding to be used for the refurbishment of the Kimberley Nursery building with a view to this being re-purposed as a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if appropriate, a separate school reorganisation proposal will be taken forward in due course.

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.

In accordance with the School Organisation Code (2018) this report is published electronically on Newport City Council's website at www.newport.gov.uk/schoolreorganisation

To request a hard (paper) copy of this document please contact Newport City Council's Education Information and Development Officer on 01633 656656 or email school.reorg@newport.gov.uk

Appendix A

Consultation Response Pro-forma

This response relates to a proposal to:

- Bring together Kimberley Nursery School and Fair oak Nursery School as one school on the Fair oak Nursery School site from September 2021.

Your views matter. Please tell us what you think about the proposal by completing this questionnaire and returning it to the Education Information and Development Officer, Newport City Council, Room 425W, Civic Centre, Newport NP20 4UR. Alternatively, you can complete this form online at

www.newport.gov.uk/schoolreorganisation or email your response to school.reorg@newport.gov.uk

The closing date for the submission of responses to this consultation is midnight on Friday 11

September 2020. Please note that negative responses made to this consultation will not be counted as objections to the proposal, they will be recorded as adverse comments. Objections can only be registered following the publication of a statutory notice.

1) Do you support the proposal to:

To bring together Kimberley and Fair oak Nursery Schools as one school on the Fair oak site.



Please use the box below to provide comments or explain which element of the proposal you do not support

2) Do you believe that the proposal will have a positive or negative effect on opportunities to use the Welsh language?

Positive Negative No effect

3) If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?

4) Do you believe that the proposal will treat the Welsh and English languages equally?

Yes No

--

Please indicate who you are (e.g. parent/carer of a child attending a local nursery)

--

Please select your Ethnic group			
White British		Asian-Bangladeshi	
White Irish		Asian-Indian	
Any other White background (please state): _____		Asian-Pakistani	
		Any other Asian background	
Gypsy or Irish Traveller		Black Caribbean	
White and Asian		Black African	
White and Black African		Any other Black background	
White and Black Caribbean		Arab	
Any other Mixed background (please state): _____		Chinese	
Asian-Bangladeshi		Any other ethnic group (please state): _____	
Asian-Indian		Prefer not to say	
Asian-Pakistani			

Welsh language			
Do you consider yourself a Welsh speaker?			
Yes		No	Prefer not to say

Caring Responsibilities			
Do you care for children of school age?			
Yes		No	Prefer not to say
Do you care for children of pre-school age?			
Yes		No	Prefer not to say
Do you care for a dependent adult or child above school age?			
Yes		No	Prefer not to say

If you wish to be notified of the publication of the consultation report, please supply your contact details:

E-mail: _____

Postal address: _____

Appendix B

Estyn's full response to the proposal

Introduction

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer and other additional information such as data from Welsh Government and the views of the Regional Consortia, which deliver school improvement services to the schools within the proposal.

Summary/ Conclusion

The local authority's proposal for the amalgamation of Kimberley Nursery School and Fairoak Nursery School into a single school on the current Fairoak Nursery School site from September 2021.

It is unlikely that the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained.

Description and benefits

The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fairoak Nursery School into a single school on the current Fairoak Nursery School site from September 2021 and for the continuation of the dedicated Communication Class for 16 pupils, also on the same site.

The proposal will provide a single amalgamated stand-alone nursery school with capacity for up to 140 half-day sessions for mainstream pupils. This is a reduction of 84 half-day sessions across the two current schools. However, both schools have been running well under capacity over recent years, and projections suggest this would continue if no changes were made. Therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.

The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal. The local authority's rationale behind the dismissal of each of these alternatives, appears to be reasonable.

The proposed new site for the amalgamated schools may mean additional travel distance for some of those currently using the Kimberley Nursery School. However, as nursery places are not given free home to school transport, this will not impact upon those local authority arrangements. Should parents wish to choose a more conveniently sited school, there are seven other nursery schools within two miles of Kimberley Nursery School, with three less than a mile away. Nearly all of these seven schools have surplus nursery places.

Both nursery schools are currently categorised as English medium language category. The proposal does not consider specifically Welsh medium needs.

The proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out. Any staffing reductions as a result of the proposal, will be dealt with in accordance with the council's Job Security Policy, with the redeployment of any unplaced staff to other vacancies across the city, either in schools or elsewhere in the council. The proposal to locate the Communication Class at Fairoak is not likely to have any impact on staffing. Under this proposal the specialist staff in the Communication Class will transfer with the provision, to Fairoak.

Educational aspects of the proposal

The amalgamation of Kimberley Nursery School and Fairoak Nursery School into a single school, and the location of the Communication Class on the same site is unlikely to have a detrimental impact upon the overall educational provision. The educational standards are likely to be at least maintained.

The nursery provision within the Malpas and Bettws area, in which Kimberley Nursery and Fairoak Nursery Schools are situated, are all categorised as green by the local authority, with the exception Kimberley which is yellow. Estyn's most recent inspections of the schools evaluated performance of both as good across the board. Six of the other nine nursery providers in the Malpas and Bettws areas identified as potentially being indirectly affected by the proposal have received judgements of 'good' or better in all key inspection areas. The one school, which received an 'adequate' judgement for performance and standards has since been deemed to have made good progress in these areas by Estyn.

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: Sheree Davies **Role:** Education Information and Development Officer

Head of Service: Sarah Morgan **Date:** 06/10/2020

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

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

Formal consultation has now concluded on the school reorganisation proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021. Consideration now needs to be given to taking this proposal to the next stage, which is the publication of a statutory notice.

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.

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). The substantive Headteacher of Fairoak 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'.

Kimberley Nursery School has been operating with a deficit budget for the last four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.

Pupil numbers at Fair oak 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 Fair oak building.

The council therefore considers that the current operating model of Kimberley and Fair oak 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 Fair oak 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 Fair oak 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.

The proposal is being undertaken in accordance with the requirements of the statutory School Organisation Code.

The consultation period was initially launched to run from 10th March 2020 until 21st April 2020. Due to the closure of all schools in response to the Covid-19 pandemic, the consultation was withdrawn on 30th March 2020. The proposal was subsequently re-launched when schools re-opened on 29th June 2020 and ran until 11th September 2020.

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

An email was distributed to the Headteacher of the two Nursery schools to share the proposal details with parents, children and staff of the affected schools. Stakeholder emails were sent to Newport City Council education partners. The proposal was published on the Newport City Council website.

The consultation process included one drop-in session at Fair oak Nursery during the initial launch of the proposal, where Council officers were on hand to explain the proposals in more detail and answer any questions. Due to the closure of all schools in March 2020, the planned drop-in session at Kimberley Nursery School was cancelled and not rearranged for the relaunch of the proposal.

A Children and Young People's Everyday Summary Version of this consultation was produced. Both this and the full version are available via the NCC website www.newport.gov.uk/schoolreorganisation. Hard copies can also be requested by emailing school.reorg@newport.gov.uk or by telephoning 01633 656656.

Comments and questions could be submitted by e-mail or by using the consultation response pro-forma. This pro-forma was available at the drop-in session and it could be submitted on the Council's website. Social media platforms such as Twitter and Facebook also shared information on proposed changes.

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

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

The 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. Consultation with stakeholder groups included pupils at the two affected schools. During the initial launch, a face-to-face session took place with a group of nursery children from Fair oak Nursery. When the consultation relaunched a similar activity took place with pupils at Kimberley Nursery, although due to the on-going health situation, members of Newport City Council were not present and a member of staff at the Nursery took notes of the pupils' responses.

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% of 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	
Age	<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>
Disability	<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>

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	During the consultation period, some respondents stated that Malpas Church in Wales Primary school may be affected as many pupils attend Kimberley Nursery before moving to Malpas Church Primary School, as the school does not provide its own nursery provision. However, all nursery provision is non-denominational. There is therefore no reduction in faith based nursery provision under this proposal, and there will not be an impact on people that share this Protected Characteristic.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal will have neither a positive or negative effect on the Welsh language. All community-maintained nursery schools and classes will continue to use and teach the Welsh language in accordance with the national 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 Fair oak 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 Fair oak 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 four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.</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>Staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fair oak.</p> <p>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 has been carried out with the opportunity of 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 and Fair oak 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"> • Parents, carers and guardians of pupils attending all affected schools; • Pupils attending schools affected by this proposal; • Members of staff currently employed at all schools affected by this proposal; • The Church in Wales, Diocese of Monmouth; • Roman Catholic Archdiocese; • Neighbouring Local Authorities across the South East Wales Consortium area; • The Headteacher and Governing Bodies of all Newport schools; • All Newport City Council elected members; • All Newport City Council Heads of Service; • All Community Councils across Newport; • The Welsh Ministers; • Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals; • Estyn; • Teaching and staff trade unions representing teachers and staff employed at all schools affected by this proposal; • The South East Wales Education Achievement Service; • The Police and Crime Commissioner for Gwent; • The Early Years Development and Childcare Partnership; • All non-maintained registered nursery education providers across Newport; • Aneurin Bevan Health Board; • Public Health Wales; • Newport Serennu Centre; • SNAP Cymru; • Gwent Association of Voluntary Organisations; • Preventative services; <p>Following formal consultation, a Consultation Report was prepared and has been published on the Council website.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 674 333 696">Prevention</p> <p data-bbox="145 707 421 848">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 304 1407 434">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="459 472 1407 602">Kimberley Nursery School has been operating with a deficit budget for the last four years. The current projected deficit is £142,000 at the end of the 2020-21 financial year. Fair oak Nursery School is forecast to end this financial year with a small deficit budget of £2,000.</p> <p data-bbox="459 640 1407 837">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="459 875 1407 1039">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="245 1384 336 1406">Integration</p> <p data-bbox="145 1420 421 1561">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 1072 1407 1236">A formal statutory consultation has been carried out and supported at each stage by a FEIA to consider impact. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals.</p>

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

The amalgamation of Kimberley and Fairoak Nursery School onto the Fairoak 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>	NCC
2 Moving of the Communication Class from Kimberley to Fair oak	Staff & pupils of the communication class.	<p>Kimberley and Fair oak nurseries are currently managed by the same Executive Headteacher and staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fair oak.</p> <p>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.</p>	NCC

9. Monitoring, evaluating and reviewing

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

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

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 in both English and Welsh, via the Newport City Council's website, email and social media, and as a hard copy. The consultation involved 1 drop-in session Fair oak Nursery, 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 were recorded and summarised in a consultation report. This report was published on the Council's website and will be considered when the Council decides on the way forward.

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

It is acknowledged that the proposal does not contribute to the aim to promote and increase the use of the Welsh language. However, all community-maintained nursery schools and classes will continue to use and teach the Welsh language in accordance with the national curriculum.

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:**

Pupil numbers are declining at both schools, and recent evidence indicates 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 some time, and is projected to be in the region of £142,000 at the end of the current 2020/21 financial year, with Fair oak Nursery also now projecting a deficit of £2,000. 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 four 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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. 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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. 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 statutory consultation process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This period of formal consultation offered the opportunity for engagement with all stakeholders where people were able to find out more information about the proposal and how it might affect them.

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.