

# Agenda



## Delegated Decisions - Cabinet Member for Education and Skills

Date: Wednesday, 9 June 2021

To: Councillors D Davies

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Item	Wards Affected
1	<u>Proposal to establish a school federation incorporating Gaer Primary School and Maesglas Primary School (Pages 3 - 16)</u>
2	<u>School Reorganisation Proposal - Expansion of Ysgol Bryn Derw (Pages 17 - 34)</u>

Contact: Anne Jenkins Governance Team Leader  
Tel: 01633 656656  
E-mail: [Cabinet@newport.gov.uk](mailto:Cabinet@newport.gov.uk)  
Date of Issue: 3 June 2021

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# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 11 June 2021

**Subject** **Proposal to establish a school federation incorporating Gaer Primary School and Maesglas Primary School**

**Purpose** To seek approval to take forward a joint proposal with the governing bodies of Gaer Primary School and Maesglas Primary School to establish a federation under the name of ***“The Gaer and Maesglas Primary School Partnership”*** with effect from 1<sup>st</sup> January 2022.

**Author** Assistant Head of Education - Resources

**Ward** Gaer

**Summary** Federation of schools is a legal process that enables between two and six schools to work together through a formal structured process by sharing governance arrangements and a single governing body that will make decisions in the best interest of all the schools, staff and pupils within that federation.

The governing bodies of Gaer Primary School and Maesglas Primary School have met individually and collectively with the Local Authority, and have confirmed that they wish to promote a formal federation between the two schools.

If the proposal is approved, both schools will continue to maintain their own individual identities regarding name, culture and ethos and will continue to manage their own individual budgets. The arrangement merely involves establishing a single governing body to govern the two schools. The two governing bodies have worked collaboratively since April 2019 from which time one single Executive Headteacher has managed both schools. This arrangement has positively affected both schools.

This report recommends that the proposal is taken forward jointly by the two governing bodies and the Local Authority, commencing with a period of stakeholder consultation as outlined within the **Federation of Maintained Schools (Wales) Regulations 2014**.

**Proposal** **To support the governing bodies of Gaer Primary School and Maesglas Primary School in taking forward a joint proposal to establish a formal federation, to be known as “The Gaer and Maesglas Primary School Partnership”, with effect from January 2022.**

**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, Gaer Primary School & Maesglas Primary School
- Chair of Governors, Gaer Primary School
- Chair of Governors, Maesglas Primary School

**Signed**

## Background

The governing bodies of Gaer Primary School and Maesglas Primary School would like, in conjunction with the Local Authority, to use the powers granted under the **Federation of Maintained Schools (Wales) Regulations 2014** to establish a federation known as ***The Gaer and Maesglas Primary School Partnership*** with effect from 1<sup>st</sup> January 2022.

The term 'federation' describes a formal and legal agreement by which the schools involved work together in formal partnership with shared governance under a single governing body. In establishing the federation, a new single governing body will replace the existing governing bodies of the two schools, and will have strategic oversight of both schools.

The two schools have worked on a collaborative basis since April 2019 and have shared a single Executive Headteacher during this time. The governing bodies have consulted with the LA and all parties are in support of the proposal.

The aim of the Federation is for the two schools to work in partnership to:

- Develop the excellent shared practice that guarantees outstanding experiences and increased opportunities for pupils and staff,
- Develop the common goals and reflective approaches to teaching and learning that will ensure that both communities benefit from a quality education, and
- Ensure significant positive outcomes and improved standards for both school communities.

In order for a federation to be successful, there must be a commitment to work as a group of schools and a willingness to do things differently for the added benefit of all pupils, their wellbeing and achievements. One of the advantages of federation is that the schools within the federation remain in their communities and keep their individual identities. However, one single governing body has oversight of, and equal responsibility for, the work of all schools within the federation. Schools in a federation will maintain their own delegated budget, name, character, school uniform and ethos, and will be able to explore the advantages of sharing resources such as facilities, IT, staff, school buildings etc.

## School Organisation and Standards

Geographically, Gaer Primary School and Maesglas Primary School are located less than one mile apart and both form part of The John Frost School cluster. The current collaborative arrangement has been successful and has had a positive impact on both schools. Both schools are 3-11 English-medium community primary schools, and Gaer Primary School is host to one 10-place Learning Resource Base class.

Changes to Welsh Government's performance measures have resulted in the decision that pupil performance data is no longer reported. However, and whilst there has been no national categorisation this year, Gaer Primary School has consistently been in a "green" support category in recent years. This means that it is a highly effective well run school with strong leadership and clear priorities for improvement. Maesglas Primary School has improved from "red" to "yellow" under the current collaborative arrangements, an upward movement of two support categories. This demonstrates that the current arrangements are working well and have already supported significant school improvement.

The Council anticipates a continuation of this upward trajectory under this current leadership arrangements. By entering into a formal federation, the two schools will continue to work together under this shared leadership to utilise their strengths to improve standards across the federation and together address areas in need of improvement.

Each of the two schools benefits from a full-time Deputy Headteacher, who both have a much reduced classroom commitment to support the Executive Headteacher when he is located at the other school. An overarching Leadership Team, comprising of the Executive Headteacher and both Deputy Headteachers, meet regularly to oversee the strategic planning of both schools. Each school also has a wider Senior Leadership Team. These teams meet regularly, independent of each other. This approach ensures that operational systems are robust and cater for the needs of both individual schools.

## Human Resources

The governing body of a federation cannot require existing staff to work across all schools, but they can negotiate with the school staff unions over whether flexible contracts can be introduced. New staff can be appointed to work across the schools in the federation.

## Governance

The membership of a governing body for a federation of schools is almost identical to the membership of an ordinary governing body with all stakeholders being represented, although there is more flexibility in the proportions of representation of each category of governor. This means that a governing body of a federation can choose a constitution and membership that suits their particular circumstances as long as they meet the minimum (15) and maximum (27) numbers of governors set out in the regulations.

The regulations outline however that there is:

- At least one but no more than two parent governors representing each school;
- At least one but no more than two teacher governors for the federation;
- At least one but no more than two staff governors for the federation;
- At least two but no more than four LA governors for the federation;
- At least two but no more than four Community governors for the federation;
- The Head or Acting Head of the federation.

The composition of the federated governing body will therefore as follows:

Governor Type	Number
Parent	4
Teacher	2
Staff	2
LA appointed	4
Community	4
Headteacher	1
<b>Total</b>	<b>17</b>

The federated governing body can also appoint additional non-voting “observer” governors where appropriate and where specific skills or experience are required.

## Proposed Timeline

This proposal will be undertaken in accordance with the **Federation of Maintained Schools (Wales) Regulations 2014**. The consultation stage will enable all stakeholders, in particular pupils, staff and parents / carers, to find out more about the proposal. Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, no public drop-in events will be arranged to support this consultation. Instead, questions can be submitted to either the Education Service or the Executive Headteacher, with officers and the two governing bodies working together to provide a response within 7 days, thus enabling stakeholders to submit informed responses by the deadline date.

Formal consultation will commence early in the summer term of 2021 and last for a period of at least 6 weeks. Following this, a consultation report will be prepared which will outline any comments received. In the latter half of the summer term 2021, each governing body will then decide whether they wish to put forward the proposal for formal approval by Newport City Council’s Cabinet Member for Education & Skills. Once approved, the Council will support the establishment of the new single governing body, and the election and appointment of governors to the federation. The federation is proposed to take effect from 1<sup>st</sup> January 2022, at which point the two existing governing bodies will cease to operate.

## Financial Summary

There are no additional costs associated with this proposal. The two schools in the federation will maintain their individual delegated budgets but a single governing body will manage these.

## 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?
Increased workload for and potential loss of experienced governors	L	L	The proposal is being taken forward in conjunction with the Local Authority, and governors will be supported through the process. The federated governing body can also appoint additional non-voting "observer" governors where appropriate and where specific skills or experience are required.	The Chief Education Officer and the Governing Bodies of both schools
Opposition from stakeholders in the wider local community	L	L	The two schools have been working together collaboratively since April 2019 with good relationships already established with all stakeholders. The proposal will be subject to a formal consultation which will offer the opportunity for stakeholders to share their views.	The federated Governing Body
Frustrations over the time taken for change to be implemented and embedded	L	L	The two schools have been working together collaboratively since April 2019 with good relationships already established with all stakeholders. Over the past two years, there have been numerous examples of 'best practice' that have been developed and then shared across the two schools, which has enabled both schools to deliver improved outcomes for learners	The federated Governing Body
The balance necessary to ensure a consistent approach across the two schools whilst each retains its own identity	L	L	The current approach to management across the two schools ensures that operational systems are robust and cater for the needs of both individual schools. This will continue post-federation, with the schools being encouraged to operate as distinct establishments with their own delegated budget, name, character, school uniform and ethos	The Chief Education Officer and the federated Governing Body

\* Taking account of proposed mitigation measures

## **Links to Council Policies and Priorities**

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

## **Options Available and Considered**

Option 1: To cease the current collaborative arrangements. Under this option the Executive Headteacher would return to his substantive post at Gaer Primary School, and the governing body of Maesglas Primary School would need to recruit a new Headteacher.

Option 2: To extend the current collaborative arrangements. However the regulations around informal collaboration are time limited and subject to regular review.

Option 3: To pursue a formal federation between the two schools. This is the preferred option.

Option 4: To take forward a school reorganisation proposal to amalgamate the two schools. Under this option, both schools would be closed and replaced by a single new primary school.

## **Preferred Option and Why**

The preferred option is Option 3. The Local Authority is in support of this voluntary proposal, and taking this forward jointly will provide support to the two governing bodies in achieving a successful outcome. This represents the second formal federation proposal across Newport and serves to build on the success of the successful arrangements already in place.

## **Comments of Chief Financial Officer**

The federation of Gaer and Maesglas Primary schools would have no additional costs or financial implications for the Authority and both schools would continue to have their individual school budgets delegated to them.

## **Comments of Monitoring Officer**

The proposal to establish a school federation, incorporating the governing bodies of Gaer and Maesglas Primary Schools, is in accordance with the Federation of Maintained Schools (Wales) Regulations 2014, the Education (Wales) Measure 2011 and relevant statutory Welsh Government Guidance. The establishment of a single federated governing body will facilitate a unified system of governance and leadership, whilst maintaining the separate identities of the individual schools. Under the Regulations, a federation proposal needs to be the subject of extensive stakeholder consultation and engagement and any representations received will need to be properly considered before a decision is taken to proceed with the single federated governing body. At least 6 weeks should be allowed for this consultation process and any federation proposals cannot be implemented for at least 125 days, following the date of publication of the proposal. However, a proposed implementation date of January 2022 should allow for sufficient time for meaningful consultation and decision-making.

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

The proposal to federate Gaer and Maesglas will require the Council to follow a consultation process with staff and unions. The outcome of this consultation will form part of the final decision of federate. The schools have had Executive Headteacher arrangements in place since April 2019. This arrangement is time limited (as per the School Teachers' Pay and Conditions (Wales) Document and only federation will allow them to continue on a permanent basis. Option 3 will allow both the Local Authority and the governing bodies to oversee the consultation process and to confirm leadership arrangements including the appointment of a permanent Executive Headteacher and senior leaders within each school. The arrangements will provide greater resilience within staffing with options to share staff, developmental and training opportunities and best practice across both schools. There are no anticipated redundancies as part of the proposal to federate both schools.



A quality education is a key contributor to wellbeing, social inclusion and sustainable development. The Welsh Government believes that collaboration between all parts of the education system can improve outcomes for learners. School federation is a more formal way of extending collaboration and promoting closer working relationships in order to improve leadership, performance and narrow the attainment gap for deprived pupils. It is noted that consultation with stakeholders including staff and pupils will be undertaken if federation is taken forward, and this will be essential to build ownership and achieve the best outcomes.

## **Local issues**

Comment from Cllr Stephen Marshall, elected member for the Gaer ward:

I serve on both governing bodies and regularly hear and see the great work being undertaken.

The appointment of the Executive Headteacher has led to positive workings and sharing of best practices to occur between the schools. I believe the next natural step is to follow the path to a formal federation, allowing this work to continue long term. Though, strongly note the importance of keeping an individual and community identity of each of the two schools.

Comment from Cllr Mark Whitcutt, elected member for the Gaer ward:

I very much welcome and strongly support this proposal, which will benefit both schools and their communities.

Comment from Cllr Debbie Wilcox, elected member for the Gaer ward:

I have served on both governing bodies and recognise the tremendous improvements that have been achieved by both Maesglas and Gaer Primary Schools in recent years.

Since the appointment of the Executive Headteacher these improvements have continued apace. A formal Federation is the next logical step in the process of ensuring that the best possible teaching and learning opportunities are available to the children of Maesglas and the Gaer whilst maintaining an individual and community identity on each school site.

## **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 to support the decision to take forward this proposal and will be published on the Newport City Council website.

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

The pupils attending Gaer Primary School and Maesglas Primary School will be consulted as part of the stakeholder consultation and engagement 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: ***A federation should be seen as a long-term commitment and not as a quick fix. In taking forward this proposal, the LA and governing bodies have considered in depth the benefits and risks of establishing a federation in relation to the impact on children and young people’s achievements. Nonetheless, the 2014 Federation Regulations do allow for a federation to be dissolved.***
- **Prevention:** How acting to prevent problems occurring or getting worse may help us meet our objectives: ***The Local Authority is responsible for promoting high educational standards and for delivering efficient primary and secondary education. Having effective leaders in its schools is intrinsic to this. The Welsh Government’s policy objective is to promote collaboration between all parts of the education system to improve outcomes. School federation is a more formal way of extending collaboration and promoting closer working relationships and is the principal initiative for achieving formal partnership working amongst schools to improve performance and narrow the attainment gap for deprived pupils.***
- **Integration:** Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies: ***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: ***This proposal is being taken forward jointly with the governing bodies of the two affected schools. A full programme of stakeholder consultation and engagement will be carried out and a report prepared on the conclusion of this. The federation will enable Gaer Primary School and Maesglas Primary school to continue to work together and have a shared vision and common purpose of what needs to be done to improve attainment and achieve at all levels across the partnership. By working together, each school will provide support to the other school when in difficulty and school strengths can contribute to the learning of others. The schools working together can help deliver objectives and improve by helping each other tackle problems and sharing expertise.***
- **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: ***This proposal is being taken forward jointly with the governing bodies of the two affected schools. A full programme of stakeholder consultation and engagement will be carried out and a report prepared on the conclusion of this.***

## 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

The governing bodies of both schools have confirmed that this wish to take this proposal forward. There will be a period of formal consultation and stakeholder engagement, the feedback from which will be considered in determining whether to proceed with the proposal.

## Background Papers

None

Dated: 27 May 2021

# 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:** Deborah Weston    **Role:** Assistant Head of Education - Resources

**Head of Service:** Sarah Morgan    **Date:** 16/02/2021

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

**Yes / No**

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

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

The governing bodies of Gaer Primary School and Maesglas Primary School, together with Newport City Council, propose to use the powers granted under the Federation of Maintained Schools (Wales) Regulations 2014 to establish **The Gaer and Maesglas Primary School Partnership**.

The term 'federation' describes a formal and legal agreement by which the schools involved work together in formal partnership with shared governance under a single governing body. In establishing the federation, a new single governing body will replace the existing governing bodies of the two schools, and will have strategic oversight of both schools.

The two schools have worked on a collaborative basis since April 2019 and have shared a single Executive Headteacher during this time. The governing bodies have consulted with the LA and all parties are in support of the proposal.

The aim of the Federation is for the two schools to work in partnership to:

- Develop the excellent shared practice that guarantees outstanding experiences and increased opportunities for pupils and staff,
- Develop the common goals and reflective approaches to teaching and learning that will ensure that both communities benefit from a quality education, and
- Ensure significant positive outcomes and improved standards for both school communities.

This will ensure significant positive outcomes and improved standards for both school communities.

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

The Federation of Maintained Schools (Wales) Regulations 2014 outline a statutory requirement to seek the views of stakeholders on federation proposals. A formal consultation will enable all stakeholders to find out more about the proposal.

Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, no public drop-in events will be arranged to support this consultation. Instead, questions can be submitted to either the Education Service or the Executive Headteacher, with officers and the two governing bodies working together to provide a response within 7 days, thus enabling stakeholders to submit informed responses by the deadline date.

Formal consultation will commence early in the summer term of 2021 and last for a period of at least 6 weeks. Following this, a consultation report will be prepared which will outline any comments received. In the latter half of the summer term 2021, each governing body will then decide whether they wish to put forward the proposal for formal approval by Newport City Council's Cabinet Member for Education & Skills.

Once approved, the Council will support the establishment of the new single governing body, and the election and appointment of governors to the federation. The federation is proposed to take effect from 1<sup>st</sup> January 2022, at which point the two existing governing bodies will cease to operate.

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

The Federation of Maintained Schools (Wales) Regulations 2014 outline a statutory requirement to seek the views of stakeholders on federation proposals. Stakeholders are those directly associated with the two schools affected by this proposal, and as such an invitation to engage with the consultation process will be issued to the following groups:

- The staff employed at Gaer Primary School and Maesglas Primary School;
- The parents, carers and guardians of pupils attending Gaer Primary School and Maesglas Primary School;
- The pupils attending Gaer Primary School and Maesglas Primary School;
- Teaching and support staff unions representing teachers and staff employed at Gaer Primary School and Maesglas Primary School;
- Local Ward Members for both schools;
- The Headteachers of all schools within The John Frost cluster area;
- The Education Achievement Service for South East Wales;
- Estyn.



Arrangements to engage with the pupils of the two schools will be made locally via the Executive Headteacher.




#### 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 type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic. The age range of pupils attending the two primary schools will remain the same and there is no change to the capacity of either school.
Disability	<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.
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Sex/ Gender Identity	<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.

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	
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.</p> <p>The proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City. It is therefore acknowledged that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050.</p>

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

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>The proposal will balance short-term needs with long-term needs by the two primary schools working together through a single governing body structure enabling the schools to raise standards and maintain provision by sharing resources, staff, expertise, and facilities and best practice. The proposal will also enhance opportunities for pupil activities, staff professional development, and middle management development over the long term. A federation should be seen as a long-term commitment and not as a quick fix. In taking forward this proposal, the LA and governing bodies have considered in depth the benefits and risks of establishing a federation in relation to the impact on children and young people's achievements. Nonetheless, the 2014 Federation Regulations do allow for a federation to be dissolved.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>The federation will enable Gaer Primary School and Maesglas Primary School to continue to work together and have a shared vision and common purpose of what needs to be done to improve attainment and achieve at all levels across the partnership. By working together, each school will provide support to the other school when in difficulty and school strengths can contribute to the learning of others. The schools working together can help deliver objectives and improve by helping each other tackle problems and sharing expertise.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>This proposal is being taken forward jointly with the governing bodies of the two affected schools. A full programme of consultation and engagement will be carried out with the following stakeholders:</p> <ul style="list-style-type: none"> <li>• The staff of both schools;</li> <li>• The parents, carers and guardians of pupils attending both schools;</li> <li>• The pupils attending both schools;</li> <li>• Teaching and support staff unions representing both schools;</li> <li>• Local Ward Members for both schools;</li> <li>• Headteachers within The John Frost cluster area;</li> <li>• The Education Achievement Service for South East Wales;</li> <li>• Estyn.</li> </ul> <p>Following the period of formal consultation, a Consultation Report will be prepared and will be used by the governing bodies and to determine whether the proposal should be taken forward for formal approval by the Cabinet Member for Education &amp; Skills.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The Local Authority is responsible for promoting high educational standards and for delivering efficient primary and secondary education. Having effective leaders in its schools is intrinsic to this. The Welsh Government's policy objective is to promote collaboration between all parts of the education system to improve outcomes. School federation is a more formal way of extending collaboration and promoting closer working relationships and is the principal initiative for achieving formal partnership working amongst schools to improve performance and narrow the attainment gap for deprived pupils.</p>
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>This proposal supports the "A prosperous Wales", "A more equal Wales" and "A Wales of cohesive communities" Well-being Goals and has no adverse effect on any of the other Well-being Goals.</p> <p>In addition, this proposal supports the Newport City Council Well-being Objective "To improve skills, educational outcomes and employment opportunities".</p>

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

The proposal specifically affects two primary schools in the Gaer ward, and pupils attending or likely to attend Gaer Primary School and Maesglas Primary School.

## 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**

If the proposal is approved, both schools will continue to maintain their own individual identities regarding name, culture and ethos and will continue to manage their own individual budgets. The arrangement merely involves establishing a single governing body to govern the two schools. The two governing bodies have worked collaboratively since April 2019 during which time a single Executive Headteacher has managed the two schools. This arrangement has impacted positively on both schools.

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

The proposal will support the two schools to work together through a formal structured process by sharing governance arrangements and a single governing body that will make decisions in the best interest of all the schools, staff and pupils within that federation.

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

By entering into a formal federation, the two schools will continue to work together under shared leadership to utilise their strengths to improve standards across the federation and together address areas in need of improvement.

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

By federating under one governing body, the climate of trust, openness and willingness to work together that already exists can be further enhanced.

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

There may be some initial concern amongst governors, parents and staff whilst the change is being embedded. However, the two schools have been working together collaboratively since April 2019 with good relationships already established. The proposal will include a period of stakeholder consultation and engagement to ensure that everyone understands the concept of federation and what it will achieve.

## 9 Monitoring, evaluating and reviewing

The consultation will represent an opportunity for stakeholders to find out more about the proposal and share their views. Following the period of formal consultation, a Consultation Report will be prepared and will be used by the governing bodies and to determine whether the proposal should be taken forward for formal approval by the Cabinet Member for Education & Skills. This FEIA will also be updated at this determination stage.

## 10 Involvement

The consultation will represent an opportunity for stakeholders to find out more about the proposal and share their views. Following the period of formal consultation, a Consultation Report will be prepared and will be used by the governing bodies and to determine whether the proposal should be taken forward for formal approval by the Cabinet Member for Education & Skills. The Consultation Report will be made available and published on the websites of the Council and the two schools.



# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 11 June 2021

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

**Purpose** To seek approval to move to formal consultation on a school reorganisation proposal “to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022”.

**Author** Assistant Head of Education - Resources

**Ward** All wards, although the additional provision specifically referenced in the proposal is situated within the Shaftesbury ward.

**Summary** This report references the requirement to move to formal consultation on the proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022.

Ysgol Bryn Derw is an English-medium community maintained special school, situated in the Gaer area of Newport and is one of two special schools within the city. The school accommodates pupils aged between 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. This proposal supports the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision, due to the identified needs of pupils in Newport schools, is higher than current provision available within the city.

There is a requirement to move this forward by undertaking a school reorganisation proposal, which will commence with a period of formal consultation. The formal consultation pack will include further information regarding the proposal to enable all consultees and stakeholders to be fully informed on the proposals for expansion.

**Proposal** **To move to a period of formal consultation on a school reorganisation proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022.**

**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
- Headteacher and Chair of Governors of Ysgol Bryn Derw

**Signed**

## Background

Ysgol Bryn Derw is an English-medium community maintained special school, situated in the Gaer area of Newport and is one of two special schools within the city. The school accommodates pupils aged between 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties, and whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. Admission is based on an assessment of need as determined by the Chief Education Officer. The school opened in September 2017 for 48 pupils and is currently able to accommodate 68 pupils following refurbishment of the on-site Annex building and an associated school reorganisation proposal which was effective from January 2020.

As per the October 2020 Pupil Census, 71 pupils were registered as attending the school meaning that the school is oversubscribed. There is currently a waiting list for pupils needing a specialist ASD placement who are placed in Learning Resource Bases in local Primary Schools. Where this is no longer deemed suitable, these pupils are having to be placed in out of county specialist provisions, which are costly and can be a significant distance away from a pupil's home address.

In September 2020, in order to maintain pupils with ALN within Newport and prevent further Out of County placements at an inflated annual fee, the LA established an additional ASD-specific Learning Resource Base (LRB) at Rogerstone Primary School. This was in order to meet demand for Reception aged pupils with ASD who required specialist placements. This provision is also now at capacity.

There are also currently 8 pupils in the Communication Class based in Kimberley Nursery School that will require Reception class places outside of mainstream learning from September 2021. Those pupils whose needs cannot suitably be met in LRB provision are likely to be referred to Maes Ebbw School due to an insufficiency of places at Ysgol Bryn Derw. Maes Ebbw School is a school which provides a high level of care for pupils with multiple and profound learning difficulties. This proposal therefore supports the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision, due to the identified needs of pupils in Newport schools, is higher than current provision available within the city.

Following determination of a separate school reorganisation 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, the Kimberley Nursery School building will become vacant in July 2021 but will remain part of the Education estate. Refurbishing this site would support the development of additional facilities for Ysgol Bryn Derw, through the creation of a dedicated satellite base, without any detrimental impact on provision at the school, and indeed at any other school within the city. This proposal will benefit pupils across the whole of Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

## 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. Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, no public drop-in events will be arranged to support this consultation. Instead, questions can be submitted to the Education Service, with officers providing a response to these within 7 days to enable stakeholders to submit informed responses by the deadline date. A list of *Frequently Asked Questions and Answers* will also be maintained and published on the Council website.

The proposal will be **"to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022"**. Formal consultation will commence in the spring term of 2021 and last for a period of 42 days. Following this, a consultation report will be drafted and published on the Council website. The Cabinet Member for Education & Skills will then consider this consultation report when taking a decision as to whether or not 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 the expansion of Ysgol Bryn Derw. If there are any objections however, the decision will be referred to the full Cabinet of the Council, acting as the Local Determination Panel.

## Financial Summary

### Capital

The required refurbishments to the Kimberley Nursery School building to create a suitable ASD provision for Foundation Phase pupils will require a capital investment of approximately £1 million. This funding has been allocated by the Council via a Welsh Government Capital Maintenance Grant.

### Revenue

There will be an increase in whole authority staff costs as additional teachers and support staff will be required to meet the needs of the increased pupil population. The proposal is considered to be cost effective however in that it will support pupils living in Newport to be able to receive education suitable to their needs within the city. Currently, on average, a placement at Ysgol Bryn Derw costs in the region of £19,500 per pupil per annum; the equivalent Out of County placement is costed at approximately £46,500 per pupil per annum.

## 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 gain approval for the proposal	H	L	The school reorganisation proposal will be undertaken in accordance with the requirements of the School Organisation Code.	Chief Education Officer
Funding insufficiency to deliver the project	H	L	A feasibility study has already been carried out and confirmed that the required refurbishments can be carried out within the overall funding allocation of £1 million.	Chief Education Officer
Demand for pupil places decreases	M	L	The new facility could be adapted to accommodate pupils with other additional learning needs from within the special school sector.	Chief Education Officer
Demand for places increases beyond proposed capacity increase	M	L	The Assistant Head of Education (Inclusion) will continue to plan for future provision across the city.	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 continue with the current arrangements, thereby maintaining the total capacity of Ysgol Bryn Derw at 68 pupil places, and ensuring that the number of pupils actually on roll does not exceed

this figure. This would not however assist in increasing the number of specialist provision places across the city.

Option 2: To increase the capacity of Ysgol Bryn Derw from 68 pupil places to 96 pupil places by refurbishing the vacated Kimberley Nursery School building. This will increase the availability of specialist ASD school places across the city and will invest in improvements to a building within the school estate.

Option 3: To increase the capacity of Ysgol Bryn Derw by building a 4-classroom extension to the existing school. This would however require significant additional capital investment and would be difficult due to the topography of the site and the listed status of the school building.

Option 4: To build another special school in Newport at a site to be determined. However there is no available suitable parcel of land nor is there sufficient capital funding available.

### **Preferred Option and Why**

The preferred option is Option 2. Increasing the capacity of Ysgol Bryn Derw through refurbishment of the Kimberley Nursery School building will increase the number of specialist ASD school places across the city for children with additional learning needs and will also invest in and improve an existing Education Service asset. The required capital investment of £1 million has been identified and agreed.

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

The pressure contained within the current MTFP covers the financial years 2021/22 to 2024/25 based on the expansion of Ysgol Bryn Derw for foundation phase pupils. The pressure is based on increasing provision by 24 places commencing with 8 places in reception from September 2021 growing to support year 1 and year 2 in subsequent years. The additional capacity of 4 places now identified will be recognised in the next iteration of the MTFP, which will result in an increased pressure of approximately £80,000. The pressure also accounts for site specific funding allocated through the funding formula of approximately £60k per annum, based on the current Kimberley nursery site funding.

Category 2 place led funding in 2020/21 is £19,983 and this would be allocated to YBD on the basis of an additional 8 places (pro rata in 2021/22) increasing annually as additional year groups are added.

This would allow for cost avoidance of places being required in out of county provision where pupils could not be placed within LA provision as the average 2020/21 ASD out of county placement cost is £42k.

### **Comments of Monitoring Officer**

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. Because the proposed permanent expansion of Ysgol Bryn Derw would increase the capacity of this special school by a further 28 pupil places, then this is a regulated alteration under the Code and, therefore, has to be the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document will need to be prepared, setting out the educational reasons for the proposals, and meaningful consultation will need to be carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. This statutory consultation process will need to be carried out for a period of 42 days and, because of continuing Covid-19 restrictions, the process will need to be adapted to avoid the need for public meetings. The outcome of the statutory consultation would then be reported back to the Cabinet Member to consider whether the Council should proceed with the necessary statutory notices.

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

The proposals to expand Ysgol Bryn Derw will increase specialist provision within an appropriate, secure and local school environment, by making use of the vacated Kimberley Nursery building. This should help deliver wellbeing benefits relating to equalities, community cohesion, and improved health, social and economic inclusion. It is requested that formal consultation be undertaken to ascertain stakeholder views on the proposal to refurbish and utilise the Kimberley Nursery building.

## Local issues

Comment from Cllr Paul Cockeram, elected member for the Shaftesbury ward:

I am totally in support of the proposal, especially having advocated for these facilities for our most vulnerable children. The parents of these children will also I'm sure be so please of this proposal and the facilities it offers.

## 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. This 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) is available and will be reviewed 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. **Ysgol Bryn Derw is currently oversubscribed, and there is a waiting list in place for pupils needing specialist ASD placements. This proposal will help alleviate the need for Out-of-County provision in the longer term, thus reducing costs, and will make effective use of an existing education facility.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **There is predicted to be an on-going demand for placements at Ysgol Bryn Derw across Newport. Increasing provision will reduce the number of future out-of-county placements and will also support more pupils being able to be educated within the city.**
- 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. In addition, this proposal supports the Newport City Council Well-being Objective "To improve skills, educational outcomes and employment opportunities". Wellbeing and attitudes to learning have been judged to be excellent at Ysgol Bryn Derw. The refurbishment will be agreed with the Headteacher to ensure that it has a positive impact on pupil wellbeing and attitudes to learning, in line with the Foundation Phase curriculum. A dedicated Foundation Phase base**

**will also have a positive impact on wellbeing and attitudes to learning as the whole building will be age-appropriate.**

- **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. **There will be the opportunity to engage with all stakeholders through the formal statutory consultation process. The proposal has been developed with, and will be delivered through, full engagement with the Headteacher and Governing Body of Ysgol Bryn Derw and officers from Newport City Council.**
- **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 all stakeholders to 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: 27 May 2021**

# 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:** Kirsty Jones **Role:** Education Information and Development Officer

**Head of Service:** Sarah Morgan **Date:** 05/02/2021

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

**Yes / No**

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

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

The purpose is to seek permission to take forward a school reorganisation proposal to increase the capacity of Ysgol Bryn Derw by 28 places, and thereby increase the capacity of the school from 68 to 96 with effect from April 2022.

This proposal supports the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision, due to the identified needs of pupils currently in Newport schools, is higher than current provision available within the city.

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

The consultation period will enable Newport City Council to seek views on the proposal.

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

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 that 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.

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

A Children and Young People's Everyday Summary Version of this consultation will be produced, along with an ASD friendly version. Both of these and the full version will be available via the NCC website [www.newport.gov.uk/schoolreorganisation](http://www.newport.gov.uk/schoolreorganisation). Copies can also be requested by emailing [school.reorg@newport.gov.uk](mailto:school.reorg@newport.gov.uk) or by telephoning 01633 656656. The Council will consult with pupils at Ysgol Bryn Derw through the Headteacher and in conjunction with SNAP Cymru.

Due to the current public health situation in the UK, and to help limit the spread of the Coronavirus, the Council is not proposing any public drop-in events during this consultation. Instead, questions can be submitted by e-mail to [school.reorg@newport.gov.uk](mailto:school.reorg@newport.gov.uk) and Council officers will generally provide a response within 7 days. This should enable stakeholders to submit informed responses to the consultation. A list of *Frequently Asked Questions and Answers* will also be published on the Council's webpages at [www.newport.gov.uk/schoolreorganisation](http://www.newport.gov.uk/schoolreorganisation) if required.

Comments and questions can be submitted by e-mail or by using a consultation response pro-forma. 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 and 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 on the Newport City Council website and notices posted on the school gates at all 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, the Cabinet Member for Education and Skills will make the final decision as to whether to proceed. If any objections are received and not subsequently withdrawn during this notice period, the Council's Cabinet will determine the final decision.

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

The Statutory Code outlines the key stakeholders who should be consulted with as part of this process which 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 because of feedback received in relation to previous proposals.

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

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

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



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

#### 4. Equalities and Welsh language impact

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ysgol Bryn Derw serves the whole of the City and supports the provision of education for children aged from 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. Expansion of the school will provide additional pupil places and reduce the need to provide out of county placements for pupils living in Newport. The proposal will therefore have a positive impact on children with ASD by increasing provision of a rich learning environment which Estyn rates as 'excellent' in 4 out of 5 inspection areas.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ysgol Bryn Derw serves the whole of the City and supports the provision of education for children aged from 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. Expansion of the school will reduce the need to provide out of county placements for pupils living in Newport. The proposal will ensure that more children with ASD and associated learning difficulties are able to be educated within Newport. The new satellite base will be fully accessible and DDA compliant. The proposal will therefore have a positive impact on children with ASD by increasing provision of a rich learning environment which Estyn rates as 'excellent' in 4 out of 5 inspection areas.
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.

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	
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence that suggests the proposal will have a disproportionate impact on people that share this Protected Characteristic.
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.  The proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City. It is therefore acknowledged that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050.

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

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





Involving those with an interest and seeking their views

The following stakeholders will be engaged as part of the consultation process:

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

Following formal consultation, a Consultation Report will be prepared and published on the Council website.

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 456 333 479">Prevention</p> <p data-bbox="145 488 421 629">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 306 1407 450">There is predicted to be an on-going demand for placements at Ysgol Bryn Derw across Newport. Increasing provision will reduce the number of future out-of-county placements and will also support more pupils being able to be educated within the city.</p>
 <p data-bbox="245 922 336 945">Integration</p> <p data-bbox="145 954 421 1095">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 638 1407 804">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> <p data-bbox="459 837 1407 936">In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”.</p> <p data-bbox="459 969 1407 1238">Wellbeing and attitudes to learning have been judged to be excellent at Ysgol Bryn Derw. The refurbished building will be designed with input from the school to ensure that it will have a positive impact on pupil wellbeing and attitudes to learning, in line with the foundation phase curriculum. Further, with this being a proposal to establish a dedicated Foundation Phase base, we believe this will have a positive impact on wellbeing and attitudes to learning as the whole site will be age-appropriate.</p>

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

Ysgol Bryn Derw is an established school accessible to pupils across the city. The proposal supports the development of additional facilities without any detrimental impact on provision at the school, and indeed at any other school within the city. This proposal will benefit pupils across the whole of Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

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

### Parameter 1 – Equal treatment while recognising difference

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

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

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

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

Perceived benefits of the proposal include:

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

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

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

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

## 8. Equality Impacts and Actions

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

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?
Welsh-language	Pupils	Ysgol Bryn Derw is an English-medium community maintained special school. As a result, the proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City. It is therefore acknowledged that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050. However, children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.	Newport City Council



## 9. Monitoring, evaluating and reviewing

Any questions or comments made throughout the process 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.

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

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.

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