

# Agenda



## Delegated Decisions - Deputy Leader / Cabinet Member for Education and Early Years

---

Date: Wednesday, 8 January 2025

To: Councillor D Davies

---

### Item

### Wards Affected

- |   |  |  |
|---|--|--|
| 1 | <u>School Reorganisation Proposal – Expansion of Ysgol Bryn Derw</u><br>(Pages 3 - 10) |  |
|---|--|--|

Contact: Anne Jenkins (Governance Team Leader)  
Tel: 01633 656656  
E-mail: [Democratic.Services@Newport.Gov.Uk](mailto:Democratic.Services@Newport.Gov.Uk)  
Date of Issue: Monday 30<sup>th</sup> December 2024

This meeting will be available to view shortly after completion. All meeting recordings can be found [here](#).

This page is intentionally left blank



# Report

## Cabinet Member for Education and Early Years

---

### Part 1

**Date:** 8 January 2025

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

**Purpose** To move to publish a statutory notice on the school reorganisation proposal “to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025”.

**Author** Assistant Head of Education – Resources

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

**Summary** Formal consultation has now concluded on the school reorganisation proposal being progressed by the Council “to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025”. The proposal launched in September 2024, with formal consultation running between 4<sup>th</sup> September 2024 and 16<sup>th</sup> October 2024.

A consultation report, which describes in detail the consultation process and the feedback received, has been prepared and accompanies this report. It has also been published on the Newport City Council website and shared with stakeholders. This decision report references the findings, the result of which recommends that the Council moves to publish a statutory proposal. Any legal objections lodged during the statutory proposal period will be considered when making the final determination.

**Proposal** **To move to publish a statutory notice for a period of 28 days in respect of the proposal to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025.**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Governing Body of Ysgol Bryn Derw

**Signed**

## **Background**

All school reorganisation proposals are undertaken in accordance with Welsh Government's statutory School Organisation Code. Accordingly, formal consultation on the proposal to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025 took place between 4<sup>th</sup> September 2024 and 16<sup>th</sup> October 2024. Following the conclusion of this process, a consultation report was prepared, published on the Newport City Council website, and shared with stakeholders.

Ysgol Bryn Derw is an English-medium community maintained special school 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. The school opened in September 2017 for 48 pupils but is currently able to accommodate 96 pupils following refurbishment of the on-site Annex building effective from January 2020, and repurposing of the former Kimberley Nursery School to provide a dedicated Foundation Phase base which opened in April 2022. Both increases were implemented following determination of relevant school reorganisation proposals.

The January 2024 Pupil Level Annual School Census (PLASC) identified that 112 pupils were registered as attending the school; the school is therefore oversubscribed. Currently, there is a waiting list for pupils needing a specialist ASD placement and who are placed in Learning Resource Bases in local primary Schools. To support demand, a temporary pop-up class has been established for this academic year at Newport Nursery School. Despite this, some pupils are having to be placed in out-of-county specialist provisions, which are costly and are often a significant distance away from a pupil's home address. The demand for places in specialist provision, due to the identified needs of pupils in Newport schools, is higher than current provision available within the city.

This proposal supports this demand by seeking to further increase the capacity of Ysgol Bryn Derw by another 40 pupil places. This will be achieved by establishing a 40-place dedicated Key Stage 2 facility using the former Caerleon Lodge Hill infant building. This building is currently occupied by Ysgol Gymraeg Nant Gwenlli but will become vacant in April 2025 when this school moves to its permanent location in Pillgwenlly. The building will be adapted to ensure its suitability to support learners with ASD in an appropriate and secure environment and, if approved, the proposal will result in the overall school capacity of Ysgol Bryn Derw being increased to 136 from September 2025.

The Consultation Report concludes that the proposal represents the best and most achievable solution to the local pressure for specialist education placements for pupils with Autistic Spectrum Disorder and is preferred over the alternative options available. Accordingly, the Council is now required to move to the next stage in this reorganisation process, which is the publication of a statutory proposal. During this stage, any stakeholder can lodge a legal objection to the proposal. These legal objections will be considered before a final determination takes place. A copy of the Consultation Report accompanies this report, but there now follows a synopsis of the feedback received.

## **Stakeholder Engagement**

An invitation to take part in the statutory consultation went to an extensive list of stakeholders, by email, with hard copies of all consultation documentation also available on request. All documentation was made available bilingually in Welsh and English, and in other languages on request.

Two face-to-face drop-in events were arranged to support this consultation, and these were held on 17<sup>th</sup> September 2024 and 24<sup>th</sup> September 2024. The first drop-in event was held at the main school site in Gaer, and the second drop-in event was held at the Kimberley Park site. No stakeholders attended either session.

## **Learner Voice**

The Council is committed to gaining the views of learners when taking forward school reorganisation proposals. However, in this instance the Headteacher and Chair of Governors felt that it would not be appropriate due to the specific additional learning needs of the pupils currently attending the school. As a result, pupil engagement was not undertaken. Pupils will however be fully engaged in the refurbishment plans if the proposal is taken forward.

## Consultation Responses

Overall, a total of 55 responses were received during the consultation period from a variety of stakeholders; 53 of these were received via the online response pro-forma, and 2 were written responses from the Chair of Governors and from Estyn.

The online response pro-forma offered the opportunity for respondents to directly answer whether or not they supported the proposal. In response to this question, 50 out of the 53 respondents (94%) stated that they supported the proposal, with the remaining 3 respondents (6%) stating that they supported the proposal in part.

The additional comments received via the online response pro-forma and from the Chair of Governors, alongside responses from the Council to these comments, are included in detail on pages 4-6 of the accompanying Consultation Report.

## Estyn

The full response from Estyn is included at Appendix B of the accompanying Consultation Report. However, in summary, the response states that the proposal is likely to improve the standard of education provision and outcomes for pupils in the area. The Estyn response also made a series of observations in relation to the proposal. These comments have been considered by the Council and the Headteacher of Ysgol Bryn Derw, and relevant responses are outlined across pages 6-8 of the Consultation Report.

## Financial Summary

### Capital

The estimated cost of the necessary adaptations to support this proposal is in the region of £300,000. This project has been included in the Council's capital programme, supported by funding allocated through a Welsh Government Additional Learning Needs Capital 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. Depending on the needs of the pupils, it is likely that an additional 6 or 7 staff members would be required for each year group – therefore providing approximately 28 new staff opportunities by the time the growth is complete. The proposal is considered to be cost effective in that it will support pupils living in Newport to be able to receive education suitable to their needs within the city. Currently the average cost of a placement at Ysgol Bryn Derw is approximately £25,878 per pupil per annum; the equivalent cost of an out-of-county placement is estimated as being in the region of £50,048 per annum.

The table below shows the estimated cost avoidance based on pupils being placed at Ysgol Bryn Derw, compared to the same number of pupils being placed with alternative Out of County providers, using average placement costs. The expected savings increase as the number of pupils accessing the provision grows over time:

	25/26	26/27	27/28	28/29	29/30
<b>Cost Estimate (incl. transport)</b>	200,420	543,997	887,574	1,231,151	1,374,308
<b>OOO Placement Cost (incl. transport)</b>	393,060	1,066,877	1,740,694	2,414,511	2,695,268
<b>Potential Cost Avoidance</b>	<b>-192,640</b>	<b>-522,880</b>	<b>-853,120</b>	<b>-1,183,360</b>	<b>-1,320,960</b>

## Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

<b>Risk Title / Description</b>	<b>Risk Impact score of Risk if it occurs* (H/M/L)</b>	<b>Risk Probability of risk occurring (H/M/L)</b>	<b>Risk Mitigation Action(s)</b> <i>What is the Council doing or what has it done to avoid the risk or reduce its effect?</i>	<b>Risk Owner</b> <i>Officer(s) responsible for dealing with the risk?</i>
Failure to move to statutory notice	H	L	There has been 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 provision diminishes	M	L	This is unlikely, but 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 provision increases	M	L	The Assistant Head of Education (Inclusion) will continue to plan for future provision across the city.	Chief Education Officer
Insufficient capital funding to carry out the project	H	L	Cost estimates for the project are based on latest available construction costs and are reviewed frequently. At present, the budget is expected to be sufficient.	Chief Education Officer

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015  
Corporate Plan  
Education Service Plan

## Options Available and considered

Option 1: To move to the next stage in this school reorganisation process, which is the publication of a statutory proposal (notice) for a period of 28 days and is an opportunity for stakeholders to lodge any legal objections 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. Following conclusion of the public consultation period, the Council maintains the view that the proposal represents the best and most achievable solution to the local pressure for specialist education placements for pupils with Autistic Spectrum Disorder and is preferred over any alternative options available. 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**

### Capital

Most of the capital costs of this project is being met from Welsh Government Additional Learning Needs Capital Grant allocation for 2024/25, with £100k funding from Council's reserves. If the Council receives an Additional Learning Needs Capital grant allocation for 25/26, then the funding from Council's reserves will no longer be required as the scheme will be able to be funded entirely from grant funding.

### Revenue

The creation of the satellite provision at Caerleon building will enable support to be provided to Newport pupils whilst potentially avoiding out of county placements, which at an average placement cost of c£50k per placement plus transport costs, are substantially more expensive than providing a similar provision in house. Whilst revenue funding has been provided to support the growth of the provision since 2020/21, thus allowing the school to create additional capacity at both the main site and at the former Kimberley Nursery site, the comparison to Out of County placements is 'cost avoidance' only. Once this increased local provision is implemented, it will cost £1.374m over the timescale shown in the table in the revenue section of the report. The Council's MTFP reflects this pressure and Cabinet and Council will need to approve this as part of the Council's budget setting process. Therefore, the Cabinet Member's decision here can only be ultimately implemented following the budget approval by Council.

## **Comments of Monitoring Officer**

A consultation process has been carried out in accordance with Welsh Government's School Organisation Code. The consultation period ended on 16<sup>th</sup> October 2024. Any statutory notice must be published within 26 weeks of the end of the consultation process. The notice must contain the information prescribed within section 4 of the Code and provide a 28 day notice period for objections.

The Cabinet Member may determine whether to advertise, consult upon or publish any statutory notices or Orders.

## **Comments of Head of People, Policy, and Transformation**

The above proposal, and consultation outcome, supports the progression of the expansion of provision in Ysgol Bryn Derw. Evidence within this document supports preferred option 1 to progress to publication of a statutory 28-day notice.

There are no HR staffing impacts again at this stage of the process. However, this would need to be considered should this proposal progress.

This proposal is in line with Newport's Corporate Plan 2022-2027 under wellbeing objective 1.5 "Develop education facilities that support future generations to achieve their potential and positively contribute to their communities". Consideration to Wellbeing of Future Generations (Wales) Act has been given and an updated FEIA has been provided.

## **Scrutiny Committees**

None

## **Fairness and Equality Impact Assessment:**

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

A full Fairness and Equality Impact Assessment (FEIA) has been undertaken and is published on the Council's website (available in Welsh [here](#) and English [here](#)).

The Council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality. A FEIA was completed to support the decision to launch this proposal and has now been reviewed to reflect the feedback received during the formal consultation period. It will be reviewed again to support the final determination of this proposal following the publication of the statutory notice.

This school reorganisation proposal was undertaken in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process, but this is not exclusive, and the Council has extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process was emailed to identified stakeholders. The proposal was also published on the Newport City Council website, and on social media platforms. The consultation documents contained a response pro-forma, and there was an opportunity for any questions or concerns to be submitted. All consultation documents were available bilingually in Welsh and English. During the consultation, there were 2 drop-in sessions for those affected by the proposal, but following discussions with the Headteacher and Chair of Governors about the specific additional learning needs of the pupils already attending the school, pupil voice sessions were not facilitated. A Consultation Report has now been prepared and published and will be used by the Cabinet Member for Education and Early Years in deciding whether or not to proceed with the proposal.

The FEIA has identified positive impacts of the proposal in relation to *Age* and *Disability*. The proposal will increase the capacity of Ysgol Bryn Derw by 40 pupil places, and as a result, additional specialist educational placements will be made available within the city. It is anticipated that this will have a positive impact on learners who have a diagnosis of ASD as the additional places made available will reduce the number of pupils having to attend out-of-county provisions, which are often a significant distance from the home address. The new facility will be fully accessible and DDA compliant. Whilst no negative impacts have been identified, the proposal will have no impact on the Council's plans to grow Welsh-medium education provision across Newport as outlined in its 10-year Welsh in Education Strategic Plan. It is acknowledged therefore that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050.

The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- 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 also 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 has been carried out and the proposal is supported by a FEIA. 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, and it is considered that increasing the number of pupil places will have a further positive impact on pupil wellbeing and attitudes to learning in line with the curriculum.**



- 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 consultation has been carried out with the opportunity for engagement with all stakeholders, supported at each stage by a FEIA. The Council has developed this proposal through full engagement with the Headteacher and Governing Body of Ysgol Bryn Derw and, if approved, will work closely with the school to successfully implement the change.**
- 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. **The Council has engaged with stakeholders affected by the proposal by issuing an invitation to participate in the consultation and supporting access to all consultation documentation. Public drop-in sessions were facilitated, although in this case due to the specific additional learning needs of the pupils currently attending the school, pupil voice sessions were not held. Following conclusion of the formal consultation period, a Consultation Report has been prepared, published, and distributed to all identified stakeholders.**

### **Crime and Disorder Act 1998**

Not applicable

### **Consultation**

Stakeholder consultation has taken place as outlined in the attached consultation report.

### **Background Papers**

Consultation Report

FEIA

Welsh Government School Organisation Code – second edition (November 2018)

**Dated: 8 January**

This page is intentionally left blank