

# Agenda



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

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Date: Tuesday, 8 April 2025

To: Councillor D Davies

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Item		Wards Affected
1	<u>School Reorganisation Proposal - Expansion of Ysgol Bryn Derw - Final Determination</u> (Pages 3 - 8)	All Wards
2	<u>School Admission Arrangements 2026/27</u> (Pages 9 - 14)	All Wards

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Date of Issue: 28 March 2025

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# Report

## Cabinet Member for Education and Early Years

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### Part 1

Date: 8 April 2025

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

**Purpose** To seek final determination on the school reorganisation proposal that has been progressed “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** This school reorganisation proposal is being progressed by the Council in accordance with the statutory School Organisation Code and included a period of formal consultation followed by the publication of a statutory notice for the required period of at least 28 days.

The proposal passed through the statutory notice stage without objection. As a result, the Cabinet Member for Education & Early Years can now take the final decision to implement the proposal as consulted upon.

**Proposal** **To agree that the school reorganisation proposal that has been progressed by the Council “to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025” should be implemented.**

**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**

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.

The proposal that has been progressed seeks 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 pupil places from September 2025.

The proposal included a period of formal consultation which was carried out between 4<sup>th</sup> September 2024 and 16<sup>th</sup> October 2024. Following this, a Consultation Report containing a summary of the issues raised and the Council's response to these matters was prepared and published on the Newport City Council website. The decisions to initially take forward the proposal and later to publish the statutory notice were both approved by the Cabinet Member for Education & Early Years in accordance with the Council's agreed democratic processes and procedures.

## **Current Position**

The Council moved to the second stage in this reorganisation process by publishing a statutory proposal between 17<sup>th</sup> January 2025 and 14<sup>th</sup> February 2025. This confirmed the intent to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025, through refurbishment of the current Ysgol Gymraeg Nant Gwenlli building at Hadrian Close in Caerleon. The statutory notice gave an opportunity for stakeholders to lodge formal objections against the proposal.

The statutory proposal was published on the Newport City Council website, with copies also displayed on the access and entrance gates of the Ysgol Bryn Derw sites at Gaer and Kimberley Park, and at the Ysgol Gymraeg Nant Gwenlli site in Caerleon. Information was also distributed by email and weblink to all stakeholders as outlined in the statutory School Organisation Code, and those individuals who submitted a response during the formal consultation process and had opted to receive updates as the proposal progressed. Hard copies of the statutory proposal were available on request. The proposal passed through this statutory notice stage without objection. As a result, the Cabinet Member for Education & Early Years is now required to take the final decision to determine to implement the proposal as consulted on.

## **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 determine the proposal	H	L	There has been a full consultation process in accordance with the statutory School Organisation Code, followed by the publication of a statutory notice that generated no objections.	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 determine to implement the proposal as consulted upon and, as a result, to increase the capacity of Ysgol Bryn Derw by 40 pupil places with effect from September 2025

Option 2: To decide to withdraw the proposal and therefore consider alternative ways to provide or procure additional specialist school places to meet the needs of pupils living in Newport with 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.

## **Preferred Option and Why**

The preferred option is Option 1. Increasing the capacity of Ysgol Bryn Derw through the refurbishment of the current Ysgol Gymraeg Nant Gwenlli building in Caerleon will increase the number of specialist ASD school places across the city for children with additional learning needs and will reduce the need for future out-of-county placements. A project to carry out the required refurbishments to this building is already included in the Council's capital programme, supported by funding allocated through a Welsh Government Additional Learning Needs Capital Grant.

## **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

This proposal seeks to create additional capacity to support Newport pupils whilst potentially avoiding more expensive out of county placements, which cost an average of £50k per placement to provide a similar provision in house plus transport costs.

The comparison to Out of County placements in the financial summary section shows a significant 'cost avoidance' compared to out of county provision, if these 40 pupils had to be placed in such provisions. It is indicative only.

If and 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 to maintain the current per pupil funding levels plus site specific costs associated with operating over three separate sites. The MTFP reflects this pressure and, whilst it represents a pre-commitment on the Council's future revenue budget to maintain per pupil funding, the Council will set the overall school funding levels annually.

## **Comments of Monitoring Officer**

A consultation process and the publication of a statutory notice has been carried out in accordance with Welsh Government's School Organisation Code. No objections have been received during the statutory notice period. The consultation process is therefore complete, and it is a matter for the Cabinet Member to determine whether the proposal should proceed as set out in the report.

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

Due process has been followed via a publicly accessible statutory notice period. 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 below.

There will be staff requirements as outlined within this report and as such the HR team will support effective and appropriate workforce and recruitment strategies to meet the new staffing needs.

## 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 Fairness and Equality Impact Assessment (FEIA) was completed to support the decision to launch this proposal and was later revised to provide further detail around the potential impact on the Welsh language. The FEIA was subsequently revisited to support the decision to publish the statutory notice and has been reviewed and updated again to support the final determination of the proposal.

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. The publication of the statutory notice offered an opportunity for stakeholders to lodge legal objections against the proposal; however, no such objections were lodged.

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. **The proposal is supported by a comprehensive FEIA which has been regularly reviewed to consider the impact of the decision. 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. Following conclusion of the formal consultation, a Consultation Report was prepared, published, and distributed to all identified stakeholders. The subsequent statutory notice period offered an opportunity for stakeholders to lodge legal objections against the proposal. There were no legal objections launched in this case.**

## **Crime and Disorder Act 1998**

Not applicable

## **Consultation**

This proposal has been subject to a full programme of stakeholder engagement as required under the statutory School Organisation Code, and as outlined in detail in the consultation report.

## **Background Papers**

FEIA

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

**Dated: 8 April 2025**



# Report



## Cabinet Member for Education and Early Years

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### Part 1

Date: 8 April 2025

**Subject** School Admission Arrangements 2026/27

**Purpose** To review the recent consultation exercise and determine the Council's resulting school admission arrangements for the academic year commencing September 2026

**Author** School Admissions Manager

**Ward** All wards, as the admission arrangements apply to all community and voluntary controlled schools in Newport.

**Summary** In accordance with Welsh Government statutory School Admissions Code, admission authorities are required to undertake an annual consultation on admission arrangements in the school year beginning two years before the school year in which the arrangements will apply.

As an admission authority, the Council undertook its consultation on proposed admission arrangements for the academic year commencing September 2026 between 1<sup>st</sup> December 2024 and 21<sup>st</sup> February 2025. No policy changes were proposed.

**Proposal** To set the Council's admission arrangements for the academic year commencing September 2026 as consulted upon, without amendment.

**Action by** Chief Education Officer

**Timetable** In accordance with the statutory code admission arrangements must be determined by 15<sup>th</sup> April 2025.

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners

**Signed**

## Background

Under the School Standards and Framework Act 1998, the Council (as the admission authority) has responsibility for the discharge of the school admissions function for all community and voluntary controlled schools in Newport. In this role, the Council acts in accordance with the Welsh Government School Admissions Code and the School Admissions Appeals Code.

It is a statutory requirement of the School Admissions Code that the Council carries out an annual consultation on its school admission arrangements (policy) between 1<sup>st</sup> September and 1<sup>st</sup> March each year so that the resulting admission arrangements can be determined, either in their original form or with such modifications as the Council think fit, by 15<sup>th</sup> April in the determination year. The determination year (2024/25) is the school year beginning two years before the school year in which the arrangements will apply (2026/27).

The consultation on admission arrangements 2026/27 took place between 1<sup>st</sup> December 2024 and 21<sup>st</sup> February 2025. No policy changes were proposed.

No comment/feedback was received during the consultation window.

## Stakeholder Engagement

The Code provides lists of bodies that admission authorities must and should consult with on changes to admission arrangements. The following is a list of all consultees.

Statutory:

- Governing bodies of all community and voluntary controlled schools in Newport
- Governing bodies of all voluntary aided schools in Newport
- Representatives of the Roman Catholic Diocesan
- Representatives of the Church in Wales Diocesan
- Blaenau Gwent County Borough Council
- Caerphilly County Borough Council
- Cardiff City Council
- Monmouthshire County Council
- Torfaen County Borough Council

Non-statutory:

- Newport School Admissions Forum
- Headteachers of all schools in Newport
- Newport City Council elected members
- Community councils in Newport
- Newport Early Years Development & Childcare Partnership
- Family Information Service

## Financial Summary

There are no costs associated with the proposal to determine admission arrangements for 2026/27.

## 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 determine the admission	M	L	This is an annual process, and consultation has already been undertaken in accordance with	Chief Education Officer

arrangements for 2026 by the required date			the requirements of the statutory code.	
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### **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 determine and set the Council's school admission arrangements for September 2026 as outlined in the recent consultation with stakeholders.

### **Preferred Option and Why**

Option 1 is the only option. No changes were proposed in this consultation and no feedback was received. Determining the admissions arrangements on an annual basis ensures a fair and equitable school admissions policy that is compliant with the Welsh Government School Admissions Code.

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

There are no financial implications to this report. Admissions activity is undertaken within existing budgets and there is no financial consequence to implementing the admissions arrangements for September 2026.

### **Comments of Monitoring Officer**

As set out in the report, the local authority is required under the School Admissions Code to draw up and consult upon admission arrangements within a prescribed timeframe. The Council has carried out a proper consultation in accordance with the Code and received no feedback. It is within the remit of the Cabinet Member to determine the response to the consultation document and the policy relating to schools.

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

The annual consultation on schools' admission arrangements helps to meet sustainable development duties under the Wellbeing of Future Generations Act 2015, in particular the duty to 'involve' stakeholders in decisions that affect them and to work collaboratively. Following stakeholder consultation, the report recommends that the 2026 admission arrangements be taken forward with no policy changes.

An updated Fairness and Equality Impact Assessment has been undertaken to accompany this report.

There are no human resources implications in this report.

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

- Wellbeing of Future Generation (Wales) Act 2015
- Equality Act 2010
- Socio-economic Duty
- Welsh Language (Wales) Measure 2011

The Council has several legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality.

A full Fairness and Equality Impact Assessment (FEIA) was undertaken on this proposal and published on the Council's website (available in Welsh [here](#) and English [here](#)). This FEIA considers our legislative responsibilities under the Equality Act (2010), including the Socio-economic Duty, the Wellbeing of Future Generations (Wales) Act (2015) and the Welsh Language (Wales) Measure (2011).

This consultation has been undertaken in accordance with the legislation outlined in the statutory School Admissions Code, which outlines the key stakeholders (both statutory and non-statutory) that should be consulted as part of the process, but this is not exclusive, and the Council has previously extended this list in response to feedback received. An invitation to engage in the consultation process was emailed to identified stakeholders, and the proposal was published on the Newport City Council website, and on social media platforms such as X and Facebook. All documentation was available in Welsh and English.

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*): As an admission authority, the Council acts in accordance with the Welsh Government School Admissions Code (and the School Admissions Appeals Code). As imposed by the Codes the Council annually sets out its own local admission arrangements, known as the Newport School Admissions Policy, following consultation with stakeholders. Admission to all community and voluntary controlled schools in Newport is governed by this policy (each Governing Body derives the school admissions policy for voluntary-aided schools). These policies are in place to ensure that access to education is managed fairly and equitably, whilst ensuring that no one school is forced to admit more children than it can reasonably accommodate. Newport's population is continuing to increase and with it the number of school age children. Welsh Government recommends 10% as the optimum level of surplus school places. Currently, in terms of English-medium places, Newport schools have only a 7% surplus at primary level and 5% at secondary level. This is of particular concern in the context of the significant and increasing number of in-year school applications received year on year. The Council is therefore seeking to maintain effective school place allocation procedures through application of a fair and equitable school admissions policy.
- **Prevention** (*How acting to prevent problems occurring or getting worse may help us meet our objectives*): It is important to restrict the number of priorities within the policy's oversubscription criteria to the most essential categories only to avoid dilution of their impact, especially where demand for places is significant. The School Admissions Policy gives the highest priority for admission to the most vulnerable children in our communities; including children looked after by a local authority and those with additional learning needs. Additionally, whilst the key theme of the WG Code is parental preference of school, the school admissions policy is largely centred on local catchment areas, which give priority for school places to local children over those who live further away. Not only does this support families in managing the home to school journey, but it also facilitates effective transition through the various stages of education. However, parents can apply for any school of their choosing, even if it is not the catchment school.
- **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 following:
  - 'A more equal Wales' – through access to education pupils are enabled to fulfil their potential no matter what their background or circumstances.
  - 'A Wales of vibrant culture and thriving Welsh language' – the Welsh language is protected and promoted by the establishment of new Welsh-medium schools.
  - 'To improve skills, educational outcomes and employment opportunities' through access to education.

Newport City Council's Corporate Plan 2022-27 and Well-being Objectives:

- Economy, Education and Skills – To improve skills, educational outcomes and employment opportunities through access to education.
- An Inclusive, Fair and Sustainable Council – To build cohesive and sustainable communities through the application of catchment area priority for admission.
- **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?*): The school admissions policy was established and is regularly reviewed collaboratively with colleagues throughout the Council, with local schools, governing bodies, diocesan representatives and with neighbouring local authorities.
- **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*): It is a statutory requirement of the School Admissions Code that the Council carries out an annual consultation on its school admission arrangements between 1 September and 1 March each year, beginning two years before the school year in which the arrangements will apply. In Newport, both statutory and non-statutory stakeholders are consulted.

### **Consultation**

Stakeholder consultation has taken place as outlined in this report.

### **Background Papers**

FEIA

Newport City Council Consultation Document: School Admissions Policy 2026/27

**Dated: 8 April 2025**

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