

Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Robert Fisher **Role:** Education Information & Development Officer

Head of Service: Sarah Morgan

Date: 07/10/2019

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 expand Ysgol Bryn Derw and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020. This proposal is supported by capital funding from the Gwent Integrated Care Fund (ICF) Capital Investment Plan.

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 Newport, as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

The publication of a statutory notice from 6th September to 4th October 2019 has enabled Newport City Council to seek any objections on the proposal.

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

The statutory notice period represented the opportunity for people to lodge objections to the proposal. The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Ysgol Bryn Derw. The notice was also shared with all stakeholders via email as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Ysgol Bryn Derw.

Objections could be made in writing and sent to the Education Information and Development Officer, Room 425w, Civic Centre, Newport, NP20 4UR or by emailing school.reorg@newport.gov.uk

The consultation passed through this statutory notice stage without objection and therefore a final decision can now be taken by the Cabinet Member for Education and Skills.

The Council is keen to gain 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 to engage with pupils currently attending Ysgol Bryn Derw during the consultation stage due to their specific additional learning needs. Pupils at the school, all of whom have a diagnosis of Autistic Spectrum Disorder (ASD), have high anxiety levels, struggle with change, are confused by the unknown, and can be unpredictable. Given the fact that the proposal was only at the statutory notice stage, and in light of the considerations above pupil engagement was not undertaken. They will however be fully engaged and consulted in the refurbishment plans if the proposal is taken forward.

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 School Organisation Code outlines the key stakeholders who should be consulted with as part of this process. This list is not exclusive however, and the Council has identified and added to this as a result of feedback received in relation to previous proposals.

These stakeholder groups will include pupils, parents, carers, Headteachers and Governing Bodies of Newport Schools, school staff, Newport City Council elected members and Estyn.

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Following the statutory notice period, the FEIA has been updated.


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 reduce the need to provide out of county placements for pupils living in Newport and therefore supports Newport pupils being able to be educated within the city.
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 expanded provision will be fully accessible and DDA compliant.
Gender reassignment/ transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against 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	
Sex/ Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This proposal neither favours nor discriminates against this protected characteristic.
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg

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>Ysgol Bryn Derw was established in September 2017 to create a special school providing 48 full-time school places for children with ASD and associated learning difficulties across the Nursery to Year 14 groups (3-19 age range).</p> <p>As per the January 2018 Pupil Level Annual School Census (PLASC) submission, there were 47 children registered as attending the school. The last remaining place was allocated for a September 2018 admission.</p> <p>A re-assessment of the school capacity in the summer term of 2018 identified that an additional 8 pupils could potentially be accommodated from September 2018. All the original and additional places were filled in September 2018 and a waiting list is now in place. The school is therefore oversubscribed in the second year of opening.</p> <p>The current pupil cohort indicates that there will potentially be no further movement out of the school for another four years as the oldest pupils are currently in Year 10. Given this position, and the fact that pupils can remain on roll at the school until the age of 19, there will be limited opportunities to admit further pupils during the forthcoming academic years. This could lead to those pupils currently needing a specialist ASD placement who are in our local Primary LRBs 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>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.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>The Council has submitted a bid to the Welsh Government Integrated Care Fund (ICF) Capital Investment Plan for Gwent for full capital funding to undertake this project. The outcomes of the project clearly support two of the priorities set out by the Children & Families Strategic Partnership namely:</p> <ul style="list-style-type: none"> <i>To improve outcomes for children and young people with complex needs through earlier intervention, community based support and placement closer to home.</i> <i>To increase the support available to children and families with complex needs to reduce the number of out of county placements and increase number of young people provided skills for living.</i>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Involving those with an interest and seeking their views</p>	<p>The following stakeholders have been engaged as part of the consultation process:</p> <ul style="list-style-type: none"> • Teachers, staff and the governing body of Ysgol Bryn Derw; • Parents, carers and guardians of pupils attending Ysgol Bryn Derw; • Pupils at Ysgol Bryn Derw; • Parents, carers and guardians of children attending Maes Ebbw School; • Parents, carers and guardians of children attending Learning Resource Base classes across the City; • Parents, carers and guardians of children 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 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. <p>The consultation passed through this statutory notice stage without objection and therefore a final decision can now be taken by the Cabinet Member for Education and Skills.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>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>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The Council firmly believes that this proposal will have a positive impact on the provision and quality of educational outcomes in the special school sector. Ysgol Bryn Derw is already well equipped to deliver a full curriculum across all year groups from Nursery to Year 14, and increasing the number of places available within the school community will not have any detrimental impact on this provision. The proposal will result in additional facilities being provided to support children who have specialist needs in an appropriate and secure environment.</p> <p>Perceived benefits of the proposal include:</p> <ul style="list-style-type: none"> • 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 LRBs to support pupils who require supported mainstream environments; • Development of an existing school site; • 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.

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

Ysgol Bryn Derw is already 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 the 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 given them the same opportunities to receive a rich and nurturing education as all other children have the opportunity to in Newport.

Parameter 2 – Mutual Obligations between citizens and government

Ysgol Bryn Derw does not have a catchment area. It is primarily used to accommodate pupils residing within Newport, although if spaces exist, there is a facility to allow neighbouring LAs to purchase vacant places for their pupils. Pupils are not able to apply for a place at Ysgol Bryn Derw via the Council's usual admission arrangements. Instead, admission 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.

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;
- Potential availability of places in Learning Resource Bases to support pupils who require supported mainstream environments;
- Development of an existing school site;
- 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.

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

Although unlikely, if demand for provision diminishes, the school could be adapted to accommodate pupils with other additional learning needs from within the special school sector. If demand for provision increases, the Assistant Head of Education (Inclusion) will continue to plan for future provision across the City.

9 Monitoring, evaluating and reviewing

Any objections made throughout the statutory notice process would be recorded in an Objection report, although there have been no objections during the statutory notice period.

Following the objection period, Newport City Council's Cabinet Member for Education & Skills will make the final decision for the implementation of the proposal.

10 **Involvement**

The statutory notice period represented the opportunity for people to lodge legal objections to the proposal. The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Ysgol Bryn Derw. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Ysgol Bryn Derw.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010

Due to the school already being established as a purpose built specialist school for ASD pupils, it is fully compliant with the Equality Act 2010.

Welsh Language

Children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg.

Wellbeing of Future Generations (Wales) Act 2015

- **Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs:**
By supporting the increasing demand for specialist education provision across Newport and enabling pupils to attend a school more local to their home address.
- **Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives:**
The proposal will benefit pupils across the city as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment and will also enable pupils with additional needs to attend a local school.
- **Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies:**
A formal statutory consultation is being carried out and supported at each stage by a FEIA to consider impact. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”.
- **Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives:**
A formal statutory consultation is being carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.
- **Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve:**
A formal statutory consultation is being carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.