

# Report

## Cabinet Member for Education & Skills

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### Part 1

Date: 27 November 2019

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

**Purpose** To seek final determination on the school reorganisation proposal “to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68”.

**Author** Service Manager – Education Planning & Resources

**Ward** All

**Summary** This school reorganisation proposal has been carried out in accordance with the statutory School Organisation Code and included a formal consultation period followed by the publication of a statutory notice for the required period of 28 days.

The consultation passed through the statutory notice stage without objection and therefore a final decision can now be taken by the Cabinet Member for Education & Skills for implementation from January 2020.

**Proposal** **To approve the school reorganisation proposal “to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020”.**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Senior Leadership Team
- Education Senior Management Team
- Senior HR Business Partner
- Strategic Finance Business Partner
- Lead Finance Business Partner
- Headteacher, Ysgol Bryn Derw
- Chair of Governors, Ysgol Bryn Derw

**Signed**

## Background

A school reorganisation proposal has been progressed to expand Ysgol Bryn Derw therefore increasing the capacity of the school from 48 to 68. This included a period of formal consultation carried out between 1<sup>st</sup> May 2019 and 11<sup>th</sup> June 2019 following which a consultation report, containing a summary of any issues raised and the Council's response, was prepared and published on the Newport City Council website. The decisions to launch formal consultation and subsequently publish a statutory proposal were both approved by the Cabinet Member for Education and Skills via the Council's agreed democratic processes and procedures.

## Current position

The Council published a statutory proposal between 6<sup>th</sup> September 2019 and 4<sup>th</sup> October 2019 to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020.

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. 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.

## Financial Summary

### *Capital*

Earlier this year, the Council was successful in an application 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:

- *To improve outcomes for children and young people with complex needs through earlier intervention, community based support and placement closer to home.*
- *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.*

An amount of £300,000 was awarded to this capital project, and was expected to cover the full capital expenditure required to deliver this scheme. However, when this project was tendered recently, the cost increased significantly to £495,000. This was escalated to colleagues at the Integrated Care Fund, who subsequently advised in October 2019 that Welsh Government was able to approve an increase to the original project allocation, therefore providing capital funding of £430,000 in the 2019/20 financial year. The shortfall of £65,000, as approved jointly by the Strategic Director (People) and the Strategic Director (Place), is being paid by the Council via an underspend on other capital projects. This confirmed project costs equates to a value of £41,250 per learner based on 12 additional learners.

### *Revenue*

Creation of an additional 12 pupil places at Ysgol Bryn Derw will deliver cost mitigation as pupils will be educated within the city rather than in costly out-of-county placements. Whilst there is a cost associated with providing the in-house solution here, it is cheaper and more effective than the alternative of out-of-county provision – being £19,468 per learner (based on the 2019/2020 Age Weighted Pupil Unit) compared to the average cost of an out-of-county placement at £36,000 per annum, plus associated transport costs. The proposal is considered to be cost effective therefore in that it will support pupils living in Newport to be able to receive education suitable to their needs within the City. There will be an additional cost of delivery of £148,000 in 2019/2020, increasing to £256,000 per annum thereafter (excluding inflation), and this is included within the Council's Medium Term Financial Plan as a new budget pressure for consideration. If this is not funded but the expansion still occurs, the funding

available to other schools will be diluted further, at a time when school budgets are already under significant financial challenge.

	<b>Year 1 2019/20 £</b>	<b>Year 2 2020/21 £</b>	<b>Total Pressure £</b>	<b>Notes</b>
<b>Pressure in MTFP for expansion</b>	148,000	108,000	<b>256,000</b>	School expanding from September 2019 (AWPU only)

## 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 finally determine the proposal	L	L	This risk has been mitigated by carrying out a full consultation process in accordance with the statutory School Organisation Code and through the publication of a statutory notice which generated no objections.	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 and Considered

Option 1: To determine to implement the proposal to expand the Ysgol Bryn Derw site and therefore provide additional pupil places by increasing the capacity of the school from 48 to 68 with effect from January 2020.

Option 2: To decide to withdraw the proposal and seek alternative opportunities to provide appropriate education for pupils with Autistic Spectrum Disorder (ASD).

## Preferred Option and Why

The preferred option is Option 1 as this 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 capital funding element of the proposal is supported by full capital funding from the Gwent Integrated Care Fund (ICF) Capital Investment Plan.

## Comments of Chief Financial Officer

An initial Integrated Care Fund (ICF) Capital Investment Plan bid for £300,000 funding was awarded which has now been increased to £430k, to support the expansion and will cover the capital expenditure associated with this scheme with an additional £65k capital funding required to be funded internally by the LA from underspends in existing capital budgets.

Additional places will be created at Ysgol Bryn Derw to support Newport City Council pupils thus avoiding out of county placement costs, which were an average cost of £36,000 in 2018/19, plus transport costs. This cost is substantially more expensive than providing similar in house provision.

The additional places from September 2019 are funded through the existing ISB at a cost of £148k based on the current age weighted pupil unit (AWPU). Full year costs for 2020/21 will be £256k based on the 2019/20 AWPU. The full year effect of the increased pupil numbers, of £108k, is within the current MTFP for consideration. If additional funding is not provided and the expansion goes ahead, it will dilute the ISB and funding provided to all schools increasing the pressure where there is already significant financial challenge.

### **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 Ysgol Bryn Derw is a special school for pupils with ASD and the proposals will increase the capacity of the school from 48 to 68 pupils, then this is a regulated alteration under the Code and, therefore, has been the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document was prepared, setting out the educational reasons for the proposals, and meaningful consultation has been carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. Eight formal responses were received during the earlier consultation period, all of which were supportive of the proposal, including the response from Estyn. In the light of these consultation responses, the Cabinet Member decided to proceed with the necessary statutory notices, which were published on the Council's website and by public notices. No objections have been received during the 28-day statutory notice period and, therefore, the Cabinet Member can now take the final decision to proceed with the proposal to increase the capacity of Ysgol Bryn Derw with effect from January 2020.

### **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. This should help deliver wellbeing benefits relating to equalities, community cohesion, improved health, social and and economic inclusion. The proposal has been subject to a consultation process with all stakeholders including staff and unions. It is noted that engagement with pupils has not taken place at this stage following the advice of staff and governors, however this will be undertaken if the proposal progresses. There were no objections to the proposal to expand at the school. There are no other immediate staffing issues, although the governing body of Ysgol Bryn Derw will need to consider appropriate staffing structures to provide the schools with relevant resource to support the increase. Any new posts should be filled through standard recruitment processes including potential redeployment for relevant staff

There may be a requirement for the Governing Body to review the pay ranges of members of the school leadership team to take into consideration the increase in pupil numbers, in line with policies and procedures.

### **Equalities Impact Assessment**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising

disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. A Fairness & Equality Impact Assessment (FEIA) has been developed and updated.

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

Pupils at the school will be engaged and consulted on the plans for refurbishment of the annexe building if the proposal is approved.

### **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: ***By supporting the increasing demand for specialist education provision across Newport.***
- 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 facilitates 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 has been carried out with key stakeholders, the outcome of which is described in detail within the consultation report. 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 has already been carried out. A FEIA has also been prepared and updated to consider the impact of the proposal.***
- 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 has already been carried out. A FEIA has also been prepared and updated to consider the impact of the proposal.***

### **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**

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

### **Background Papers**

Updated FEIA (attached)

Dated: 14 November 2019