

Report

Cabinet Member for Education and Skills

Part 1

Date: 6 October 2021

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 28 places with effect from April 2022”.

Author Assistant Head of Education – Resources

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

Summary Formal consultation has now concluded on the school reorganisation proposal “to increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022”.

The proposal launched in June 2021, with a six-week period of formal consultation running between 21st June and 1st August.

A consultation report, which describes the consultation process and the feedback received, has been prepared (attached as Appendix 1), published on the Newport City Council website, and shared with stakeholders. This decision report references those findings, the result of which recommends that the Council move to publish a statutory proposal. Any legal objections lodged during the period of the statutory proposal will be considered in 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 28 places with effect from April 2022.

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Chair of Governors 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 28 places with effect from April 2022 took place between 21st June 2021 and 1st August 2021. Following conclusion of this process, a consultation report was prepared, published on the Newport City Council website and shared with stakeholders.

The increase in capacity will be realised by using the vacant Kimberley Nursery School building. Refurbishing this site would support the development of additional facilities for Ysgol Bryn Derw, through the creation of a dedicated satellite base, without any detrimental impact on provision at the school, and indeed at any other school within the city. Following 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.

Accordingly the Council is now required to move to the next stage in the school reorganisation process, which is the publication of a statutory proposal. During this stage, any stakeholder can lodge a legal objection to the proposal. Any legal objections will be considered before a final determination takes place.

A copy of the Consultation Report is attached at Appendix 1, 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 available on request. No such requests for hard copy documentation were received.

Due to the ongoing public health situation, and in keeping with Welsh Government guidance, there were no face-to-face consultation events arranged to support this consultation. However, stakeholders were advised that any questions concerning the proposal could be submitted to the Council, with officers providing a timely reply so that individuals could submit informed responses to the consultation period. No such questions were received during the consultation period.

The school assisted in arranging a virtual drop-in session for parents via Microsoft Teams. This was aimed at enabling parents to raise comments or directly ask questions about the proposal to officers from the Education Service. However no parents expressed an interest in attending and therefore the event was cancelled.

Learner Voice

The Council is committed to gaining the views of learners, but due to the current public health situation, no face-to-face workshops could take place. Instead, *Question and Answer* sessions took place via Microsoft Teams. Further information about these sessions, along with a table outlining the questions raised and feedback received from the pupils, is included within the Consultation Report at Appendix 1 (pages 11-12 of this report).

Consultation Responses

Overall, 5 responses were received during the consultation period, 3 of which (60%) supported the proposal. Whilst 2 respondents (40%) indicated that they were not supportive of the proposal, only one response provided any further information in support of this opinion. This, along with the Council's response to the issue raised, is referred to in detail within the Consultation Report at Appendix 1 (pages 12-13 of this report).

Estyn

The formal response from Estyn concluded that the proposal was likely to at least maintain the current standards of education provision in the area. The response also stated that:

- The council lays out a clear rationale for its proposal and shows how the proposal addresses the increasing demand for specialist education provision across the city of Newport;
- The proposer has consulted as widely as possible due to the current pandemic, including with children and young people, parents/carers, school staff, a wide range of interested parties and members of the public;
- The proposal identifies three potential risks associated with the proposal, and suggests their possible impact and the actions the Council could take in order to mitigate the risk, and;
- The local authority has taken appropriate account of data relevant to the educational standing of the school.

Notwithstanding this, the response also notes some disadvantages which the proposal does not address, such as the requirement for pupils to transition to a new site when their Foundation Phase education ends, the need for the Headteacher to work across two sites and the additional responsibilities placed on the Governing Body in managing a split-site school. The response also notes that the Council has not identified how Welsh speaking pupils with ASD will be supported by the local authority.

In response, the Council has confirmed the expectation that the pupil experience would be of the same high quality across both sites, and therefore the geographical distance will not be a barrier to provision. This is outlined in further detail within the Consultation Report at Appendix 1 (pages 13-14 of this report). Specifically regarding the needs of Welsh speaking pupils, the Consultation Report confirms that a Welsh-medium Learning Resource Base will become available in Newport from September 2023 when Ysgol Gymraeg Nant Gwenlli when the school moves to its permanent location.

The full response from Estyn is included within the Consultation Report at Appendix 1 (pages 17-19 of this report).

Financial Summary

Capital

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

Revenue

The current MTFP contains the pressure for the expansion of Ysgol Bryn Derw for foundation phase pupils. The pressure allows for increasing provision by 28 places in total over 3 years of growth, commencing with 8 reception places provided during 2021/22 and future years at 10 places. The pressure also accounts for site specific funding allocated through the funding formula of approximately £58k per annum, based on the current Kimberley nursery site funding.

Category 2 place led funding for the financial year 2021/22 is £22,346 and this would be allocated to Ysgol Bryn Derw on the basis of an additional 10 places (pro rata in 2022/23). The increase in provision would allow for cost avoidance of places being required in out of county provision, the current average 2021/22 ASD out of county placement cost is £45k.

There will be an increase in whole authority staff costs as additional teachers and support staff will be required to meet the needs of the increased pupil population. The proposal is considered to be cost effective however in that it will support pupils living in Newport to be able to receive education suitable to their needs within the city.

	Year 1 (2022/23) £	Year 2 (2023/24) £	Year 3 (2024/2) £	Ongoing £	Notes including budgets heads affected
Costs (Income)	228,000	223,000	93,000		Included in the Council's MTFP
Net Costs (Savings)					
Net Impact on Budget	228,000	223,000	93,000		

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.

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
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
Funding insufficiency to deliver the project	H	L	A feasibility study has already been carried out and confirmed that the required refurbishments can be carried out within the overall funding allocation of £1 million.	Chief Education Officer
Demand for pupil places decreases	M	L	The new facility could be adapted to accommodate pupils with other additional learning needs from within the special school sector.	Chief Education Officer
Demand for places increases beyond proposed capacity increase	M	L	The Assistant Head of Education (Inclusion) will continue to plan for future provision across the city.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015
Corporate Plan
Council Improvement Plan (*Aspirational People* theme)
Education Service Plan

Options Available 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. 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

There are both revenue and capital aspects to this scheme, the impacts of which are summarised below.

Revenue

Additional funding was received in 2021/22 to support the additional places that commenced in September 2021 and the current MTFP contains the pressure for the continued expansion of Ysgol Bryn Derw. This will support growing demand for ASD specific places within the city and to avoid potentially higher cost OOC placements.

Capital

The expected capital investment required to refurbishment to the Kimberley Nursery School building approximately £1m. This is on the current capital programme and is being funded by the Welsh Government Capital Maintenance Grant.

Comments of Monitoring Officer

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. Because the proposal for increased capacity at Ysgol Bryn Derw involves changes to a special school and a split-site, then this is a regulated alteration under the Code and, therefore, has to be the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document has been 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. Because of the on-going Covid-19 restrictions, no face-to-face consultation meetings were possible but the consultation process has been conducted strictly in accordance with the requirements of the Code (as amended by the Coronavirus Regulations). The majority of the limited consultation responses were supportive of the proposed expansion and only two objections were received. The response to the one objection where supporting information was provided is set out in the Consultation document. The response from Estyn confirmed that this proposal would result in current educational standards being at least maintained. Although Estyn did raise issues regarding the split-site school and Welsh medium provision, those matters are again clarified in the consultation report and are not considered to override the educational benefits of the school reorganisation. Therefore, the Cabinet Member can agree to proceed with the statutory notices, in the light of those consultation responses. The proposal will need to be published by way of formal statutory notice on the Council's website and by public notices, and a period of 28 days will have to be allowed for statutory objections. If there are no statutory objections received during this period, then the Cabinet Member can take the final decision as to whether to proceed with the proposed expansion. If there are any unresolved objections, then the final decision will need to be referred to full Cabinet as the Local Determination Panel.

Comments of Head of People and Business Change

The proposal to expand Ysgol Bryn Derw will increase specialist Autistic Spectrum Disorder provision within an appropriate, secure and school environment, in the local area, by making use of the vacated Kimberley Nursery building. This should help deliver wellbeing benefits relating to equalities, community cohesion, improved health, social and economic inclusion for pupils and their families.

In line with the school reorganisation policy a consultation period has been undertaken and it is now proposed to proceed to the next stage which is the publication of a statutory proposal which gives an opportunity for stakeholders to raise any legal objections.

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**

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 school reorganisation proposal, and this assessment has been reviewed and updated to support this decision to move to this next stage in the process. It will be reviewed and updated again to support the final decision in due course. As this is a Cabinet Member for Education operational decision rather than a Council strategic decision, there is no requirement to evaluate the proposal in terms of the Council's Socio-economic Duties.

This school reorganisation proposal has been 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 identified further consultees and extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process was emailed to the parents, children and staff of the affected schools. Stakeholder emails were also sent to Newport City Council education partners. The proposal was published on the Newport City Council website. The Council consulted with pupils at Ysgol Bryn Derw through the Headteacher, and the feedback received is described in detail within the Consultation Report. Due to the current public health situation, there were no public drop-in events during this consultation, but a virtual drop-in session was offered to parents via Microsoft Teams.

The FEIA has identified a negative impact on the Welsh Language Protected Characteristic, as the proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City. It is therefore acknowledged that this proposal will not contribute to the Council's targets in relation to Cymraeg 2050. However, children benefiting from the proposal will experience all aspects of the National Curriculum, including Cwricwlwm Cymraeg. There are positive impacts however in relation to two Protected Characteristics: Age and Disability. Ysgol Bryn Derw serves the whole of the City and supports the provision of education for children aged between 3 years and 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties whose needs cannot successfully be met within either mainstream or Learning Resource Base (LRB) provision. Expansion of the school will provide additional pupil places and reduce the need to provide out of county placements for pupils living in Newport. The proposal will ensure that more children with ASD and associated learning difficulties are able to be educated within Newport. The new satellite base will be fully accessible and DDA compliant. The proposal will therefore have a positive impact on children with ASD by increasing provision of a rich learning environment which Estyn rates as 'excellent' in 4 out of 5 inspection areas.

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 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 FEIA which**

considers 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. The refurbishment will be agreed with the Headteacher to ensure that it has a positive impact on pupil wellbeing and attitudes to learning, in line with the Foundation Phase curriculum. A dedicated Foundation Phase base will also have a positive impact on wellbeing and attitudes to learning as the whole building will be age-appropriate.

- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives. **There was an opportunity to engage with all stakeholders through the formal statutory consultation process. The proposal has been developed with, and will be delivered through, full engagement with the Headteacher and Governing Body of Ysgol Bryn Derw and officers from Newport City Council.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve. **A formal school reorganisation proposal is being undertaken and is supported at each stage by a FEIA that considers the impact of the decision. This proposal included a period of formal consultation which offered the opportunity for all stakeholders to find out more information about the proposal and how it might affect them. Following conclusion of the formal consultation, a Consultation Report has been prepared, published and distributed to all identified stakeholders.**

Crime and Disorder Act 1998

Not applicable

Consultation

Comment from Cllr Paul Cockeram, Elected Member for Shaftesbury ward:

I am supportive of this proposal and the facilities that this will provide for young children across Newport with a diagnosis of ASD.

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

Background Papers

Consultation Report (attached at Appendix 1) and Updated FEIA

Dated: 6 October 2021

APPENDIX 1



Newport City Council School Reorganisation Proposal Consultation Report

Proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022

**Formal Consultation Period:
21st June 2021 – 1st August 2021**

Purpose

This report is published in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, November 2018.

This consultation report includes the following sections:

- The Proposal
- Stakeholder Engagement
- Learner Voice
- Consultation Responses
- Estyn's Response
- Assessment of the Proposal
- Recommendations
- Appendices

The Proposal

This consultation report concerns a proposal to increase the capacity of Ysgol Bryn Derw by 28 pupil places with effect from April 2022 by using the vacant Kimberley Nursery School building. Refurbishing this site would support the development of additional facilities for Ysgol Bryn Derw, through the creation of a dedicated satellite base, without any detrimental impact on provision at the school, and indeed at any other school within the city.

Stakeholder Engagement

An invitation to take part in the statutory consultation was issued to the stakeholders outlined below, with a link to the consultation pack on the Council's website sent by e-mail:

- The Headteacher, teachers, staff and the governing body of Ysgol Bryn Derw;
- Pupils at Ysgol Bryn Derw;
- Parents, carers and guardians of pupils attending Ysgol Bryn Derw;
- The Headteacher, teachers, staff and the governing body of Maes Ebbw School
- Parents, carers and guardians of pupils attending Maes Ebbw School;
- Parents, carers and guardians of pupils currently attending the Communication Class within Kimberley Nursery School;

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

Affected Schools

The only school directly affected by this proposal is **Ysgol Bryn Derw**.

Distribution of Information

In addition to the formal (main) consultation document, a Children & Young Persons' version and ASD friendly version were also produced, to help ensure that the consultation process was inclusive and accessible to all concerned. Hard copies of all three documents were provided to Ysgol Bryn Derw. Hard copies could also be requested by emailing school.reorg@newport.gov.uk, and these were available bilingually in Welsh and English, although no such requests were received.

Drop-in Events

Due to the ongoing public health situation, and in keeping with Welsh Government guidance, there were no face-to-face consultation events arranged to support this consultation. Stakeholders were advised that any questions concerning the proposal could be submitted to school.reorg@newport.gov.uk and Council officers would provide a timely reply to ensure that informed responses could be submitted during the consultation period. No questions were received during the consultation period.

Ysgol Bryn Derw Parent Session

A virtual drop-in session via Microsoft Teams was offered to parents of pupils at Ysgol Bryn Derw by the Headteacher, to allow parents to raise comments or ask questions about the proposal. The session was due to take place on Thursday 8th July 2021 between 16:00 and 18:00, and would have been led by officers from the Education Service. However no parents expressed an interest in attending and therefore the event was cancelled.

Learner Voice

The Council is committed to gaining the views of learners, and due to the current public health situation, this was facilitated through pupil Question and Answer sessions held via Microsoft Teams, rather than face-to-face workshops. Details of the sessions conducted are provided in the table below:

School	Attendees	Date
Ysgol Bryn Derw	1x Teacher, 8x Pupils (Secondary age group)	05/07/2021
Ysgol Bryn Derw	2x Teachers, 15 Pupils (from 2 classes of mixed Primary and Secondary age groups)	05/07/2021

A number of similar questions were asked and comments raised by pupils over the sessions and these are summarised in the table below:

Question/Comment	Answer
The proposal is a good idea as there will be more space for other children in the school.	Unfortunately the current school can't be made any bigger, so another building will be used for the extra pupils.
The proposal is a good idea as the school will make more money.	The Council is hoping to save money as sending children to schools outside of Newport can be expensive.

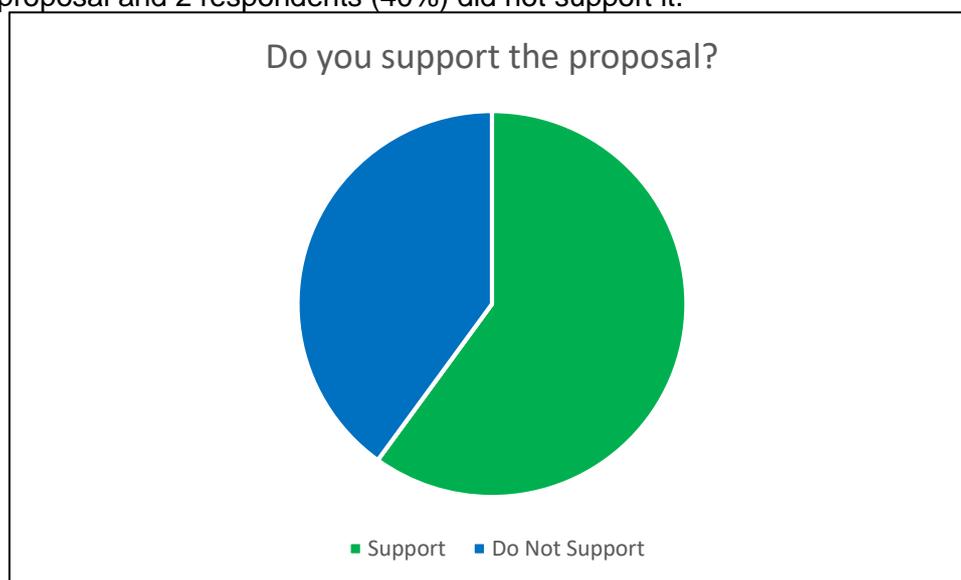
The proposal is a good idea as more children will be able to attend Ysgol Bryn Derw and less children will have to attend schools that are further away.	Yes, this will allow more pupils to attend school closer to their home.
How much is the new school going to cost the Council?	The building works will cost about £1million and the Council has received a grant from Welsh Government for this.
Where are the pupils going to eat lunch?	There will be no dedicated dining hall, therefore the pupils will eat lunch in a shared central area.
Why will the chimney be removed?	Older schools have big boiler systems and need to use chimneys. However the new building will have a new boiler and won't need the chimney any longer.
How big is the new school?	The new building is much smaller than the main school. There will be 3 classrooms with around 7-8 children in each.

In each session, all pupils supported the proposal.

The Council is very grateful to the staff and pupils who took part, and would like to thank them for their valuable contributions to this process.

Consultation Responses

Overall, a total of 5 responses were received during the consultation period. 3 respondents (60%) supported the proposal and 2 respondents (40%) did not support it.



4 responses via the response (see including one / carer and Chair of Ysgol Bryn

were made standard pro-forma Appendix A), from a parent one from the Governors at Derw. (the

other two respondents did not disclose their stakeholder group).

In addition, a consultation response was submitted by email from Estyn (Her Majesty's Inspectorate for Education and Training in Wales)

Comments/Concerns

A concern was raised by a parent who does not support the proposal:

"I worry deeply how the current pupils will be affected. Children were already disrupted during the last increase. Pupils do not need any more upheaval."

In response, the Council would like to reassure parents that as the proposal relates to a dedicated satellite base for Foundation Phase learners joining the school, there will be minimal disruption to current pupils. The Council considers that the benefits of providing additional places outweighs the effect of any possible disruption to current learners at the school.

In her response, the Chair of Governors at Ysgol Bryn Derw confirms that the Governing Body is supportive of the proposal and welcomes the increase in capacity for the school so that appropriate placements with highly skilled and specialist staff can be made available for more children and young people with ASD in Newport.

Estyn's Response

The full response from Estyn is included at Appendix B of this report. However, in summary, the response states that the proposal is likely to at least maintain the current standards of educational provision in the area, and that:

- The council lays out a clear rationale for its proposal and shows how the proposal addresses the increasing demand for specialist education provision across the city of Newport.
- The proposer has consulted as widely as possible due to the current pandemic, including with children and young people, parents/carers, school staff, a wide range of interested parties and members of the public.
- The proposal identifies three potential risks associated with the proposal, and suggests their possible impact and the actions the Council could take in order to mitigate the risk.
- The local authority has taken appropriate account of data relevant to the educational standing of the school.

Notwithstanding this, the response also notes some disadvantages which the proposal does not address: the requirement for pupils to transition to a new site when their Foundation Phase education ends; the need for the Headteacher to work across two sites, and the additional responsibilities places on the Governing Body in managing a split-site school.

The Council's Response

The expectation is that the pupil experience would be of the same high quality across both sites, and therefore the geographical distance will not be a barrier to provision. To support this:

- A designated member of the school Senior Leadership Team will be responsible for overseeing, directing and supervising the provision at the new site, with this facilitated by an expanded senior team;
- The administration, caretaking and cleaning teams will be expanded to ensure the same quality of provision at both sites;
- Staffing will be arranged under the same pupil-staff ratios as on the main site, and therefore additional staff will be recruited. All new classes will have a consistent staff team, although all staff will be expected to be available to work across both sites as required
- Professional support, such as from therapists and psychologists, will be available on an entirely needs driven basis across both sites, as will in-house specialist staff;
- Pupils based at the satellite provision will have access to a vehicle to transport them to the main site to access facilities such as the Rebound Therapy trampoline.

The Estyn response also notes that the Council has considered the extent to which this proposal supports the targets within the Welsh in Education Strategic Plan. The proposal does not seek to either expand or reduce the availability of Welsh language provision in Newport. However, the proposer does not identify how Welsh speaking pupils with ASD will be supported by the local authority.

The Council's Response

As Ysgol Bryn Derw is an English-medium school, it has and will continue to follow all aspects of the national curriculum in relation to Welsh as a second language. Under a separate proposal, a Welsh-medium Learning Resource Base will become available at Ysgol Gymraeg Nant Gwenlli when the school moves to its permanent location in September 2023.

In conclusion, Estyn confirmed a view that the current proposal will at least maintain the education provision for pupils at Ysgol Bryn Derw.

Assessment of the Proposal

Following 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. The proposal is still preferred over the alternative options available:

Do nothing – The capacity of Ysgol Bryn Derw would remain at 68. Demand for places in the city will continue to exceed supply, and the Council will have to fund out of county placements and transport. This would be likely to have a negative impact on pupil wellbeing and the environment. The Kimberley nursery building would remain empty until a suitable use could be identified or the building and site sold.

Expand Ysgol Bryn Derw on the existing school site - Increase the capacity of the school by building a 4 classroom extension to the existing school. Although this option would provide additional capacity and prevent the need to operate over a split site, the option is not achievable for two reasons:

- 1) This would require significant additional capital investment
- 2) The current site is not suitable to accommodate an extension due to site topography and its listed status.

Do more – Establish a new special school to provide additional places for pupils diagnosed with Autistic Spectrum Disorder. Although this option would potentially deliver more places in the long term, there are several significant disadvantages associated with this option:

- 1) There is no suitable site or building readily available for this purpose
- 2) This option would entail significant capital investment in excess of the available maintenance funding
- 3) This option would require significant additional staff recruitment and higher recurring revenue costs
- 4) This option would take significantly longer to deliver while there is an urgent need to provide additional places.
- 5) The Kimberley nursery building would remain empty until a suitable use could be identified or the building and site sold.

Recommendations

It is recommended that permission be sought to move this proposal forward by publishing a statutory notice. This decision will be referred to the Cabinet Member for Education and taken through the Council's agreed democratic process.

Appendix A Consultation Response Pro-forma

This response relates to the proposed expansion of Ysgol Bryn Derw by 28 pupil places with effect from April 2022.

Your views matter. Please tell us what you think about the proposal by completing this questionnaire.

The closing date for the submission of responses to this consultation is midnight on Sunday 18th July 2021. Please note that negative responses made to this consultation will not be counted as objections to the proposal, they will be recorded as adverse comments. Objections can only be registered following the publication of a statutory notice.

1) Do you support the proposal to:

To increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022?

Yes No In part

Please use the box below to provide comments or explain which element of the proposal you do/do not support.

2) Do you

believe that the proposal will have a positive or negative effect on opportunities to use the Welsh language?

Positive Negative No effect

3) If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?

4) Do you believe that the proposal will treat the Welsh language less favourably than the English language?

Yes No

Please indicate who you are (e.g. parent/carer of a child attending a local nursery)

Please select your Ethnic group			
White British		Asian-Bangladeshi	
White Irish		Asian-Indian	
		Asian-Pakistani	

Any other White background (please state): _____		Any other Asian background	
Gypsy or Irish Traveller		Black Caribbean	
White and Asian		Black African	
White and Black African		Any other Black background	
White and Black Caribbean		Arab	
Any other Mixed background (please state): _____		Chinese	
Asian-Bangladeshi		Any other ethnic group (please state): _____	
Asian-Indian		Prefer not to say	
Asian-Pakistani			

Welsh language

Do you consider yourself a Welsh speaker?

Yes		No		Prefer not to say	
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Caring Responsibilities

Do you care for children of school age?

Yes		No		Prefer not to say	
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Do you care for children of pre-school age?

Yes		No		Prefer not to say	
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Do you care for a dependent adult or child above school age?

Yes		No		Prefer not to say	
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If you wish to be notified of the publication of the consultation report, please supply your contact details:

E-mail: _____

Postal address: _____

Appendix B

Estyn's response to the proposal by Newport City Council to increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022.

Introduction

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales. Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore, as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer.

Summary / Conclusion

The proposal is by Newport City Council to increase the capacity of Ysgol Bryn Derw by 28 places with effect from April 2022 by establishing a dedicated Foundation Phase satellite base using the Kimberley Nursery School building which will become vacant in July 2021.

It is proposed that the work required to refurbish the building will commence in July 2021 and will be complete in early 2022. The additional school places will therefore be available from April 2022. As a result, the capacity of the Ysgol Bryn Derw will increase from 68 to 96 from April 2022.

The council lays out a clear rationale for its proposal and shows how the proposal addresses the increasing demand for specialist education provision across the city of Newport. The demand for places in ASD specialist provision is higher than current provision available within the city. Expansion of the school will reduce the need to provide out of county placements for pupils

The proposer has consulted as widely as possible due to the current pandemic, including with children and young people, parents/carers, school staff, a wide range of interested parties and members of the public.

Estyn is of the opinion that the current proposal is likely to at least maintain the current standards of educational provision in the area.

Description and benefits

Newport City Council sets out clearly how the proposal addresses the increasing demand for specialist education provision across the city of Newport.

Ysgol Bryn Derw serves the whole of the city and supports the provision of education for children aged from 3 years to 19 years who have a diagnosis of Autistic Spectrum Disorder (ASD) and associated learning difficulties. The school can currently accommodate 68 pupils, but the October 2020 pupil census shows that there are 71 pupils registered meaning that the school is oversubscribed.

The demand for places in ASD specialist provision is higher than current provision available within the city. Evidence of demand for specialist places over recent years indicates the demand for reception places will consistently exceed the number of places available at Ysgol Bryn Derw under its current capacity arrangements.

The proposal appropriately considers the advantages and disadvantages associated with the expansion of the school by establishing a dedicated Foundation Phase satellite base using the Kimberley Nursery School building. The proposal clearly shows that the expansion of the school will reduce the need to provide costly out of county placements for pupils living in Newport. It would also provide an opportunity for pupils who are currently attending out-of-county provision to re-integrate back into their local area to continue their education. Furthermore, it would reduce travel time for pupils currently attending out-of-county placements. Pupils with ASD who find noisy and busy areas difficult would have access to more space and quieter areas.

The disadvantages identified include transition to a new site when their Foundation Phase ends at the new site, the headteacher working between sites and the governing body responsible for managing a split-site school. The local authority does not identify how it will address these issues.

The council has considered the extent to which this proposal supports the target of the WESP. The proposal does not expand or reduce the availability of Welsh language provision. However, the proposer does not identify how Welsh speaking pupils with ASD will be supported by the local authority.

The proposal reasonably suggests that there will not be a detrimental impact on home to school transport, rather the impact may have a positive impact on learner travel as it will reduce the number of pupil journeys to placements outside of the city of Newport.

The proposal identifies the impact the expansion of the school will have on staffing levels and suggest this can be managed effectively through existing staff recruitment arrangements.

The proposal identifies three potential risks associated with the proposal, suggests their possible impact and actions the council could take in order to mitigate the risk. For example, the proposal identifies that the demand for the provision diminishes as a potential risk. In order to mitigate this risk, they suggest that although this risk is unlikely the school could be adapted to accommodate pupils with other additional learning needs from within the school sector. This section suggests that the council has prepared well to secure the success of the proposal.

The council has identified three other possible options for consideration regarding the proposal, including maintaining the status quo, increasing the capacity of the current school building, and building another special school. They have considered each option's strengths, weaknesses, and risks.

Educational aspects of the proposal

The local authority has taken appropriate account of data relevant to the educational standing of the school. 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. They state that 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 considers the likely impact of the proposal on standards, provision and leadership. The most recent local consortium report in 2019 categorised the school as yellow, indicating that the school required a small level of support to improve standards then. The most recent inspection of the school by Estyn in March 2020, evaluated the school's current standards, wellbeing and attitudes to learning, care, support and guidance along with leadership as excellent. Teaching and learning experiences were judged to be 'good'.

The local authority believes that the proposal will have no detrimental impact on other Newport schools. They acknowledge that there may be a small impact on out of county providers as the number of Newport pupils requiring specialist placements outside of the city may reduce as a result of this proposal. The proposer has carried out an equality impact assessment of the proposal and reasonably claims that the expansion of the school will have a positive impact on children with ASD by increasing provision of a rich learning environment. Their Fairness and Equalities assessment clearly states that there is no evidence to suggest the proposal will have a disproportionate impact on pupils with any of the Protected Characteristics listed.