

Report

Cabinet Member for Education and Early Years

Part 1

Date: 14 June 2023

Subject **School Reorganisation Proposal – Establishment of a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School – Final Determination**

Purpose To seek final determination on the school reorganisation proposal “to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023”.

Author Assistant Head of Education – Resources

Ward All wards, as this will be a city-wide provision, however it is anticipated that this will predominantly serve pupils living on the East of Newport. The school is situated within the Ringland ward, and its catchment area extends either partly or wholly into the Alway, Beechwood, Bishton & Langstone and Llanwern wards.

Summary This school reorganisation proposal has been carried out 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 consultation passed through the statutory notice stage without objection and therefore the Cabinet Member for Education & Early Years can now take the final decision to implement the proposal as consulted on.

Proposal **To approve the school reorganisation proposal “to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023”.**

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
- Executive Headteacher and Chair of Governors of Llanwern High School

Signed

Background

A school reorganisation proposal has been progressed to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023. There is an increasing demand for specialist education places across the City, and this demand is higher than the current provision available. Llanwern High School already has a specially designed appropriate space to host this new base, having previously hosted a Social Emotional Behavioural Difficulties (SEBD) provision. This will enable a secure, separate area of the school building to be provided for these pupils, with an appropriate separate entrance and opportunities for withdrawal / small group working in the classroom spaces available, as well as the development of independent life skills in the kitchen areas. Llanwern High School is one of the few schools in Newport with capacity to host this provision; the school is currently operating under its measured capacity and has been for several years.

The proposal included a period of formal consultation carried out between 23rd November 2022 and 6th January 2023, following which a consultation report, containing a summary of the issues raised and the Council's response, was prepared and published on the Newport City Council website. The decisions to launch the formal consultation and subsequently publish a statutory proposal 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 the school reorganisation process by publishing a statutory proposal between 30th March 2023 and 5th May 2023. This confirmed the intent to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023 and gave an opportunity for stakeholders to lodge formal objections.

The Council published the statutory proposal on its website, with copies also displayed on the school gates at Llanwern High School. 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 and therefore the Cabinet Member for Education & Early Years is now required to take the final decision as to whether or not to determine the proposal as consulted on.

Financial Summary

Capital

The original proposal stated that there were no capital costs or works associated with this proposal as the base will be accommodated within an existing area of Llanwern High School through a reorganisation of current provision. However, the feedback received during the formal consultation period suggested that relocation of the existing internal SLC provision would result in some additional costs to the school. The school has been provided with additional one-off funding via an external source secured by the Assistant Head of Education (Inclusion) to support this unexpected, but required, expenditure.

Revenue

Once fully established, the ASD base at Llanwern will cost approximately £499,311 per annum (at 2023-2024 values). As a maintained setting the provision will be funded through the school's individual school budget share, distributed by the council according to the prescribed funding formula. It will however take 6 years to reach the point of being fully established due to the incremental approach to growth

The appropriate specialist training for staff to meet the complex needs of pupils will incur a cost for each member of staff undertaking the training. Several of the therapies can be developed and timetabled at facilities in Ysgol Bryn Derw. The specialist support from trained staff will be sought from Ysgol Bryn Derw Outreach Support costing approximately £40,000 per annum and the Outreach worker would be funded via the SEN Local Provision Development Budget and reviewed on an annual basis.

On the basis of 20 placements being filled, this provides an estimated cost per pupil of between £25,000 and £27,000 per annum. However, establishment of the base may reduce the need for Out of County ASD placements which have an approximate annual cost of £53,000 per placement (excluding transport which cannot be quantified at this stage) and therefore this proposal could deliver a potential cost avoidance.

Whilst a potential cost avoidance might result from this, the provision being consulted on is an increased level of service provision and therefore has an increased cost associated with it, as noted above at c£499k. In the first year the ASD base funding would be £58,170 and this will be met from an existing budget within the Education service. From 2024/25 onwards, it is proposed that this cost is met from within the existing overall school budget, as opposed to being incorporated as a new pressure within the Council's revenue budget in future years. In 2024/25, for example, the incremental budget requirement of £87,693 being met from the overall school budget will dilute the overall per pupil funding for each school.

Financial Year	No of Pupils	Unit Funding (growing at 4 pupils per year)	OOC Placement Costs	Potential 'cost avoidance'
2023/24	4	58,170	123,490	65,320
2024/25	8	158,032	335,490	177,458
2025/26	12	257,894	547,490	289,596
2026/27	16	357,756	759,490	401,734
2027/28	20	457,619	971,490	513,871
2028/29	20	499,311	1,060,000	560,689

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 finally determine the proposal	H	L	There has been mitigation by carrying out a full consultation process in accordance with the statutory School Organisation Code, and through the publication of a statutory notice that generated no objections.	Chief Education Officer
Demand for provision diminishes	M	L	Whilst this is unlikely, the school could use the area identified for the new provision for other educational purposes within the school.	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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015
Corporate Plan

Options Available and considered

Option 1: To determine to implement the proposal to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023.

Option 2: To decide to withdraw the proposal and seek alternative solutions to provide appropriate specialist provision for secondary age pupils with Autistic Spectrum Disorder (ASD).

Preferred Option and Why

The preferred option is Option 1. There is an increasing demand for specialist education places across the City, and this demand is higher than the current provision available. A new provision will benefit pupils across the whole of Newport as additional facilities will be provided in an appropriate and secure environment to support children who have specialist needs which cannot be accommodated at either Ysgol Bryn Derw or The John Frost School. Llanwern High School already has a specially designed appropriate space to host this new base, and is one of the few schools in Newport with capacity to host this provision; the school is currently operating under its measured capacity and has been for several years.

Comments of Chief Financial Officer

Capital

There is no specific budget to support any identified capital costs following the consultation period. However, the report confirms that the required capital expenditure will be funded from external sources.

Revenue

The creation of the additional LRB places at Llanwern High School would support Newport pupils and potentially avoid more expensive out of county placements, which are substantially more expensive than providing a similar provision in house, at an average cost of £53k per placement (March 23) plus transport costs.

The comparison to Out of County placements is 'cost avoidance' only. Once this increased local provision is implemented, it will cost £499k over the timescale shown in the table in the revenue section of the report. The report outlines that the pressure will be met from a combination of the Education service budget and the overall school budget. The absorption of the pressure from the school budget will impact each individual school's budget, by virtue of the overall funding being diluted, however it is felt that this impact is manageable.

Should, as time progresses, the ability of the overall school budget to absorb the incremental pressures diminish, a new pressure would need to be factored into the Council's MTFP. This new pressure would become a pre-commitment on the Council's revenue budget in that particular year and require funding. The Council's ability to fund it at that particular time may be challenging, however there would be no choice but to identify a way to meet any potential funding gap.

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. The proposal to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School is a regulated alteration under the Code and, therefore had to be the subject of formal statutory consultation under the Code. In accordance with the statutory procedures, a detailed consultation document was prepared setting out the reasons for the proposals, and meaningful consultation was carried out with key stakeholders, including children and young people, who were likely to be affected by the changes. The response to the consultation process was largely positive and offers were able to resolve any concerns raised by consultees. The Estyn response is largely positive, with any concerns having been responded to within the consultation response document. 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 placed on the school gates at Llanwern. 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 establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023.

Comments of Head of People, Policy and Transformation

This report sets out the proposal to establish a new ASD base at Llanwern High School to provide specialist education for pupils, meeting their complex needs whilst offering an expansion of ASD provision across the city. The report notes that the Council is seeing an increase in the number of pupils with a diagnosis of ASD and that whilst most pupils with this condition can attend mainstream schools, a growing number need more specialist provision, and this currently exceeds the places available. Establishing an ASD base at Llanwern High school will prevent pupils from having to travel to out of county placements and will also reduce long-term pressure on the oversubscribed provision at The John Frost School and Ysgol Bryn Derw. The preferred option could see an increase in numbers of staff, providing valuable job opportunities within the organisation for teaching and support staff. Any consultation required to take place with existing staff members will take place with directly impacted staff together with our trade unions.

The proposal was subject to formal stakeholder consultation from November 2022 to January 2023 followed by the publication of a statutory notice for the required period of at least 28 days. The consultation passed through the statutory notice stage without objection and therefore the Cabinet Member for Education & Early Years can now take the final decision to implement the proposal.

A Fairness and Equalities Impact Assessment has been undertaken to inform decision making and is included with this report.

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 was reviewed and updated to support the decision to publish a statutory notice. It has now been reviewed and updated again to support this request for final determination.

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 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, and the proposal was published on the Newport City Council website, and on social media platforms such as Twitter and Facebook. The consultation document included a consultation response pro-forma, and all documentation was available in Welsh and English. The consultation involved 2 drop-in sessions with those affected by the proposal, and Pupil Voice sessions with learners on roll at Llanwern High School. 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 and negative impacts of the proposal in relation to Age and Disability. The proposal to increase provision with an additional resource base at Llanwern High School will likely have a positive impact in the future for current primary school aged pupils with ASD when they transition

into secondary school education. By providing more ASD secondary places within the city, this will allow pupils to attend a school closer to home and minimise the number of pupils having to attend Out-of-County provision. Providing an additional resource base at Llanwern High School will provide a clear transition pathway between primary and secondary education phases for pupils with diagnoses of ASD living in the east of the city and reduce the level of reliance on out of county placements for pupils living in Newport. The new resource base will be fully accessible and DDA compliant. The proposal will therefore have a positive impact on secondary school aged pupils with ASD.

It is acknowledged that the proposal has no bearing on the Council's plans to develop and promote Welsh-medium language provision across the City and will not contribute to the Council's targets in relation to Cymraeg 2050. However, Newport's Welsh in Education Strategic Plan (WESP) sets out a commitment to open a Welsh-medium Primary Learning Resource Base at Ysgol Gymraeg Nant Gwenni, and this will impact on secondary provision. Therefore consideration will need to be given regarding specialist ALN provision within Ysgol Gyfun Gwent Is Coed for pupils transitioning from the primary sector Learning Resource Base. The development of a Secondary LRB will be reviewed on an annual basis in light of data trend analysis following the opening of the Primary LRB. This will ensure that the ALN needs of pupils transitioning to the Secondary School can be met in a timely manner.

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. **The Council is seeing an increase in the number of pupils who are in receipt of a formal diagnosis of ASD. Whilst most pupils with this condition can attend mainstream schools with varying levels of support, a growing cohort requires more specialist provision to meet their needs. This currently exceeds provision available. The new provision would initially open to only 4 pupils and would grow by this number for 5 consecutive years until the base reaches 20 places. This balances the short-term need over the next 5 years by incrementally increasing the provision each year when required. The provision will remain at 20 places, most likely an average of 4 placements per year group, to meet needs over the long term.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Establishing an ASD base at Llanwern High school will prevent pupils from having to travel to out of county placements and ensure that they are able to attend a school closer to home. The proposed class base will also reduce pressure on the currently oversubscribed class base at The John Frost School.**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives, or those of other public bodies. **The proposal has been supported by a regularly reviewed FEIA 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".**
- 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 Education Service, Ysgol Bryn Derw and Llanwern High School will work together to deliver the ASD base.**
- 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 has been undertaken and has been supported at each stage by a FEIA to consider the impact of the decision. The proposal included a period of formal consultation which offered the opportunity for all stakeholders to find out more information and how they might be affected. 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

Updated FEIA

Dated: 14 June 2023