

# Report

## Deputy Leader / Cabinet Member for Education and Early Years

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### Part 1

Date: 6 February 2024

**Subject** **School Reorganisation Proposal – Increase in Capacity at Tredegar Park Primary School**

**Purpose** To move to publish a statutory notice on a school reorganisation proposal “to increase the capacity of Tredegar Park Primary School from 420 to 525 pupil places with effect from September 2024”.

**Author** Assistant Head of Education – Resources

**Ward** Tredegar Park and Marshfield

**Summary** Formal consultation has now concluded on the school reorganisation proposal being progressed by the Council “to increase the capacity of Tredegar Park Primary School from 420 to 525 pupil places with effect from September 2024”. The proposal launched in September 2023, with formal consultation running between 25<sup>th</sup> September 2023 and 12<sup>th</sup> November 2023.

A consultation report, which describes in detail the consultation process and the feedback received, has been prepared and accompanies this report. It has also been published on the Newport City Council website and shared with stakeholders. This decision report references the findings, the result of which recommends that the Council moves 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 Tredegar Park Primary School from 420 to 525 pupil places with effect from September 2024.**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Governing Body of Tredegar Park Primary School

**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 Tredegar Park Primary School from 420 to 525 pupil places with effect from September 2024 took place between 25<sup>th</sup> September 2023 and 12<sup>th</sup> November 2023. Following the conclusion of this process, a consultation report was prepared, published on the Newport City Council website, and shared with stakeholders.

Tredegar Park Primary School currently has a published admission number of 60, with capacity for 420 pupils of statutory school age. However, it is proposed that the published admission number is increased to 75, thus inflating the total overall capacity for pupils of statutory school age to 525. This increase is possible by utilising part of the Forest Family Centre, which is adjacent to the school and has recently been vacated by Duffryn Community Link, and also making some adaptations to the existing space in the main school building.

Under this proposal, the increase in capacity will be applied incrementally over a 7-year period. As a result, from September 2024, 75 places will be available in each new Reception year group at the school, and this arrangement will continue until September 2030 when the new Published Admission Number of 75 will be realised across all year groups, and the proposal will become fully implemented.

The January 2023 Pupil Level Annual School Census (PLASC) identified that the school is currently operating at 89% of total available capacity. However, the demand for pupil places at the school is expected to increase as a result of housing developments in the areas around the school including at the Panasonic, Mon Bank and Whiteheads sites. The scale of development in the wider area will result in a significant pressure on the availability of school places in The John Frost School cluster. Indeed, the October 2023 census count confirmed that there were only 5 spaces available in the current Reception year group across the whole cluster area, equivalent to 1.47% of the overall capacity.

All primary schools in the cluster were considered for expansion; however other schools are either not suitable, are too far away or are already being considered for expansion under alternative projects. The capital costs associated with this proposal are being funded via a Welsh Government grant.

The Consultation Report concludes that the proposal represents the best and most achievable contribution to increase the number of English-medium primary school places in the Duffryn area. The potential impact of the proposal on the Welsh language has been considered in detail and the measures being employed as part of the Council's Welsh language promotion strategy and WESP implementation plan are deemed sufficient to mitigate any perceived negative impact.

Accordingly, the Council is now required to move to the next stage in this 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 accompanies this report, 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. All documentation was made available bilingually in Welsh and English, and in other languages on request.

Two face-to-face drop-in events were arranged to support this consultation on 3<sup>rd</sup> October 2023 and 9<sup>th</sup> October 2023. Both drop-in events were held at Tredegar Park Primary School. No stakeholders attended the first session, and two stakeholders attended the second session. The stakeholders attending the second session took the opportunity to ask the officers present two questions about the proposal. These questions and the Council's response are outlined on page 5 of the accompanying Consultation Report.

## Learner Voice

The Council is committed to gaining the views of learners. To support this, officers from the Education Service met with a group of 10 learners identified by the school on 9<sup>th</sup> October 2023, and used this session to share information about the proposal and gather their views. Further information about this session, including the questions raised and feedback received from these pupils, is included on pages 3 and 4 of the accompanying Consultation Report. The Council is grateful to the pupils who took part in this session and would like to thank them for their valuable contributions to the consultation process.

## Consultation Responses

Overall, a total of 27 responses were received during the consultation period from a variety of stakeholders; 24 via the response pro-forma, and 3 written responses from a Trade Union, Estyn, and the Welsh Language Commissioner.

Of the 24 pro-formas received, 11 (46%) supported the proposal, with a further 4 (17%) supporting the proposal in-part. The remaining 9 responses (38%) were not in support of the proposal. Further information on the feedback received, and the responses from the Council in relation to the issues raised, is referred to in detail across pages 6-8 of the accompanying Consultation Report.

## Trade Union

The response received from a School Trade Union was partly supportive of the proposal and is included at Appendix B of the accompanying Consultation Report. The response from the Council to the comments raised is included on pages 8 and 9 of the Consultation Report.

## Estyn

The full response from Estyn is included at Appendix C of the accompanying Consultation Report. However, in summary, the response states that the proposal is likely to, at least, maintain the standard of provision in the school. The Estyn response also suggested that further clarification was required on some elements of the proposal. The points have been addressed by the Council, with relevant responses included on pages 9 and 10 of the Consultation Report.

## Welsh Language Commissioner

The full response from the Welsh Language Commissioner is included at Appendix D of the accompanying Consultation Report. However, in summary, the response noted that the Council had not evidenced due consideration of the effects of the proposal on the Welsh language and on Welsh-medium education. This has been acknowledged, and as a result the original Fairness and Equality Impact Assessment (FEIA) was revised and updated, and now provides further detail around the potential impact of this proposal on the Welsh language. The Council's response to the specific comments made by the Welsh Language Commissioner is included on pages 11 and 12 of the Consultation Report.

## Financial Summary

### Capital

The Council has been awarded Welsh Government grant funding of £1m to support the capital works associated with this project. Officers are confident that this is sufficient to undertake the required works; therefore, this project will not impact on the capital headroom.

### Revenue

The proposed increase to the PAN will be incremental, growing at 15 places per year over 7 academic years. The total funding required for the additional places is outlined in the table below. Once fully established, the 105 additional places will cost c. £360k per annum. As a maintained setting, these places will be funded through the school's Individual School Budget (ISB), distributed by the Council according to the prescribed funding formula.

School Name	24/25 £,000	25/26 £,000	26/27 £,000	27/28 £,000	28/29 £,000	29/30 £,000	30/31 £,000	31/32 £,000
Tredegar Park Primary	60	108	151	195	236	278	319	360

The expansion proposal is currently included in the Council's Medium Term Financial Plan (MTFP). Funding of c.£29k was first approved in 2021/2022; however due to the delay in progressing the proposal, the MTFP will be revised to reflect the incremental funding requirements each financial year from 2024/2025 onwards as per the table below:

2024/25 £,000	2025/26 £,000	2026/27 £,000	2027/28 £,000	2028/29 £,000	2029/30 £,000	2030/31 £,000	2031/32 £,000	2032/33 £,000
6	53	45	44	42	42	41	41	17

It is important to note that as the additional places are required due to an increase in demand for primary sector places, if this proposal is unfunded, the ISB funding available for all other schools will be diluted.

### Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

<b>Risk Title / Description</b>	<b>Risk Impact score of Risk if it occurs* (H/M/L)</b>	<b>Risk Probability of risk occurring (H/M/L)</b>	<b>Risk Mitigation Action(s)</b> What is the Council doing or what has it done to avoid the risk or reduce its effect?	<b>Risk Owner</b> 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
Proposed expansion is insufficient to demand the demand for pupil places in the area	M	L	Pupil projections will continue to be monitored by the Council's Planning of School Places group, with mitigating action taken as required to support oversubscription.	Chief Education Officer
Demand for pupil places in the area diminishes leading to an increase in the number of surplus places	M	L	Pupil projections will continue to be monitored by the Council's Planning of School Places group; however, this risk is considered unlikely due to latest pupil projections and considering the impact of housing developments in the local area.	Chief Education Officer
The increase in the number of primary school places causes greater pressure on secondary school places in the area	M	L	Pupil projections will continue to be monitored by the Council's Planning of School Places group; however, as there are no proposed changes to catchment boundaries, this risk is considered unlikely.	Chief Education Officer
Insufficient capital funding to support the project	H	L	Officers are confident that the grant funding of £1m awarded for this project is sufficient to	Chief Education Officer

			support the required capital works.	
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\* Taking account of proposed mitigation measures

**Links to Council Policies and Priorities**

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Education Service Plan

**Options Available and considered**

Option 1: To 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**

Capital

The Welsh Government has awarded £1m to undertake the required expansion works, however there remains significant volatility in relation to inflationary price increases and, therefore, the capital expenditure will need to be monitored closely to ensure the project remains within the available funding, as it will not be possible to absorb any overspending from existing local authority capital funding headroom.

Revenue

The proposal will create capacity within the John Frost Cluster in response to an increased demand for places, following several housing developments in the surrounding area. The growth of the school is planned to be incremental to mitigate migration from other surrounding schools, however, there remains a risk that pupil numbers at those existing schools may reduce over time if primary numbers remain static overall, which could lead to a loss of funding to those schools and consequentially create budget pressures.

If approved, this revenue funding requirement will become a pre commitment to fund the growth from the ISB. As noted in the financial summary, the expansion proposal is currently included in the Council's Medium Term Financial Plan (MTFP) and the MTFP has been revised to reflect the incremental funding requirements from 2024/25 onwards. However, if it is deemed not possible to fund this pressure from within the overall Council budget, and the provision is implemented, it will dilute the funding available to all other schools, many of whom are already facing significant financial challenges.

**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 increase the pupil capacity of Tredegar Park Primary School incrementally from 420 to 525 pupil places over a 7-year period, commencing in September 2024, 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 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.

The response to the consultation process was that 46% supported the proposal in full, 17% supported the proposal in part and 38% supported were not in support. The Estyn response expressed the view

that standards would be maintained under the proposals, but that further clarification would be required. All of the consultation responses are set out in the Appendices to the Report.

The Cabinet Member is now required to consider these feedback received during the consultation process, alongside the Council's responses to that feedback, and decide whether or not to proceed with the necessary statutory notices, having regard to the educational impact of the proposals. If the Cabinet Member decides to proceed with the statutory notices, 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 (including, at least, 15 school days) will need to be allowed for statutory objections. If no objections are received during the statutory proposal stage, the final decision can be made by the Cabinet Member. However, if there are any unresolved objections, then the final determination must be referred to full Cabinet, acting as the Local Determination Panel.

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

The report sets out the proposal to increase the capacity of Tredegar Park Primary School and use Welsh Government funding to create additional primary school places, to help meet demand for places in the local area.

Following Welsh Government's School Organisation Code, the period of formal consultation and stakeholder engagement has completed. The publication of the statutory notice would include further opportunity for stakeholders to consider the proposals for establishment of this new provision. The Fairness and Equality Impact Assessment and Welsh Language Assessment have been updated following the consultation period to inform the Cabinet Member and subsequent consultees.

There are no direct human resources implications at this stage, however there may be a requirement to consider the workforce arrangements and structure should the proposal be approved.

## **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 proposal and was later revised to provide further detail around the potential impact on the Welsh language. The FEIA has now been updated again to reflect the feedback received during the consultation period and will be reviewed again to support the final determination of the proposal.

This school reorganisation proposal was undertaken in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process, but this is not exclusive, and the Council extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process was emailed to identified stakeholders. The proposal was also published on the Newport City website, and on social media platforms such as Twitter and Facebook. The consultation documents contained a consultation response pro-forma, and there was an opportunity for any questions or concerns to be submitted. All consultation documents were available bilingually in Welsh and English. The consultation involved 2 drop-in sessions with those affected by the proposal, and a Pupil Voice session was arranged for a group of learners from the school. A Consultation Report has now been prepared and published

and will be used to support the Cabinet Member for Education & Early Years in deciding whether or not to proceed with the proposal.

The FEIA has identified positive impacts of the proposal in relation to *Age and Pregnancy or Maternity*. The proposal will increase the capacity of Tredegar Park Primary School by 105 pupil places, and this will increase the likelihood of local children securing places in a local primary school. Whilst the additional places will be available to all applicants, in accordance with the Council's School Admissions Policy, priority will be afforded to children living within the school catchment area. The increase in pupil places will also have a positive impact on families with, or planning to have, children within the Tredegar Park & Marshfield area. Whilst no negative impacts have been identified, 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. Having considered the response to the consultation submitted by the Welsh Language Commissioner, and following other comments received from a member of the Newport Welsh in Education Forum suggesting that the Welsh Language Impact Assessment contained within the original FEIA had not evidenced due consideration of the effects of the proposal on the Welsh language and on Welsh-medium education, the document was revised and now provides further detail around the potential impact of this proposal on the Welsh language. The measures being employed as part of the Council's Welsh Language Promotion Strategy and the WESP Implementation Plan are deemed sufficient to mitigate any perceived negative impact.

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 proposal seeks to increase the capacity of Tredegar Park Primary School by 105 pupil places, starting in September 2024. Over the past 5 years the number of pupils attending the school has fluctuated, with a high of 398 in 2021/22, however, the current Reception year group is fully subscribed. Most other English-medium schools in The John Frost School cluster are almost at capacity. There is a need to increase capacity within the area, and whilst all schools within the cluster were considered for expansion, Tredegar Park Primary School was identified as being the most suitable.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Welsh Government guidance recommends a 10% surplus of places across schools. As of January 2023, there were 11% surplus places at Tredegar Park Primary School, predominantly due to an unusually small Reception intake in September 2022, although the current Reception year group is fully subscribed. The increase in housing developments in the local area and the fact that many of the primary schools in the cluster are already full means that additional school places are required. The Newport One ward profiles show that the Tredegar Park & Marshfield ward population has constantly grown over the past 10 years in all age groups. Tredegar Park Primary School has been identified as the school most suitable to accommodate a small scale expansion to 2.5 form entry.**
- 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 was carried out and the proposal is being 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.**
- Collaboration: have you considered how acting in collaboration with any other person, or any other part of our organisation could help meet our wellbeing objectives. **A formal consultation has been carried out with the opportunity for engagement with all stakeholders and is being supported at each stage by a FEIA to consider impact. This FEIA was revised whilst the formal consultation was ongoing following comments received from the Welsh Language Commissioner and a member of Newport's Welsh in Education Forum in**

**relation to the impact the proposal could have on the Welsh Language and the growth of Welsh-medium education. If approved, the Education Service will work with the Governing Body of Tredegar Park Primary School to successfully deliver this proposal and achieve the required expansion.**

- **Involvement: The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. The Council has engaged with stakeholders affected by the proposal by issuing an invitation to participate in the consultation and supporting access to consultation documents. Public drop in sessions were also held where Council officers were on hand to explain the proposal and answer questions. Pupil Voice sessions were held at the school to gain the pupils' thoughts on the proposal. A Children and Young Person's consultation document was made available and distributed to pupils at the school. Discussions were also held with a member of Newport's Welsh in Education Forum regarding the potential impact of the proposal on the Welsh language.**

### **Crime and Disorder Act 1998**

Not applicable

### **Consultation**

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

### **Background Papers**

Consultation Report and Updated FEIA

**Dated: 23 January 2024**