

# Report



## Cabinet Member for Education and Early Years

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### Part 1

Date: 12 April 2024

**Subject** **Joint School Reorganisation Proposal – Reduction in Capacity and Extension of Age Range at Malpas Church in Wales Primary School – Final Determination**

**Purpose** To seek final determination on the joint school reorganisation proposal being progressed with the Governing Body of Malpas Church in Wales Primary School “to reduce the capacity of the school from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 years to 3-11 years with effect from September 2025”.

**Author** Assistant Head of Education – Resources

**Ward** Malpas

**Summary** This school reorganisation proposal is being progressed jointly by the Council and the Governing Body of Malpas Church in Wales Primary School 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 proposal passed through the statutory notice stage without objection. The Governing Body of Malpas Church in Wales Primary School has met and confirmed that it still wishes to implement the proposal. The Cabinet Member for Education & Early Years can now therefore take the final decision to implement the full proposal as consulted on.

**Proposal** **To approve the joint school reorganisation proposal progressed with the Governing Body of Malpas Church in Wales Primary School “to reduce the capacity of the school from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 years to 3-11 years with effect from September 2025”.**

**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
- Governing Body of Malpas Church in Wales Primary School

**Signed**

## **Background**

Over the past 5 years, the number of pupils that attend Malpas Church in Wales Primary School has been decreasing. In the academic year 2017/18 there were a total of 367 pupils on roll, but this decreased to 300 pupils in 2021/22, leaving 20.63% surplus places at the school. Numbers at the other schools in the cluster have remained relatively stable during this time. Pupil forecasts suggest that by 2026/27 there will only be 243 pupils at Malpas Church in Wales Primary School, resulting in 35.71% surplus places. This decreasing number of pupils will make planning and managing the school difficult, and potentially leave parts of the school unused which is not cost-effective.

Malpas Church in Wales Primary School is the only primary school in the Newport High cluster that does not benefit from an attached nursery class. Reducing the PAN of the school will enable the Governing Body to extend the age range of the school to support establishment of a nursery class. This will increase the number of funded nursery places available across the city, support positive transition from non-statutory provision to statutory education for very young learners, and provide equity of a 3-11 model across all primary schools within the Newport High School cluster.

Given the voluntary controlled status of the school, this school reorganisation proposal must be progressed jointly by the Council and the Governing Body of Malpas Church in Wales Primary School and seeks to reduce the capacity of the school from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 years to 3-11 years with effect from September 2025.

The proposal included a period of formal consultation carried out between 19th June 2023 and 30th July 2023, following which a consultation report, containing a summary of the issues raised alongside responses from the Council and the Governing Body, was prepared and published on the Newport City Council and Malpas Church in Wales Primary School websites. The decisions to initially take forward the proposal and later to publish the statutory notice were both approved first by the Governing Body and subsequently by the Cabinet Member for Education & Early Years in accordance with the Council's agreed democratic processes and procedures.

## **Current Position**

The Governing Body and the Council moved to the second stage in the school reorganisation process by publishing a statutory proposal between 11<sup>th</sup> December 2023 and 19<sup>th</sup> January 2024. This confirmed the intent to reduce the capacity of Malpas Church in Wales Primary school from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 to 3-11 with effect from September 2025. The statutory notice gave an opportunity for stakeholders to lodge formal objections against the proposal.

The statutory proposal was published on the Newport City Council and Malpas Church in Wales Primary School websites, with copies also displayed on all access and entrance gates at the 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. The Governing Body of Malpas Church in Wales Primary School met on 19<sup>th</sup> February 2024 and confirmed that it still wished to implement the proposal. As a result, the Cabinet Member for Education & Early Years is now required to take the final decision to determine the full proposal as consulted on.

## **Financial Summary**

### Capital

The proposal will require some small alterations to classrooms. These costs are not expected to be significant and will be funded from the school's revenue budget.

## Revenue

Newport City Council provides schools with a revenue budget each year from the Individual School Budget (ISB) which is delegated to the Governing Body, and all costs associated with the running of the school are to be met from this budget.

Funding for the school is based on pupils on roll not the Published Admission Number (PAN), therefore a reduction to PAN to accommodate a Nursery provision will not reduce existing funding for the school; the additional pupils in the Nursery provision will generate additional funding and the Headteacher and Governing Body are confident that the staffing costs for the nursery can be met from the school's budget.

Whilst the proposal offers more choice to families in the Malpas ward, it is possible that the new provision could divert pupils away from existing nursery provisions in both maintained and non-maintained settings. In the case of the latter group; this will put additional pressure on the ISB and dilute the funding available across the sector on a per pupil basis whilst the former group will divert funding away from existing schools where those pupils move away from. The impact as described are unavoidable and in the current financial context for schools, are very challenging though any impact from these alone is likely to be marginal relative to the overall ISB.

## **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 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 / Governing Body of Malpas Church in Wales Primary School
Demand for places at the school increases and the school becomes oversubscribed	M	L	This will be monitored by the Council but is unlikely due to the reducing demand in recent years. If it occurs however, the Council's over-subscription criteria will determine priority. There are sufficient places across the cluster to meet forecast demand.	Chief Education Officer
The nursery class does not receive sufficient applications	M	L	Whilst the number of applications that will be received cannot be predicted with any certainty, the Governing Body will need to consider the anticipated demand for nursery places when deciding whether to take this element of the proposal forward following formal consultation.	Headteacher and Governing Body of Malpas Church in Wales Primary School

\* 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 determine to implement the proposal as consulted upon and, as a result, to reduce the capacity of Malpas Church in Wales Primary School from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 years to 3-11 years with effect from September 2025.

Option 2: To decide to withdraw the proposal and instead continue to support Malpas Church in Wales Primary School to operate within the existing arrangements in terms of capacity, published admission number and the age range of the school.

### **Preferred Option and Why**

The preferred option is Option 1. In recent years, the number of pupils that attend Malpas Church in Wales Primary School has been decreasing and forecasts suggest that this will continue. This decreasing number of pupils will make planning and managing the school difficult, and potentially leave parts of the school unused which is not cost-effective. Malpas Church in Wales Primary School is the only primary school in the Newport High cluster that does not benefit from an attached nursery class. Reducing the PAN of the school will enable the Governing Body to extend the age range of the school to support establishment of a nursery class. This will increase the number of funded nursery places available across the city, support positive transition from non-statutory provision to statutory education for very young learners, and provide equity of a 3-11 model across all primary schools within the Newport High School cluster.

## **Comments of Chief Financial Officer**

### Capital

There is no capital funding available to support the small alternations noted in the report. The school will therefore need to fund these works from their existing budget.

### Revenue

As the school is funded on pupils on roll, not their Published Admission Number (PAN), the reduction to (PAN) is not expected to reduce existing funding but will likely generate additional funding due to pupils being admitted to the Nursery provision. If all places are taken, this would generate an additional £40k funding in the first year, rising to £70k thereafter (based on the Age-Weighted Pupil Unit value for a Nursery in 2024/25).

This provision will need to be appropriately staffed and the school and Governing Body have advised they are confident this can be met from the school's budget. However, it is important to note that whilst the schools projected closing reserve balance for 23/24 is c£92k, the school will need to ensure it manages within its existing resources and find mitigation to absorb any costs over and above this in order to avoid a deficit position in the future.

Funding for the proposed nursery provision will be met from the existing ISB, however it should be noted that the establishment of the nursery, as noted above may result in a reduction in pupil numbers at other schools and reduce their funding going forward. There is also the risk that parents may choose the free nursery provision over private settings and the report highlights the closure of a non-maintained setting (NMS) in the Malpas ward, resulting in reduced capacity in the private settings hence this could result in a dilution of the ISB as pupil numbers grow. However, both scenarios are likely to result in marginal impacts compared to the overall ISB and the Nursery element given the numbers involved.

Therefore, if approved, this will become a requirement to provide recurring funding and whilst pupil numbers are subject to an annual review, which is factored into the Council's Medium Term Financial

Planning (MTEP), if the Council was unable to fund pupil growth in the future, it would impact on each individual school as overall funding would be diluted, though this would be marginal relative to the overall ISB and the Nursery element.

The risks noted here and in the financial summary associated with the establishment of nursery provision are potentially challenging for schools in the current financial context and therefore should be noted, acknowledged, and considered by the Cabinet Member.

### **Comments of Monitoring Officer**

The proposal in the report constitutes an “approved proposal” according to School Admissions (Variation of Admission Arrangements) (Wales) Regulations 2013. The report indicates that the required consultation and publication has taken place in accordance with the School Organisation Code and that no objections to the proposals were received. It does not appear that there are any related proposals. It is therefore open to the Cabinet Member for Education and Early Years to decide to adopt the proposals set out in this report, such decision being within her delegated authority.

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

The progression of this reorganisation proposal follows statutory requirements. The evidence, and no objections made during the statutory notice stage, support the progression of this reorganisation proposal.

A full FEIA has been completed along with consideration of legislative impacts in line with the Wellbeing of Future Generations (Wales) Act.

Acknowledgement of the Council’s Corporate plan along with other Council targets have been considered. At this stage staffing impacts remain as previously stated with staffing for the nursery class to be managed by reorganisation of existing staff due to the reduction in capacity of the school. Human Resources would support the school with this process, ensuring compliance with existing policies and procedures.

### **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**

A full Fairness and Equality Impact Assessment (FEIA) has been undertaken and published on our website [here](#). The Council has several 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 reviewed and updated to support the decision to publish the statutory notice. It has now been reviewed and updated again to support this request for final determination.

This school reorganisation proposal was undertaken in partnership with the Governing Body of Malpas Church in Wales Primary School, and 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 published on the Newport City Council and Malpas Church in Wales Primary School websites, and social media platforms such as Twitter and Facebook also shared information on the proposal. 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. 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 impacts of the proposal in relation to Age and Pregnancy or Maternity. The proposal will include establishing a 16- full time place nursery class in Malpas Church in Wales Primary School, the only primary school in the Newport High School cluster that does not currently provide a nursery class. This will enable children within the Malpas Church in Wales Primary catchment area to apply for nursery places at their local school, enabling them to build friendships which will grow throughout their school life.

The establishment of a nursery class at the school might also have a positive impact of families with, or planning to have, children within the Malpas area. Whilst the proposal will also result in the PAN of the school reducing by 9 places to 45 from 54, forecasts show this is still suitable to meet demand likely to arise in the future. 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.

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 will result in the capacity of the school reducing from 378 to 315 pupil places from September 2024. Over the past 5 years the number of pupils attending Malpas Church Primary School has been decreasing. Pupil forecasts indicate that numbers at the school will continue to decline over coming years. The proposed PAN is still greater than the in-catchment average annual birth rate of 35, and it is anticipated that there will still be an overall sufficiency of places in the local area. The reduction in capacity will enable the Governing Body of the school to extend the age range which will support establishment of a nursery class. This will ensure that all primary schools within the Newport High cluster have nursery classes, and deliver long-term benefits in education and development.**
- 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 25% surplus places at Malpas Church in Wales Primary School. Forecasts indicate that this number of surplus places will continue to increase at the school over the next 5 years, and could be as high as 35.71% by 2026/27. Reducing the PAN will make planning and managing the school easier and more cost effective, and will also support the establishment of a nursery class to increase the number of funded nursery places available across the city and enable positive transition into statutory mainstream education. In turn this will contribute towards Newport City Council's Well-being Goals of improving skills, educational outcomes and employment opportunities, and to build cohesive and sustainable communities.**
- 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 One Newport PSB well-being plan for 2018-2023, and the Wellbeing of Future Generations Act's Wellbeing Goal to create a Wales of vibrant culture and thriving Welsh Language.**
- 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. **This proposal is being progressed jointly by the Council and the Governing Body of Malpas Church in Wales Primary School. A formal consultation was carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.**

- **Involvement:** The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. **The Council and Governing Body of Malpas Church in Wales Primary School engaged with identified stakeholders during the formal consultation process. 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: 27 March 2024**