

# Report

## Cabinet Member for Education and Skills

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### Part 1

Date: 16 April 2018

Item: 01

**Subject** **School Reorganisation Proposal: Expansion of Maes Ebbw School – Final Determination**

**Purpose** To seek final determination on the school reorganisation proposal “to expand the main Maes Ebbw School site and therefore provide additional pupil places by increasing the capacity of the school from 100 to 150 with effect from April 2019”

**Author** Education Service Development Manager

**Ward** All

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

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

**Proposal** **To approve the school reorganisation proposal “to expand the main Maes Ebbw School site and therefore provide additional pupil places by increasing the capacity of the school from 100 to 150 with effect from April 2019”**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Education Senior Management Team
- Senior HR Business Partner
- Senior Finance Business Partner
- Schools Resources Manager
- Headteacher, Maes Ebbw School
- Chair of Governors, Maes Ebbw School

**Signed**

## Background

A school reorganisation proposal has been taken forward to expand Maes Ebbw School. This included a period of formal consultation carried out between 11<sup>th</sup> September 2017 and 22<sup>nd</sup> October 2017 following which a consultation report, containing a summary of the issues raised by consultees and the Council's response, was prepared and published on the Newport City Council website. The decisions to launch formal consultation and subsequently publish a statutory proposal were both approved by the Cabinet Member for Education and Skills via the Council's agreed democratic processes and procedures.

## Current position

The Council published a statutory proposal between 15<sup>th</sup> January 2018 and 12<sup>th</sup> February 2018 to expand the main Maes Ebbw School site and therefore provide additional pupil places by increasing the capacity of the school from 100 to 150 with effect from April 2019.

The statutory proposal was published on the Newport City Council website and copies were displayed at all main entrances to Maes Ebbw School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Maes Ebbw School. The consultation passed through this statutory notice stage without objection and therefore a final decision can now be taken by the Cabinet Member for Education and Skills.

The statutory notice stage did however generate a letter in favour of the proposal from the governing body of Ysgol Bryn Derw. The governing body supported the need for an increase in Special School provision across the City and noted the pressure on placements, particularly at Key Stage 3 and upwards.

## Financial Summary

The total cost of this project is estimated to be approximately £3.5 million, funded entirely via the 21<sup>st</sup> Century Schools Programme. This can be presented as a cost of approximately £74,468 per additional pupil place.

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, although the school is currently over capacity and the original forecast for the development was planned earlier than now being proposed, therefore the school is being funded for staffing levels to support the current number of pupils on its main site. The proposal to extend Maes Ebbw School will provide additional specialist education places for children within special educational needs and could potentially enable pupils at out-of-county placements to return to the City for their education. This has the potential to reduce the cost of these school placements and the associated transport costs, however it is possible that some of these savings will need to be re-directed to meet the specific needs of these pupils.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to finally determine the proposal	L	L	This risk has been mitigated by carrying out a full consultation process in accordance with the statutory School Organisation Code and through the publication of a statutory notice which generated no objections.	Chief Education Officer

## **Links to Council Policies and Priorities**

Wellbeing of Future Generations (Wales) Act 2015

Council Improvement Plan

Education Service Plan

## **Options Available**

Option 1: to determine to implement the proposal to expand the main Maes Ebbw site and therefore provide additional pupil places by increasing the capacity of the school from 100 to 150 with effect from September 2018.

Option 2: to decide to withdraw the proposal and instead maintain the existing capacity of the main school building.

## **Preferred Option and Why**

The preferred option is Option 1. Maes Ebbw School serves the whole of the city and supports the provision of education for children aged from 3 years to 19 years whose statement of Special Educational Needs includes a requirement for specialist provision. The school offers a well-resourced environment and aims to provide the highest possible standards of education and support for all pupils regardless of their level of educational need. It is however over-subscribed and at present the number of pupils on roll exceeds the measured capacity of the school. Whilst this has been managed to date, the school site has sufficient and appropriate space to support the construction of seven additional classrooms and a sensory garden.

## **Comments of Chief Financial Officer**

As the report states there will also be no further revenue pressure on the current Council budget from the increase in capacity as the school is already in receipt of funding deemed adequate for 148 pupils on the main site. This funding is for pupil led costs and school specific costs. The proposal will however create further revenue pressure on school budgets as the increased floor space will require additional site specific funding (caretaker, cleaning, rates etc). Without a real increase in school funding this proposal would dilute funding available to other schools.

As the report states, it may be possible to enable a limited number of pupils at out-of-county placements to return to the City for their education. In the event that is possible, subject to authorisation/approval it may be possible to generate additional funding from the savings generated. The out of county proposals are the subject of a separate project that will need to include directly the use of spaces at Maes Ebbw in order to make funding available.

## **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 capacity of Maes Ebbw School from 100 to 150 is a regulated alteration 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 there was meaningful consultation with key stakeholders, including children and young people, who were likely to be affected by the changes. There were two consultation responses which objected to the proposal, based upon a perceived detrimental impact on the already overcrowded facilities at the school and the adequacy if the approved budget. However, for the most part, the consultation responses were supportive of the proposal and the formal response from Estyn concluded that the proposals would, at least, maintain current standards of specialist education provision in the area. The Cabinet Member decided to proceed with the necessary statutory notices, having regard to the consultation responses and the educational impact of the proposals. Accordingly, the proposal was 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) was allowed for statutory objections.

No objections have been received during the statutory notice period and, therefore, the Cabinet Member is now able to take the final decision to proceed with and implement the proposed school reorganisation, with effect from April 2019.

## Comments of Head of People and Business Change

As required by the Well-being of Future Generations (Wales) Act 2015 this proposal has considered all five aspects of the sustainable development principle. In addition a Fairness and Equality Impact Assessments (FEIA) has been completed. This assessment has been updated in light of the responses received in the formal consultation process and also when writing this report.

From a human resources perspective there are no implications at this stage, other than keeping current staff informed of the process. The original intention was that if approved, the decision would be effective from September 2018. The unforeseen delays will however mean that this implementation date is now being modified to April 2019. This does not change the comment that there are no human resources implications at this stage, other than keeping staff informed. There would be future staffing implications for Maes Ebbw School as a result of this proposal, in terms of appointing the staff required to support the additional pupils.

## Local issues

None

## Scrutiny Committees

None

## Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The Fairness & Equality Impact Assessment (FEIA) has been updated and is attached at Appendix 1.

## Children and Families (Wales) Measure

Consultation with pupils was carried out during the formal consultation stage and is outlined within the Consultation Report.

## Wellbeing of Future Generations (Wales) Act 2015

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act.

You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs **by making additional specialist school places available to meet the needs of pupils living within Newport**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives **additional specialist school places are made available therefore increasing provision for children to attend a school within the City as opposed to an Out-of-County placement**

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies ***a formal statutory consultation has been carried out with key stakeholders, the outcome of which is detailed in the consultation report. This proposal supports the “A prosperous Wales” and “A more equal Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”***
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives ***a formal consultation has already been carried out and included targeted stakeholder engagement. A FEIA has also been prepared and updated to consider the impact of the proposal***
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve ***a formal statutory consultation has already been carried out and included targeted stakeholder engagement. A FEIA has also been prepared and updated to consider the impact of the proposal***

In summary this proposal supports wellbeing by improving facilities and increasing the availability of specialist school places within the City. This will enable pupils with additional educational needs to be educated within the City rather than having to attend Out-of-County placements.

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

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Consultation**

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

### **Background Papers**

None

Dated: 16 April 2018

# Appendix 1

## Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Deborah Weston                      **Role:** Service Development Manager

**Head of Service:** Sarah Morgan                      **Date:** 14/02/2018

**I confirm that the above Head of Service has agreed the content of this assessment**

**Yes / No**

**When you complete this FEIA, it is your responsibility to submit it to**  
impact.assessment@newport.gov.uk

### **1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

The purpose of this proposal is to increase the number of special school places available at Maes Ebbw School.

This FEIA supports the request for the Cabinet Member for Education and Skills to finally determine the school reorganisation proposal to increase the capacity of Maes Ebbw School from 100 to 150.

The original consultation suggested that, if approved, the decision would be effective from September 2018. The project has been delayed however and as a result, the statutory proposal was published with a modified implementation date of April 2019.

### **2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

This proposal was subject to formal consultation with a range of stakeholders, the results of which were outlined in the Consultation Report which has been published on the Newport City Council website.

A statutory proposal was subsequently published for a period of 28 days, and this offered the opportunity for formal objections to be lodged. No such objections were lodged however.

### **3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**

The proposal has been carried out in accordance with the School Standards and Organisation (Wales) Act 2013, and the statutory School Organisation Code 2013 and included consultation with a range of stakeholders. The results of this consultation process are outlined in the Consultation Report which has been prepared and published on the Newport City Council website. The Council published a statutory proposal between 15<sup>th</sup> January 2018 and 12<sup>th</sup> February 2018 to increase the capacity of Maes Ebbw School from 100 to 150 with effect from April 2019.

The statutory proposal was published on the Newport City Council website and copies were

displayed at all main entrances to Maes Ebbw School. The notice was also shared with all stakeholders as outlined in the statutory School Organisation Code, including the pupils, staff and parents / carers of Maes Ebbw School.

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

#### 4. Equalities and Welsh language impact





Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Age</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional special school places will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment. This will not have any detrimental impact on other schools and provision</p> <p>The proposal requires building work be carried out to extend the current school. All necessary actions will be taken to ensure that the school site is a safe environment for all pupils during these building works.</p> <p>All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Disability</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional special school places will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment. This will not have any detrimental impact on other schools and provision</p> <p>The proposal requires building work be carried out to extend the current school. All necessary actions will be taken to ensure that the school site is a safe environment for all pupils during these building works.</p> <p>All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Gender reassignment/ transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Any pupils, parents / carers and staff falling into this protected characteristic will be treated equitably in line with the relevant policies as adopted by the governing body of</p>


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
				the school.
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All staff employed at the school will be treated equitably regardless of their status within this protected characteristic.
<b>Race</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The provision of additional special school places will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment. This will not have any detrimental impact on other schools and provision</p> <p>The proposal requires building work be carried out to extend the current school. All necessary actions will be taken to ensure that the school site is a safe environment for all pupils during these building works.</p> <p>All pupils attending the school and staff employed at the school will be treated equitably regardless of their status within this protected characteristic.</p>
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Maes Ebbw School is a community special school. However the school follows all aspects of the national curriculum.
<b>Sex/ Gender Identity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The provision of additional special school places will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment. This will not have any detrimental impact on other schools and provision</p> <p>The proposal requires building work be carried out to extend the current school. All necessary actions will be taken to ensure that the school site is a safe environment for all pupils during these building works.</p> <p>All stakeholders associated with the school and all will be treated equitably regardless of their status under this protected characteristic.</p>
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any stakeholders falling into this protected characteristic will be treated equitably in line with the relevant policies as adopted by the governing body of the school.



Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Welsh Language	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Maes Ebbw School is a community special school. However the school follows all aspects of the national curriculum.

## 5 How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p><i>Yes by making additional specialist school places available to meet the needs of pupils living within Newport</i></p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p><i>A formal consultation has already been carried out and included targeted stakeholder engagement.</i></p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p><i>A formal statutory consultation has already been carried out and included targeted stakeholder engagement.</i></p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p><i>Additional specialist school places are made available therefore increasing provision for children to attend a school within the City as opposed to an Out-of-County placement.</i></p>

<b>Sustainable Development Principle</b>	<b>Does your proposal demonstrate you have met this principle? Describe how.</b>
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p><i>A formal statutory consultation has been carried out with key stakeholders, the outcome of which is detailed in the consultation report. This proposal supports the “A prosperous Wales” and “A more equal Wales” 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”.</i></p>

**6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?**

This proposal will benefit pupils across the whole of the Newport as additional facilities will be provided to support children who have specialist needs in an appropriate and secure environment.

**7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission?**

The provision of additional specialist places will increase provision across the City for pupils with additional educational needs reducing the need for out-of-county placements.

## 8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

The proposal requires building work be carried out to extend the current school. The original intention was that if approved, this building work would take place during the course of the 17/18 academic year, with the change being effective from September 2018. Unforeseen delays however mean that this implementation date is not likely to be achieved until April 2019. All necessary actions will be taken to ensure that the school site is a safe environment for all pupils during these building works.

## 9 Monitoring, evaluating and reviewing

The impact of the proposal will be evaluated following full implementation. This FEIA has been reviewed and updated at stages throughout the proposal.

## 10 Involvement

Stakeholders were advised of the publication of the statutory notice and details of the determination will be shared as appropriate.

## 11 Summary of Impact (for inclusion in any report)

### **Equality Act 2010 AND Welsh Language**

The proposed new school will serve children and families living across the city, providing increased specialist school places and supporting the continuation of positive relationships in and around the school environment. Places at the school will be allocated by the Local Authority following an assessment of individual need. The provision of increased places should reduce the number and cost of out-of-county placements.

The school will continue to promote the Welsh language in all ways possible.

### **Wellbeing of Future Generations (Wales) Act 2015**

In summary this proposal supports wellbeing by improving facilities and increasing the availability of specialist school places within the City. This will enable pupils with additional educational needs to be educated within the City rather than having to attend Out-of-County placements.