

# Report

## Cabinet

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### Part 1

Date: 16 June 2021

**Subject** **School Reorganisation Proposal – Expansion of Bassaleg School**

**Purpose** To seek final determination on the school reorganisation proposal “to increase the overall capacity of Bassaleg School from 1747 to 2050 with effect from September 2023”.

**Author** Assistant Head of Education - Resources

**Ward** Graig

**Summary** This school reorganisation proposal has been undertaken 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.

Two formal objections were received, and two other concerns raised, during the statutory notice stage, and therefore the final decision cannot be determined by the Cabinet Member for Education and Skills. Instead, Cabinet is required to act as the Local Determination Panel and take the final decision on implementation of this proposal.

**Proposal** **To approve the school reorganisation proposal “to increase the overall capacity of Bassaleg School from 1747 to 2050 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 Business Partner
- Senior Finance Business Partner
- Headteacher and Chair of Governors of Bassaleg School

**Signed**

## **Background**

A school reorganisation proposal has been progressed to increase the overall capacity of Bassaleg School from 1747 to 2050 with effect from September 2023. This proposal included a period of formal consultation carried out between 1<sup>st</sup> October 2020 and 12<sup>th</sup> November 2020. Following its conclusion, 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 Cabinet Member for Education & Skills approved the decisions to launch formal consultation and subsequently publish a statutory proposal 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 3<sup>rd</sup> March 2021 and 1<sup>st</sup> April 2021. This confirmed the intent to increase the overall capacity of Bassaleg School from 1747 to 2050 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 at the main entrances to Bassaleg School, and information distributed by email and weblink to all stakeholders as outlined in the statutory School Organisation Code. Hard copies of the statutory proposal were available on request.

As two formal objections were received, and two other concerns raised, during the statutory notice stage, it is now necessary to refer the final determination to Cabinet acting as the Local Determination Panel.

## **Objections**

The formal objections and areas of concern covered a wide range of subjects as listed below:

1. Traffic impact in the local area
2. Size of the school catchment area
3. Potential school size and impact on attainment
4. Alternative options for secondary provision in the area
5. Opportunity for collaboration with a neighbouring LA
6. Potential opportunity for reorganisation of Post-16 provision
7. Concerns over impact of proposed 3G pitches
8. Inability of the Council to deliver the planned proposal
9. Exacerbation of anti-social behaviour issues
10. Insufficient and weak Options Analysis

These reasons for objection are outlined in detail in the Objection Report. The table included in the report sets out each of the objection points lodged by the proposal objectors. There are two columns of responses. The first column refers to how information was previously made available - either through the formal consultation pack or the subsequent consultation report. The second column is a supplementary response to further clarify the Council's current position in relation to the relevant objection point.

## **Financial Summary**

### Capital

The latest cost plan suggests that the project will require a capital investment of approximately £31m, although this will not be confirmed until the tender process is complete. At present, an amount of £28m has been allocated by the Council, £16m of which will be funded by Welsh Government through the 21<sup>st</sup> Century Schools programme with the balance of £12m provided by the Council through banked Section 106 developer contributions from the Jubilee Park and Tredegar Park Golf Club housing developments, and borrowing.

Currently, within the Capital Programme, the Band B programme stands at £75.3m, of which £5.3m is additional monies that Newport City Council have added through the use of S106 monies and further borrowing. This is currently not match funded by Welsh Government. Welsh Government has indicated the potential for Council's to amend and expand their Strategic Outline Programme later within in the

Band B timeframe and secure additional funding which will help fund this shortfall. This cannot be guaranteed at this point.

Cabinet is asked to be aware that, if additional funding is not available through Welsh Government, the Council's overall 21<sup>st</sup> Century Schools Programme may need to be reviewed in the coming months when there is more certainty on the costs in relation to this and other existing Band B projects which officers think might also require more funding than currently allowed for in the overall programme plan. In order to keep the overall capital programme within affordable and sustainable limits, this will need to include removing/reducing in scope projects from Band B programme in order to ensure that the costs are within the available funding envelope. Therefore approving this increase in the capacity and resulting school extension will in effect, prioritise this individual project within the overall Band B programme at this point.

### Revenue

There is currently a pressure identified within the Local Authority's Medium Term Financial Plan linked to the growing demand for secondary school places within the Authority, which includes the increased provision proposed at Bassaleg School. The funding for the school will come from the Individual Schools Budget (ISB) and therefore is dependent on the level of funding that goes into the ISB to fund the increasing demand for school places.

### **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	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. The objections received are detailed in the Objection Report to enable full transparency within the determination process.	Chief Education Officer
Delays in securing planning permission impact project delivery	H	M	Early engagement with City Services and Regeneration, Investment and Housing has identified the relevant issues prior to the submission of the planning application. Impact assessments and details of proposed necessary mitigation measures will form part of the application.	Chief Education Officer
Funding sufficiency to deliver the project	H	L	The proposed scope of the project and outline design has been commercially assessed and is considered affordable within the Newport City Council 21 <sup>st</sup> Century Schools Band B programme envelope. The affordability of the project is under constant review.	Chief Education Officer
Demand for pupil places decreases	M	L	Forecasts indicate growing demand across the city, and Bassaleg is an identified pressure area.	Chief Education Officer

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?
Demand for places increases beyond proposed capacity increase	M	L	It is possible that the school will continue to receive more applications than spaces available. However, the Council is confident that the proposed expansion will be sufficient to meet in-catchment demand for the near future.	Chief Education Officer

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

## Options Available

Option 1: To determine to implement the proposal to increase the overall capacity of Bassaleg School from 1747 to 2050 with effect from September 2023

Option 2: To decide to withdraw the proposal and maintain the school within its existing capacity.

## Preferred Option and Why

The preferred option is Option 1. The Council considers the expansion of Bassaleg School to be an appropriate response to the local, in-catchment demand for secondary school places. This planned expansion, alongside the replacement of some current teaching accommodation and facilities, has been highlighted as a priority project within Band B of the Council's 21<sup>st</sup> Century Schools Programme.

## Comments of Chief Financial Officer

### Capital

There is currently £28m on the capital programme for Bassaleg within 21<sup>st</sup> Century Schools allocation but high level cost plans have indicated that a potential £31m will be required. As mentioned within the report Welsh Government have indicated that there may be an option for the Council to expand their programme envelope with additional funding to help fund this shortfall though this can't be guaranteed at this point. However, if this is not available and in order to keep the overall Council capital programme within affordable and sustainable levels, it will be necessary for the Band B programme to be reviewed and projects removed/reduced from the programme to bring it back within budget. Therefore, the decision here to proceed with this project will prioritise this individual project.

A number of projects within the overall Band B programme are overspending compared to planning budget assumptions used when constructing the programme and therefore, inevitably, will need to be reviewed to keep it within overall funding availability.

### Revenue

The proposal to increase capacity within Bassaleg School will create an additional pressure on the ISB, however, there is increasing demand for school places, as a result of the growing population within the LA requiring expansion of provision. The growth of pupil numbers within the secondary sector is contained within the Authority's Medium Term Financial Plan (MTFP), which will be considered for future funding in 2022/23 financial year.

## **Comments of Monitoring Officer**

The proposed action is in accordance with the statutory school reorganisation procedures set out in the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code. Because the proposed permanent expansion of Bassaleg School would increase the capacity of the school from 1747 to 2050 pupils, then this is a regulated alteration under the Code and, therefore, has to be the subject of formal statutory consultation. In accordance with the statutory procedures, a detailed consultation document 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. Because of the on-going Covid-19 restrictions, no face-to-face consultation meetings were possible but the consultation process has been conducted strictly in accordance with the requirements of the Code (as amended by the Coronavirus Regulations). Most of the consultation responses were supportive of the proposed expansion and the valid objections were not considered to be sufficient to override the proposed educational benefits of the school expansion. The response from Estyn confirmed that this proposal would result in current educational standards being at least maintained. Therefore, the Cabinet Member agreed to proceed with the statutory notices, in the light of those consultation responses. 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 was allowed for statutory objections. Two formal objections were received and two other concerns were raised during the statutory notice stage. In accordance with the requirements of the legislation and the statutory Code, a summary of the statutory objections and the Education response to those objections is set out in the attached Objection Report. Because there are unresolved objections, then the Cabinet Member is unable to take this decision and the final decision has been referred to full Cabinet as the Local Determination Panel. The objections and responses set out in the Objection report must be given due consideration when the Cabinet takes the decision on the determination of this proposal. If Cabinet are satisfied with the responses to the objections and considers that there are still overriding educational benefits in proceeding with the expansion, then it can decide to proceed with the proposed school reorganisation

## **Comments of Head of People and Business Change**

The proposed expansion of Bassaleg School is intended to create capacity to meet the increased demand for pupils from within the catchment area thereby avoiding increased appeals, higher school transport costs and impacts on pupil wellbeing. In addition the proposal would result in an improvement in the quality of the existing accommodation and facilities.

This school reorganisation proposal has been undertaken in accordance with the Welsh Government's statutory School Organisation Code which involved a formal consultation programme, as outlined in this report, and a subsequent statutory proposal. A Fairness and Equalities Impact Assessment has been undertaken to inform Cabinet's decision making process.

## **Local issues**

Local ward members have been offered the opportunity to comment on this proposal as it has progressed.

## **Scrutiny Committees**

None

## **Equalities Impact Assessment**

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 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 intends 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 updated Fairness & Equality Impact Assessment (FEIA) is available for review.

## **Children and Families (Wales) Measure**

Pupil engagement sessions took place as part of the formal consultation process.

## **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 meet long-term needs. **Bassaleg School is consistently over-subscribed. This demand will increase as new housing developments in the area continue to mature. Increasing the capacity will ensure that the projected demand from in-catchment pupils can be supported, both in the short and longer term.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Pupil projection models show that Bassaleg School will continue to be over-subscribed, however moving forward this over-subscription correlates to pupils within the designated catchment area. Failing to take action now could result in unsuccessful on-time in-catchment applications in the future on a regular basis. This will affect pupil wellbeing, as well as increasing the number of school admission appeals and having an impact on home to school transport costs and arrangements.**
- Integration: Consider how the proposals will affect our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies. **The Consultation Report describes the detail of the statutory formal consultation process with key stakeholders, and the publication of the statutory proposal enabled the opportunity for stakeholders to formally note any objections. The FEIA has been revised following conclusion of the statutory notice period. The proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and the 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. **The Consultation Report describes the detail of the statutory formal consultation process with key stakeholders, and the publication of the statutory proposal enabled the opportunity for stakeholders to formally note any objections. The FEIA has been revised following conclusion of the statutory notice period. The proposal will be delivered through engagement with the Bassaleg School leadership team.**
- 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 Consultation Report describes the detail of the statutory formal consultation process with key stakeholders, and the publication of the statutory proposal enabled the opportunity for stakeholders to formally note any objections. The FEIA has been revised following conclusion of the statutory notice period. An Objection Report has also been prepared and will be published on the Newport City Council alongside the details of the final determination.**

## **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, and as outlined in detail in the consultation report.

## **Background Papers**

Consultation Document

Consultation Report

Statutory Notice

Objection Report

Objections

Updated FEIA

**Dated: 2 June 2021**