

# Report

## Cabinet Member for Education and Early Years

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### Part 1

Date: 11 November 2022

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

**Purpose** To seek approval to take forward a school reorganisation proposal, commencing with a period of formal consultation, “to establish a 20-place specialist base for pupils with Autistic Spectrum Disorder at Llanwern High School with effect from September 2023”.

**Author** Assistant Head of Education - Resources

**Ward** All wards, as this will be a city-wide provision; however the school is situated within the Ringland ward and its catchment area extends either partly or wholly into the Alway, Beechwood, Bishton & Langstone and Llanwern wards.

**Summary** This report references the requirement to move to formal consultation as part of a statutory school reorganisation proposal to establish a 20-place specialist Learning Resource Base at Llanwern High School with effect from September 2023.

The number of pupils across Newport with a formal diagnosis of Autistic Spectrum Disorder (ASD) is increasing. Whilst the majority of pupils with this condition are able to attend mainstream schools with varying levels of support, others require more specialist provision in order to meet their needs. There are currently two specific ASD provisions within the City – at Ysgol Bryn Derw and The John Frost School – but the demand for places due to the identified needs of pupils in Newport schools is higher than current provision available within the city.

In accordance with Welsh Government’s statutory School Organisation Code, school reorganisation proposals must commence with a period of formal consultation and stakeholder engagement. The formal consultation pack will include further information regarding the proposal to enable all consultees and stakeholders to be fully informed on the proposals for establishment of this new provision.

A decision to proceed following consultation would constitute a financial commitment which will require funding via the overall school budget.

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

**Action by** Chief Education Officer  
**Timetable** Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR and Finance Business Partners
- Headteacher and Chair of Governors of Llanwern High School

**Signed**

## **Background**

The number of pupils across Newport with a formal diagnosis of Autistic Spectrum Disorder (ASD) is increasing. Whilst the majority of pupils with this condition are able to attend mainstream schools with varying levels of support, others require more specialist provision in order to meet their needs. There are currently two specific ASD provisions within the City, as described below:

- Ysgol Bryn Derw is an ASD specific school for pupils aged between 3 years and 19 years, which was established in 2017. All pupils who attend the school have a formal diagnosis of Autism which is complex in nature and where needs cannot be met at a mainstream or Learning Resource Base (LRB) provision. In order to meet increasing demand, the capacity of this school has increased from 48 (when it first opened) to 96 from April 2022 through the refurbishment of two other Council-owned buildings.
- The John Frost School hosts a specialist ASD specific Learning Resource Base, for secondary-age pupils, and all pupils who attend have a formal diagnosis of Autism. The capacity of this base is for 20 pupils, but as of May 2022 a total of 25 pupils were placed in the provision.

There is an increasing demand for specialist education provision across the City, and this demand is higher than the current provision available. A new provision will benefit pupils across the whole of Newport as additional facilities will be provided to appropriately support children who have specialist needs in an appropriate and secure environment, and where these needs cannot be accommodated at either Ysgol Bryn Derw or The John Frost School.

It is proposed that the new provision will open to four Year 7 pupils from September 2023 to meet the demand anticipated as pupils transition from primary to secondary school. This pattern will continue over the next four years until the full 20-place capacity is realised from September 2027. This eventual capacity will align with the size of the already established base at The John Frost School and will result in equitable provision on the East and West of the City so that pupils are able to attend a provision more local to their home addresses and reduce to out-of-county placement and transport costs.

Llanwern High School already has a specially designed appropriate space to host this new base, having previously hosted a Social Emotional Behavioural Difficulties (SEBD) provision. This will enable a secure, separate area of the school building to be provided for these pupils, with an appropriate separate entrance and opportunities for withdrawal / small group working in the classroom spaces available, as well as the development of independent life skills in the kitchen areas. Llanwern High School is one of the few schools in Newport with capacity to host this provision; the school is currently operating under its measured capacity and has been for several years.

## **Formal Consultation Process**

The school reorganisation proposal will be undertaken in accordance with the guidance outlined in Welsh Government's statutory School Organisation Code. The formal consultation period represents stage 1 of the consultation process and is an opportunity for people to learn about the proposal, ask questions and make comments that will be recorded and summarised in a consultation report. The consultation period will involve 2 drop-in sessions at Llanwern High School with those affected by the proposal, where Council officers will be on hand to explain the proposals in more detail and answer any questions. Consultation responses can also be submitted by email. In order to support engagement with stakeholders, Children and Young People's Everyday Summary and ASD Friendly versions of the consultation have also been produced.

Formal consultation will commence as soon as possible in the autumn term of 2022 and last for a period of 42 days. Following this, a consultation report will be drafted and published on the Council website. The Cabinet Member for Education & Early Years will then consider this consultation report when taking a decision as to whether or not to move to the next stage in the process, which is the publication of a statutory notice. If there are no objections to the statutory notice, the Cabinet Member for Education & Early Years will be asked to take the final decision on the establishment of this new specialist base at Llanwern High School. If there are any objections however, an Objection Report will be prepared, and the decision will be referred to the full Cabinet of the Council, acting as the Local Determination Panel.

## Financial Summary

### Capital

There are no capital costs or works associated with this proposal; the base will be accommodated within an existing area of Llanwern High School through a reorganisation of current provision.

### Revenue

Once fully established, the ASD base at Llanwern will cost approximately £435,000 per annum (at 2022-2023 values). As a maintained setting the provision will be funded through the school's individual school budget share, distributed by the council according to the prescribed funding formula. It will however take 6 years to reach the point of being fully established due to the incremental approach to growth

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

On the basis of 20 placements being filled, this provides an estimated cost per pupil of between £25,000 and £27,000 per annum. However, establishment of the base may reduce the need for Out of County ASD placements which have an approximate annual cost of £42,000 per placement (excluding transport which cannot be quantified at this stage) and therefore this proposal could deliver a potential cost avoidance.

Whilst a potential cost avoidance might result from this, the provision being consulted on is an increased level of service provision and therefore has an increased cost associated with it, as noted above at c£435k. In the first year the pressure is £49,722 and this will be met from an existing budget within the Education service. From 2024/25 onwards, it is proposed that this cost is met from within the existing overall school budget, as opposed to being incorporated as a new pressure within the Council's revenue budget in future years. In 2024/25, for example, the incremental budget requirement of £87,693 being met from the overall school budget will dilute the overall per pupil funding for each school. This impact, however, will be minimal, with the largest estimated impact at primary school level being circa £2.5k and £8k at secondary level.

| Financial Year | No of Pupils | Unit Funding (growing at 4 pupils per year) | OOC Placement Costs | Potential 'cost avoidance' |
|----------------|--------------|---|---------------------|----------------------------|
| 2023/24        | 4            | 49,722                                      | 97,860              | 48,138                     |
| 2024/25        | 8            | 137,415                                     | 265.860             | 128,445                    |
| 2025/26        | 12           | 224,406                                     | 433.860             | 209,454                    |
| 2026/27        | 16           | 309,643                                     | 601.860             | 292,217                    |
| 2027/28        | 20           | 397,336                                     | 769,860             | 372,524                    |
| 2028/29        | 20           | 434,605                                     | 840,000             | 405,395                    |

## Risks

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

| Risk Title / Description                  | Risk Impact score of Risk if it occurs* (H/M/L) | Risk Probability of risk occurring (H/M/L) | Risk Mitigation Action(s)<br>What is the Council doing or what has it done to avoid the risk or reduce its effect? | Risk Owner<br>Officer(s) responsible for dealing with the risk? |
|---|---|--|--|---|
| Failure to gain approval for the proposal | H   | L  | The school reorganisation proposal will be undertaken in accordance with the                                       | Chief Education Officer   |

|                                 |   |   |   |                         |
|---------------------------------|---|---|---|-------------------------|
|                                 |   |   | requirements of the School Organisation Code.   |                         |
| Demand for provision diminishes | M | L | Whilst this is unlikely, the school could use the area identified for the new provision for other educational purposes within the school. | Chief Education Officer |
| Demand for provision increases  | M | L | The Assistant Head of Education (Inclusion) will continue to plan for future provision across the city.                                   | Chief Education Officer |

\* *Taking account of proposed mitigation measures*

### Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015

Corporate Plan

Council Improvement Plan (*Aspirational People* theme)

Education Service Plan

### Options Available and considered

Option 1: To take forward a proposal to establish a new ASD base at Llanwern High School on a phased implementation over 5 years. This base would provide suitable education for pupils, meeting the pupils complex needs whilst offering an expansion of ASD provision across the city. The provision would need to be funded from an increase to the individual school's budget but will reduce the need for Out of County placements which have an approximate annual cost of £42,000 per placement (excluding transport). This is the preferred option.

Option 2: To take forward a proposal to establish a new ASD base at Llanwern High School to accommodate 20 pupils with immediate effect. This will create additional places for older pupils in years 8-11 and may enable pupils to transfer in from other schools or out of county placements. However this could compromise the security of transition from Year 6 to Year 7 that would be provided under option 1. The ASD base would provide suitable education for pupils, meeting the pupils complex needs whilst offering an expansion of ASD provision across the city. The provision would need to be funded from an increase to the individual school's budget but will reduce the need for Out of County placements which have an approximate cost of £42,000 per placement (excluding transport).

Option 3: To take forward a proposal to establish an ALN base for pupils with ASD at an alternative secondary school. However given that a provision already exists in the West of the City at The John Frost School, other options in the East of the City are limited. As such, Llanwern High School has been identified as the location best suited for this, due to the factors outlined in this consultation document.

Option 4: To seek Out of County placements for any pupils who are unable to be accommodated at provisions within the City. The average cost of each Out of County place is £42,000 but there is a lack of specialist school capacity across the region. This would require independent placements to be sought and these placements would be in excess of the £42,000 average cost per annum. The costs exclude transport. Out of County placements are also less desirable due to their distance from a pupil's home and therefore increased travel time.

### Preferred Option and Why

The preferred option is Option 1. This will assist in meeting current and future demand for specialist provision and will benefit children and parents across Newport. The Llanwern High School building has sufficient space to support the proposed ASD ALN provision and will support Newport providing specialist provision in the East of the city meaning less pupils been placed in out-of-county educational settings.



## **Comments of Chief Financial Officer**

The creation of the additional LRB places at Llanwern High School would support Newport pupils and potentially avoid more expensive out of county placements, which are substantially more expensive than providing a similar provision in house, at an average cost of £42k per placement (2022/23) plus transport costs.

The comparison to Out of County placements is 'cost avoidance' only. If this increased local provision was implemented, after consultation, it would be a cost commitment of £435k over the timescale shown in the table in the revenue section of the report. The report outlines that the pressure will be met from a combination of the Education service budget and the overall school budget. The absorption of the pressure from the school budget will impact each individual school's budget, by virtue of the overall funding being diluted, however it is felt that this impact is manageable.

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

There are no capital costs as the provision will be accommodated in an existing area at Llanwern.

## **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 school reorganisation proposal is to establish a new ASD base at Llanwern High School over a phased period of 5 years, 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 will need to be prepared, setting out the educational reasons for the proposals, and meaningful consultation will need to be carried out with key stakeholders, including children and young people, who are likely to be affected by the changes. This statutory consultation process will need to be carried out for a period of 42 days. The outcome of the statutory consultation will then be reported back to the Cabinet Member to consider whether the Council should proceed with the necessary statutory notices.

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

This report sets out the proposal to establish a new ASD base at Llanwern High School to provide specialist education for pupils, meeting their complex needs whilst offering an expansion of ASD provision across the city. The report notes that the Council is seeing an increase in the number of pupils with a diagnosis of ASD and that whilst most pupils with this condition can attend mainstream schools, a growing number need more specialist provision, and this currently exceeds the places available. In order to meet expected needs over the longer term the new provision would be incrementally increased over 5 years until the base reaches 20 places, Establishing an ASD base at Llanwern High school will prevent pupils from having to travel to out of county placements and will also reduce pressure on the oversubscribed provision at The John Frost School. The preferred option could see an increase in numbers of staff, providing valuable job opportunities within the organisation for teaching and support staff.

If agreed the proposal will be subject to a period of formal consultation (including staff and trade unions) and stakeholder engagement. A Fairness and Equalities Impact Assessment has been undertaken to inform decision making.

## **Comments of Non-Executive Members**

### Councillor Chris Reeks:

This is a good initiative and will benefit children with this condition greatly. However will the cabinet member please confirm what transport provision will be made for the children to be able to make their

way to Llanwern School if they are from the other side of Newport? Is there a plan to provide free transport to all pupils attending this facility, and if they need a chaperone on the transport will this also be provided?

Response:

If this proposal is implemented it is anticipated that the pupils who will attend the new provision will reside predominantly on the East of the City, with children living on the West of the City being offered places at the similar provision in The John Frost School. In all cases where appropriate, transport will be provided in accordance with the Council's policy and/or an assessment of the needs of the individual learner. The proposal will have a positive impact on learner travel as it will reduce the number of pupil journeys to placements across and outside Newport.

**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) has been completed to support the decision to launch this proposal and will be reviewed and updated to support the decision on whether or not to progress with the proposal following consideration of the feedback received during the formal consultation period.

This school reorganisation proposal will be undertaken in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process, but this is not exclusive, and the Council has identified further consultees and extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process will be emailed to identified stakeholders. The proposal will be published on the Newport City Council website. Social media platforms such as Twitter and Facebook will also share information on the proposal. The consultation documents will contain a consultation response pro-forma, and there will be an opportunity for any questions or concerns to be submitted. All consultation documents will be available bilingually in Welsh and English. The consultation will involve 2 drop-in sessions with those affected by the proposal, and Pupil Voice sessions will be facilitated. A Consultation Report will subsequently be prepared and published, and used by the Cabinet Member for Education and 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 Disability. The proposal to create an additional resource base at Llanwern High School will likely have a positive impact in the future for current primary school aged pupils with ASD when they move into secondary school education, and by providing more ASD secondary places within the city, more pupils will be able to attend a school closer to home. This will minimise the number of pupils having to attend out of county provision. The new resource base will be fully accessible and DDA compliant. The proposal will therefore have a positive impact on secondary school aged pupils with ASD. 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. However, Newport's Welsh in Education Strategic Plan (WESP) sets out a commitment to open a Welsh-medium Primary Learning Resource Base at Ysgol Gymraeg Nant Gwenlli, and this will impact on secondary provision. Therefore consideration will need to be given regarding specialist ALN provision within Ysgol Gyfun Gwent Is Coed for pupils transitioning from the primary sector Learning Resource Base. The development of a Secondary LRB will be reviewed on an annual basis in light of data trend analysis following the opening of the Primary LRB. This will ensure that the ALN needs of pupils transitioning to the Secondary School can be met in a timely manner.



The sustainable development principle and 5 ways of working set out in the Wellbeing of Future Generations Act have been considered as outlined below:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long-term needs. **The Council is seeing an increase in the number of pupils who are in receipt of a formal diagnosis of ASD. Whilst most pupils with this condition can attend mainstream schools with varying levels of support, a growing cohort requires more specialist provision to meet their needs. This currently exceeds provision available. The new provision would initially open to only 4 pupils and would grow by this number for 5 consecutive years until the base reaches 20 places. This balances the short-term need over the next 5 years by incrementally increasing the provision each year when required. The provision will remain at 20 places, most likely an average of 4 placements per year group, to meet needs over the long term.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **Establishing an ASD base at Llanwern High school will prevent pupils from having to travel to out of county placements and ensure that they are able to attend a school closer to home. The proposed class base will also reduce pressure on the currently oversubscribed class base at The John Frost School.**
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies. **A formal statutory consultation will be carried out and supported at each stage by a FEIA to consider the impact of the proposal. This proposal supports the “A prosperous Wales”, “A more equal Wales” and “A Wales of cohesive communities” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition, this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”.**
- Collaboration: have you considered how acting in collaboration with any other person, or any other part of our organisation could help meet our wellbeing objectives. **A formal consultation will be carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact. The members of the education department, the Special Educational Needs team, Ysgol Bryn Derw and Llanwern High School will work together to deliver the ASD ALN class base.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. **The Council will engage with stakeholders, and drop-in sessions will be held, where council officers will be on hand to explain the proposal and answer any questions. Consultation documents will be available in hard copy and online. A Children and Young Person’s consultation document and an ASD friendly version will also be made available and distributed to the affected schools, and Pupil Voice sessions will be facilitated at the affected schools.**

## **Crime and Disorder Act 1998**

Not applicable

## **Consultation**

None at this stage but this will be facilitated with key stakeholders as part of the school reorganisation proposal.

## **Background Papers**

FEIA (attached)

**Dated: 11 November 2022**