

# Report

## Cabinet Member for Education and Early Years

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### Part 1

Date: 6 June 2023

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

**Purpose** To seek approval to take forward a joint school reorganisation proposal with the Governing Body of Malpas Church in Wales Primary School, commencing with a period of formal consultation, “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”.

**Author** Assistant Head of Education – Resources

**Ward** Malpas

**Summary** This report references the requirement to move to formal consultation as part of a statutory school reorganisation proposal in partnership with the Governing Body of Malpas Church in Wales Primary School to reduce the capacity of the school from September 2024, and to extend the age range of the school from September 2025.

Over recent years, the number of pupils attending Malpas Church in Wales Primary School has decreased significantly. As of January 2023 there were 25% surplus places at the school. Pupil forecasts indicate that the number of surplus places will continue to increase at the school over the next 5 years. The school is also the only primary school in the Newport High School cluster that does not currently provide a nursery class.

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.

**Proposal** **To confirm that a school reorganisation proposal can be taken forward “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”.**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team

- Senior HR and Finance Business Partners
- Headteacher and Governing Body of Malpas Church in Wales Primary School

**Signed**

## **Background**

Malpas Church in Wales Primary School is an English-medium voluntary controlled primary school. The school has a published admission number (PAN) of 54, across an age range of 4-11 years.

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. The school currently operates on a 2 form-entry basis, with two linked classes of up to 27 pupils in each year group.

Malpas Church in Wales Primary School forms part of the Newport High cluster (which also includes Crindau Primary, Malpas Court Primary, Malpas Park Primary, Millbrook Primary and Monnow Primary) and is the only one of these schools 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. Not only will this increase the number of funded nursery places available across the city, but it will also support positive transition from non-statutory provision to statutory education for very young learners, and will provide equity of a 3-11 model across all primary schools within the Newport High School cluster.

The reduction in the PAN will not affect any pupils already on roll at the school. Therefore, if on the implementation date any year group contained more than 45 children, these children would continue to attend the school as normal and would not be displaced. The new PAN would therefore apply to any current year groups operating at or below that number, and any future admissions only.

Given the voluntary controlled status of the school, this proposal needs to be progressed jointly between the Council and the Governing Body. As such therefore, the Council proposes to reduce the capacity of the school from 378 to 315 pupil places from September 2024, and as a consequence, the Governing Body proposes to extend the age range of the school from 4-11 years to 3-11 years from September 2025, enabling the establishment a 16-place nursery class from this date. The Governing Body of Malpas Church in Wales Primary School met on 28<sup>th</sup> February 2023 and confirmed that it was in favour of progressing this joint proposal.

## **Formal Consultation Process**

The school reorganisation proposal will be progressed jointly by the Council and the Governing Body of Malpas Church in Wales Primary School, and 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 Malpas Church in Wales Primary School with those affected by the proposal, where Council officers and members of the Governing Body 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, a Children and Young People's Everyday Summary version of the consultation has also been produced.

Formal consultation will commence in the second half of the Summer term 2023, and will last for a period of 42 days. Following this, a consultation report will be drafted and published on the Council and School websites. The Governing Body of Malpas Church in Wales Primary School and the Council's Cabinet Member for Education & Early Years will then separately consider the consultation report when taking a decision as to whether or not to progress the proposal. If both parties agree, a statutory notice will be published. If there are no objections to the statutory notice, the Governing Body of Malpas Church in Wales Primary School and the Council's Cabinet Member for Education & Early Years will be able to take the final decision on this proposal. If there are any objections however, an Objection Report will be

prepared, and the decision will be referred to the Council's Cabinet in its capacity as the Local Determination Panel.

## 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 gain approval for the proposal	H	L	The proposal will be undertaken in accordance with the requirements of the School Organisation Code.	Chief Education Officer
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 maintain the status quo, and continue to work to the existing school capacity of 378, equivalent to 54 places per year group. Under this option, the school will continue to carry a large number of surplus places, making staffing and budget difficult to manage, and will be unable to realise any space to support creation of a nursery class.

Option 2: To progress a proposal to reduce the capacity of the school from 378 to 315 pupil places, and as a result use the space that becomes available to create a 16-place nursery class.

Option 3: To progress a proposal to reduce the capacity of the school from 378 to 273 pupil places, and as a result use the space that becomes available to create a 24-place nursery class. Whilst this option makes better use of the current school layout, the reduced capacity is not sufficient to meet projected demand across the cluster. In addition, the larger nursery class would require additional space and staff, resulting in higher operational costs.

### **Preferred Option and Why**

The preferred option is Option 2. This will result in the current capacity of Malpas Church in Wales Primary School being reduced from 378 to 315 pupil places. As a consequence, the forecast surplus places at the school will decrease from 37% currently to 22% by 2026/27. This option will also support the Governing Body in extending the age range of the school from 4-11 years to 3-11 years, thereby enabling the creation of a nursery class to provide 32 half-day places, and support in achieving a seamless pathway of transition from non-statutory provision to statutory education.

### **Comments of Chief Financial Officer**

#### Revenue

As the school is funded on pupils on roll and not PAN, the proposal to introduce a Nursery provision will likely result in additional funding being directed to the school as numbers increase. If all places are filled then this would generate an additional £38k AWPU funding in the first year (pro rata) and £64k thereafter (this is based on the AWPU value for Nursery in 23/24).

The school's closing reserve balance in financial year 22/23 of c£43k is minimal and offers little contingency if the school are unable to manage within their existing staffing structure and need to recruit additional staff to cover the Nursery provision. This could result in a cost pressure on the school budget if nursery numbers do not generate sufficient AWPU to fund any new post/s and the school will therefore be expected to identify mitigating actions in order to absorb any additional costs and avoid a deficit position in the future.

Funding for the proposed nursery provision will be met from the existing ISB and will neither act positively nor negatively on the total ISB in the first year, 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 this could result in a dilution of the ISB as pupil numbers grow. 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 (MTFP) if the council were 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 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 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 reduce the capacity of Malpas Church in Wales Primary School from 378 to 315 pupil places with effect from September 2024 is a regulated alteration under the Code and, therefore has to be the subject of formal statutory consultation under the Code. 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 during the second half of the Summer term 2023. The outcome of the statutory consultation would 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**

The proposal is to reduce the capacity of the school in response to forecasts that pupils will continue to decline over coming years. 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. In line with the Wellbeing of Future Generations Act, this will help ensure the schools sustainability and will mean that all primary schools within the Newport High cluster have nursery classes and deliver long-term benefits in education and development.

In terms of staffing implications, staffing for the nursery class would 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**

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 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 has 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 and Malpas Church in Wales Primary School websites. 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 Governing Body of Malpas Church in Wales Primary School and the Council's 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 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. **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 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 will be 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 will engage with identified stakeholders during the formal consultation process. Hard copies of the consultation document will be available on request and several copies will be delivered to affected schools. Documents will also be available online, and public drop in sessions will held where council officers and members of the Governing Body will be on hand to explain the proposal and answer questions. Learner Voice sessions will also be facilitated at the affected schools to gain the pupils' thoughts on the proposals, and a Children and Young Person's consultation document will be made available and distributed to the affected schools. These will also be provided prior to and during all learner voice sessions.**

### **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

**Dated: 6 June 2023**