

# Report



## Cabinet Member for Education and Early Years

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### Part 1

Date: 1 December 2023

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

**Purpose** To move to publish a statutory notice on a joint school reorganisation proposal being progressed with the Governing Body of Malpas Church in Wales Primary School “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”.

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**Ward** Malpas

**Summary** Formal consultation has now concluded on the school reorganisation proposal being progressed jointly by the Council and the Governing Body of Malpas Church in Wales Primary School “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”. The joint proposal launched in June 2023, with a six-week period of formal consultation running between 19<sup>th</sup> June 2023 and 30<sup>th</sup> July 2023.

A consultation report, which describes the consultation process and the feedback received, has been prepared (and accompanies this report), published on the Newport City Council and Malpas Church in Wales Primary School websites, shared with stakeholders and considered by the Governing Body of the School. This decision report references the findings, the result of which recommends that the Council and the Governing Body move to publish a statutory proposal. Any legal objections lodged during the period of the statutory proposal will be considered in making the final determination.

**Proposal** **To move to publish a statutory notice for a period of 28 days in respect of the joint proposal 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
- Governing Body of Malpas Church in Wales Primary School

**Signed**

## **Background**

All school reorganisation proposals are undertaken in accordance with Welsh Government's statutory School Organisation Code. Accordingly, formal consultation on the joint proposal put forward by Newport City Council and the Governing Body of Malpas Church in Wales Primary School to reduce the capacity of the school from 378 to 315 pupil places with effect from September 2024, and to extend the age range of the school from 4-11 years to 3-11 years with effect from September 2025 took place between 19th June 2023 and 30th July 2023. Following conclusion of this process, a consultation report was prepared, published on the Newport City Council and Malpas Church in Wales Primary School websites, and shared with stakeholders.

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

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

Given the voluntary controlled status of the school, this proposal is being progressed jointly between the Council and the Governing Body. The Governing Body of Malpas Church in Wales Primary School met on 16<sup>th</sup> October 2023 to consider the Consultation Report and confirmed that it was in favour of progressing the proposal to the statutory notice stage. Whilst the consultation identified some concerns amongst stakeholders over the suitability of the facilities available, the Governing Body is committed to developing more detailed plans to address these concerns.

The Consultation Report concludes that the proposal represents the best and most achievable solution to reduce the number of surplus places that are forecasted, and to provide a manageable nursery provision that limits the potential impact on other local providers. Accordingly, the Council and the Governing Body are now required to move to the next stage in this reorganisation process, which is the publication of a joint statutory proposal. During this stage, any stakeholder can lodge a legal objection to the proposal. Any legal objections will be considered before a final determination takes place. A copy of the Consultation Report is attached at Appendix 1, but there now follows a synopsis of the feedback received.

## **Stakeholder Engagement**

An invitation to take part in the statutory consultation went to an extensive list of stakeholders, by email, with hard copies of all consultation documentation available on request. All documentation was made available bilingually in Welsh and English, and in other languages on request.

Two face-to-face drop in events were arranged to support this consultation, both of which were held at Malpas Church in Wales Primary School, on 27<sup>th</sup> June 2023 and 4<sup>th</sup> July 2023. No stakeholders attended the first session; one stakeholder attended the second session and confirmed that they were supportive of the proposal, particularly the extension of the age range of the school to enable the establishment of a nursery class. These sessions are described in more detail on pages 4 and 5 of the accompanying Consultation Report.

## **Learner Voice**

The Council is committed to gaining the views of learners. To support this, officers from the Education Service met with a group of 10 learners identified by the school on 4<sup>th</sup> July 2023, and used this session to share information about the proposal and gather their views. Further information about this session, including the questions raised and feedback received from these pupils, is included on pages 3 and 4 of the accompanying Consultation Report. The Council is grateful to the pupils who took part in this session and would like to thank them for their valuable contributions to the consultation process.

## **Consultation Responses**

Overall, a total of 35 responses were received during the consultation period from a variety of stakeholders; 33 via the response pro-forma, and 2 written responses from Estyn and a Trade Union.

Of the 33 pro-formas received, 19 (58%) supported the proposal, with a further 10 (30%) supporting the proposal in-part. The remaining 4 responses (12%) were not in support of the proposal. Further information on the feedback received, and the responses from the Council and the Governing Body on the issues raised, is referred to in detail across pages 5-8 of the accompanying Consultation Report.

## **Trade Union**

The response received from a School Trade Union was not supportive of the proposal and is included at Appendix B of the accompanying Consultation Report. The Governing Body has provided a detailed response to the comments raised, and this is outlined on pages 8 and 9 of the Consultation Report.

## **Estyn**

The full response from Estyn is included at Appendix C of the accompanying Consultation Report. However, in summary, the response states that the proposal is likely to, at least, maintain the standard of provision in the area. Estyn also suggested that further clarification was required on some elements of the proposal, and these issues have been addressed by the Council and the Governing Body on pages 9 and 10 of the Consultation Report.

## **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 move to statutory notice	H	L	There has been a full consultation process in accordance with the statutory School Organisation Code. The proposal cannot be progressed without publishing a statutory notice.	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 move to the next stage in this school reorganisation process, which is the publication of a statutory proposal (notice) for a period of 28 days, and is an opportunity for stakeholders to lodge any legal objections against the proposal.

Option 2: To withdraw the proposal following consideration of the feedback received during the formal consultation period and outlined in detail within the attached Consultation Report.

### Preferred Option and Why

The preferred option is Option 1. The publication of a statutory notice is the next stage in this school reorganisation proposal. This 28-day period will provide all consultees and stakeholders with an opportunity to further consider, and if necessary lodge legal objections to, the proposal.

## **Comments of Chief Financial Officer**

### Capital

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

### Revenue

As the school is funded on pupils on roll, not their Published Admission Number (PAN), the reduction to (PAN) is not expected to reduce existing funding but will likely generate additional funding due to pupils being admitted to the Nursery provision. If all places are taken, this would generate an additional £38k funding in the first year, rising to £64k thereafter (based on the Age-Weighted Pupil Unit value for a Nursery in 2023/24).

This provision will need to be appropriately staffed and the school and Governing Body have advised they are confident this can be met from the school's budget. However, it is important to note that the school's closing reserve balance in 22/23 was £43k. This is projected to reduce to c£15k in 23/24, therefore the school may need to find mitigation to absorb any additional costs as a result of this proposal in order to avoid a deficit position in the future.

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

Therefore, if approved, this will become a requirement to provide recurring funding and whilst pupil numbers are subject to an annual review, which is factored into the Council's Medium Term Financial Planning (MTFP), if the Council was unable to fund pupil growth in the future, it would impact on each individual school as overall funding would be diluted, though this would be marginal relative to the overall ISB and the Nursery element.

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

## **Comments of Monitoring Officer**

The 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 and extend the age range to 3 – 11 years with effect from September 2025 are regulated alterations under the Code and must therefore 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 meaningful consultation was carried out with key stakeholders, including children and young people, who were likely to be affected by the changes. The response to the consultation process was that 58% supported the proposal, 30% supported it in part and 12% of responses were not in support. The Estyn response is largely positive, expressing the view that the proposals will maintain the standard of provision. All of the consultation responses are set out in the Appendix to the Report. The Cabinet Member is now required to consider these consultation responses and decide whether or not to proceed with the necessary statutory notices, having regard to the educational impact of the proposals. If the Cabinet Member decides to proceed with the statutory notices, the proposal will need to be 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) will need to be allowed for statutory objections. If no objections are received during the statutory proposal stage, the final decision can be made by the Cabinet Member. However, if there are any unresolved

objections, then the final determination must be referred to full Cabinet, acting as the Local Determination Panel.

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

The progression of this reorganisation proposal continues to follow statutory requirements. There is good evidence to support the continuation of this reorganisation proposal. Evidence provided supports the report's preferred proposal Option 1 and progress to the next stage and progress the publication of a statutory notice for this school reorganisation proposal. A full FEIA has been completed along with consideration of legislative impacts in line with the Wellbeing of Future Generations (Wales) Act.

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

## **Scrutiny Committees**

None

## **Fairness and Equality Impact Assessment:**

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

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 was undertaken in partnership with the Governing Body of Malpas Church in Wales Primary School, and in accordance with the legislation outlined in the statutory School Organisation Code. This Code outlines the key stakeholders that should be consulted with as part of the process, but this is not exclusive, and the Council extended this list because of feedback received in relation to previous proposals. An invitation to engage in the consultation process was emailed to identified stakeholders. The proposal was published on the Newport City Council and Malpas Church in Wales Primary School websites, and social media platforms such as Twitter and Facebook also shared information on the proposal. The consultation documents contained a consultation response pro-forma, and there was an opportunity for any questions or concerns to be submitted. All consultation documents were available bilingually in Welsh and English. The consultation involved 2 drop-in sessions with those affected by the proposal, and a Pupil Voice session was arranged for a group of learners from the school. A Consultation Report has now been prepared and published and will be used by the Governing Body of Malpas Church in Wales Primary School and the Cabinet Member for Education & 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 was carried out and the proposal is supported at each stage by a FEIA to consider impact. 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 has been carried out with the opportunity for engagement with all stakeholders and supported at each stage by a FEIA to consider impact.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals and ensuring that those people reflect the diversity of the City we serve. **The Council and Governing Body of Malpas Church in Wales Primary School engaged with identified stakeholders during the formal consultation process. Public drop-in sessions were held, where council officers and members of the Malpas Church in Wales Primary School Leadership team and Governing Body were on hand to explain the proposal and answer questions. The consultation documents were made available online and hard copies were**



available on request. A Children and Young Person's consultation document was made available, distributed to the school and provided at the pupil voice session where the pupils were able to share their views on the proposal.

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

Not applicable

### **Consultation**

Stakeholder consultation has taken place as outlined in the attached consultation report.

### **Background Papers**

Consultation Report and Updated FEIA

**Dated: 1 December 2023**