

Report



Cabinet Member for Education & Skills

Part 1

Date: November 2020

Item No:

Subject **School Reorganisation Proposal – Amalgamation of Kimberley and Fairoak Nursery Schools**

Purpose To move to publish a statutory notice on the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

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Summary Formal consultation has now concluded on the school reorganisation proposal “to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021”.

The proposal was initially launched in March 2020, with the six-week period of formal consultation scheduled to run from 10th March 2020 until 21st April 2020. However, following the subsequent short-notice closure of all schools in response to the Covid-19 pandemic, the proposal was withdrawn on 30th March 2020 and was later re-launched in June 2020 when schools re-opened. Formal consultation on the re-launched proposal was carried out between 29th June 2020 and 11th September 2020.

Following conclusion of this process a consultation report, which describes the consultation process and feedback received, has been drafted and is attached at Appendix 1. The report has also been published on the Newport City Council website and shared with stakeholders as outlined in the statutory School Organisation Code. This decision report references those findings, the result of which recommends that the Council move to publish a statutory proposal. During this statutory proposal period, legal objections can be lodged by any stakeholder, and will need to be considered before any final determination is taken.

Proposal **To move to publish a statutory notice for a period of 28 days in respect of the proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021.**

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
- Executive Headteacher and Chairs of Governors of Fair Oak Nursery School and Kimberley Nursery School

Signed

Background

Formal consultation on the proposal to amalgamate Kimberley Nursery School and Fairoak Nursery School into a single nursery school on the current Fairoak site from September 2021 was initially carried out from 10th March 2020 until its withdrawal on 30th March 2020, before being re-launched to run from 29th June 2020 until 11th September 2020. Following conclusion of this process, a consultation report was prepared, published on the Newport City Council website and shared with stakeholders as outlined in the statutory School Organisation Code.

There is now a requirement to consider the content of this report and determine whether it is appropriate to move to the next stage in the school reorganisation process, which is the publication of a statutory proposal. During this statutory proposal period, legal objections can be lodged by any stakeholder, and if any are received, these will need to be considered before any final determination is taken.

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 was issued to an extensive list of stakeholders. When the proposal was initially launched in March 2020, the Council arranged two stakeholder drop-in sessions, which were publicised via the Council's website and in all correspondence and documentation relating to the proposal. The drop-in session at Fairoak Nursery was held as planned; however, the planned session at Kimberley Nursery was cancelled following the Council's suspension of public meetings in response to the Covid-19 pandemic, and the subsequent withdrawal of the consultation.

Two Council officers supported the drop-in session at Fairoak Nursery, and the Executive Headteacher of the two nursery schools was also present. Only one stakeholder attended the session however, and whilst this individual confirmed that they supported the proposal in light of low pupil numbers across the two schools, this individual did not submit a formal response to the consultation.

Due to the ongoing public health situation, no face-to-face consultation events were arranged to support the relaunched consultation. Instead, stakeholders were advised that any questions concerning the proposal could be submitted to the Council for a timely reply to ensure that informed responses could be submitted during the new consultation period. No queries were received in this way however.

Learner Voice

The Council is keen to gain the views of learners when taking forward school reorganisation proposals. In this instance, this was facilitated through two pupil workshops held at Fairoak Nursery School and Kimberley Nursery School. Further information about these sessions is included within the Consultation Report at Appendix 1 (pages 12 and 13 of this report).

Consultation Responses

Overall, 18 responses were received during the two consultation periods from a range of stakeholders. Twelve of these respondents (equivalent to 67%) stated that they were not supportive of the proposal, however a number of responses were almost identical in content. Further information about the respondents and their comments, along with the Council's responses to the points raised, are included within the Consultation Report at Appendix 1 (pages 13-16 of this report).

Estyn

The formal response from Estyn concluded that it is unlikely the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained. The response also stated that:

- The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fairoak Nursery School.

- Both schools have been running well under capacity over recent years, therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.
- The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal.

However it was noted that whilst the proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out, and as both nursery schools are currently categorised as English-medium schools, the proposal does not consider specifically Welsh medium needs.

In response, the Consultation Report outlines that if the two nursery schools are amalgamated, a new governing body will be established for the new school. This governing body will be responsible for determining the appropriate staffing structure for the new school and making the necessary appointments. Until this process is complete, it is not possible to fully understand the possible staffing implications of the proposal. As set out in the consultation document, the Council's Job Security Policy and officers from the Council's Human Resources team would support this process.

In terms of Welsh-medium needs, the two schools currently use and teach the Welsh language in accordance with the national curriculum. The proposal is therefore expected to have neither a positive nor a negative impact on the availability of provision to meet Welsh-medium needs. However, a separate school reorganisation proposal to establish a new Welsh-medium primary school for pupils aged 3-11 years was determined by the Council in June 2020, and accordingly this new school will open for Nursery and Reception pupils in September 2021.

The full response from Estyn is included within the Consultation Report at Appendix 1 (pages 20 and 21 of this report).

Other Considerations

Since the launch of the statutory consultation on this proposal, the Council has allocated funding to potentially be used for the refurbishment of the Kimberley Nursery building with a view to this being re-purposed as a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if appropriate, a separate school reorganisation proposal will be progressed in due course.

Financial Summary

Capital

There is no capital expenditure associated with this proposal. The Fair oak Nursery School building is in good condition and is sufficiently large enough to accommodate the projected pupil number at both schools without the need for physical expansion.

The proposal will however result in the vacation of the Kimberley Nursery School. As outlined above, the Council is considering re-purposing this building to become a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if taken forward will be wholly funded from a Welsh Government Capital Maintenance grant.

Revenue

Based on the current formula funding arrangements, amalgamated schools are likely to generate similar Age Weighted Pupil Unit (AWPU) levels. There will however be an overall reduction in funding relating to the formula lump sum payment and the site specific funding associated with the Kimberley Nursery School building.

This overall saving is estimated at £65,000 per annum and will be re-distributed within the individual school's budget (ISB) via the funding formula applied across all schools. This will be available in the financial year following amalgamation, i.e., 2022/23.

In taking forward this amalgamation, both of the affected schools will be closed and a new school will be established in its place. Under the authority's formula funding arrangements, a lump sum payment of up to £35,000 is made available to all new and amalgamating schools in the first financial year of opening to support any additional costs specifically arising from the amalgamation. This will be paid from within the ISB.

Both schools are currently projecting negative closing reserve balances at the end of the 2020/21 financial year – approximately £143,000 for Kimberley and £2,500 for Fair oak. Reserve balances, surplus or deficit, would transfer to the central education budget as an in year pressure and would not remain with the newly amalgamated school. Therefore, this decision will result in the Council's general budget having to fund, as a one-off unbudgeted cost, any net deficit on these school's reserves at the time of amalgamation. The authority would meet any costs of redundancies arising because of the amalgamation process. The financial balances of the two schools at the point of amalgamation (either surplus or deficit) will be passed back to the Education Service and will not be allocated against the budget of the new school.

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 move to statutory notice	L	L	This risk has been mitigated by carrying out 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 pre-school nursery provision increases	M	L	There are a significant number of surplus places for 3 year-olds across the maintained and non-maintained sectors.	Chief Education Officer
Demand for standalone nursery provision further reduces	M	L	The proposed amalgamation will provide greater flexibility to accommodate changing demands, and the council will continue to monitor demand for pre-school places.	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 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 the opportunity at which any legal objections can be lodged 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

The proposed amalgamation of Fairoak and Kimberley Nurseries would result in full financial year annual revenue savings of approximately £65,000, based on the 2020/21 funding, for lump sums and site specific funding. In the first financial year of amalgamation, this would be offset against an opening/amalgamation lump sum of £35,000, funded via the ISB. The balance of savings would remain within the ISB for distribution to schools via the funding formula.

The projected closing reserve balances for both Kimberley and Fairoak Nursery are in deficit, £143,000 and £2,500 respectively. Reserve balances, whether surplus or deficit, will transfer to central education on amalgamation as an in year pressure and do not remain with the newly amalgamated school. Therefore, amalgamation would result in the council budget being required to fund a one off unbudgeted cost pressure the transfer of any negative reserves at the time of amalgamation. It is therefore recommended that the Education Management Team continue to work with the schools to implement savings where possible and minimise deficit reserves.

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 proposed amalgamation of Kimberley and Fairoak Nursery Schools 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. The original consultation process had to be suspended and re-commenced later due to the schools closure and face-to-face consultation meetings were not possible because of the on-going Covid-19 restrictions. However, the consultation process has been conducted strictly in accordance with the requirements of the Code (as amended by the Coronavirus Regulations). Of the 18 responses to the consultation, 12 were not supportive of the proposed amalgamation, but their objections were the same and they are not considered to be sufficient to override the proposed educational benefits of the school reorganisation. The response from Estyn confirmed that this proposal would result in current educational standards being at least maintained and, although issues were raised about revised governance and staffing arrangements and Welsh language provision, these matters can be addressed at a later stage, if the proposal is implemented. Therefore, the Cabinet Member is now required to consider whether to proceed with the statutory notices, in the light of those consultation responses. If this is agreed, then 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 will need to be allowed for statutory objections. If no objections are received during the statutory consultation period then the Cabinet Member can take the final decision to proceed with the proposal. However, if there are unresolved objections, then the final decision will have to be referred to full Cabinet as the Local Determination Panel.

Comments of Head of People and Business Change

The Education Service has consulted on the reorganisation proposal in line with the School Organisation Code and has extended the arrangements as a result of the closure of schools due to Covid19. Pupil numbers are declining at Fairoak Nursery School and with Kimberley Nursery School operating with a deficit budget for the last four years the proposed amalgamation provides an opportunity for the leadership team to pool resources and implement a sustainable business model for pre-school provision on one site. The Communication Class currently hosted at Kimberley Nursery provides special nursery education for children from across Newport. The council intends to continue to offer this service, however, under the proposal this provision will be relocated to Fairoak Nursery School. A full Fairness and Equalities Impact Assessment (FEIA) has been undertaken, which indicates how the impacts arising from the above amalgamation can be mitigated. The author of the report has considered the five ways of working' and this is set out in the (FEIA).

Local issues

Comments from Cllr Paul Cockeram, elected member for Shaftesbury ward:

I do believe there is not a great deal to add to the report than was already said in the email sent in relation to the consultation. I am passionate that Kimberly Nursery remains open, maybe not in its present form but for children with communication problems. There is a pressure in this area and speaking to parents, they are desperate for this facility. I do have my doubts if many parents will send their children across the city for 2 hours, especially when Tiny Tots in Malpas are offering 30 hrs free childcare.

Comments from Cllr Herbert Thomas, elected member for Shaftesbury ward:

I concur with the views expressed by Cllr Cockeram.

Comment from Cllr Phil Hourahine, elected member for St Julian's ward:

I completely support the proposal.

Comment from Cllr Carmel Townsend, elected member for St Julian's ward:

As a governor of Fairoak Nursery, I support these proposals.

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 new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better-informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. A Fairness & Equality Impact Assessment (FEIA) has been developed and updated and is available.

Children and Families (Wales) Measure

Pupils attending the two nursery schools have been engaged as part of the formal consultation process through specifically targeted pupil workshops. The feedback received is detailed within the Consultation Report, a copy of which is attached at Appendix 1.

Wellbeing of Future Generations (Wales) Act 2015

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

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs. **Pupil numbers are declining at both schools, and recent evidence indicates that the number of pupils on roll across the two schools could be accommodated within the larger Fair oak building. In addition, Kimberley Nursery School has been operating with a deficit budget for some time, and is projected to be in the region of £142,000 at the end of the current 2020/21 financial year, with Fair oak Nursery also now projecting a deficit of £2,000. The amalgamation proposal provides an opportunity for the leadership teams to consolidate under the current Executive Headteacher arrangement, and to pool resources to implement a sustainable business model for standalone pre-school provision on a single site.**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives. **The proposal will reduce the number of surplus places currently available in standalone nursery schools across the city. The larger Fair oak building is sufficiently large enough to accommodate the children on roll across both schools. Kimberley Nursery School has been operating with a worsening deficit budget for the last four years, and currently there is no achievable plan to indicate how this can be recovered. The Communication Class, which is currently hosted at Kimberley Nursery School, is a much-needed valuable and beneficial resource providing specialist nursery education to children across Newport. Under this proposal, this provision will continue but will be relocated to the Fair oak site.**
- 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 process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail 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.**
- 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 statutory consultation process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This is supported by an updated FEIA that considers in detail the impact of the proposal. The proposal will be delivered through full engagement with the governing bodies of both schools and Newport City Council’s Education Inclusion and Early Years teams.**
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve. **A formal statutory consultation process has been carried out with key stakeholders, the outcome of which is described in detail in the consultation report. This period of formal consultation offered the opportunity for engagement with all stakeholders where people were able to find out more information about the proposal and how it might affect them.**

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

Stakeholder consultation has been carried out as detailed in the attached consultation report.

Background Papers

Consultation Report (attached at Appendix 1)

Updated FEIA

Dated: November 2020

Newport City Council

School Reorganisation Proposal

Consultation Report

Proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021.

Formal Consultation Period:

Initial launch: 10th March 2020 – 30th March 2020

Relaunch: 29th June 2020 – 11th September 2020

Purpose

This report is published in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, November 2018.

This consultation report includes the following sections:

- The Proposal
- Consultation Launch Details
- Stakeholder Engagement
- Learner Voice
- Consultation Responses
- Estyn's Response
- Other Considerations
- Recommendations
- Appendices

The Proposal

This consultation report concerns a proposal to amalgamate Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021.

Consultation Launch Details

The proposal was initially launched to run from 10th March 2020 until 21st April 2020. Due to the closure of all schools in response to the Covid-19 pandemic, the consultation was withdrawn on 30th March 2020.

The proposal was subsequently re-launched when schools re-opened on 29th June 2020 and ran until 11th September 2020.

Stakeholder Engagement

An invitation to take part in the statutory consultation was issued to the stakeholders outlined below, with a link to the consultation pack on the Council's website sent by e-mail:

- Parents, carers and guardians of pupils attending Kimberley Nursery School, Fair oak Nursery School, Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School, Monnow Primary School, Chuckles Nursery and Tiny Tots Nursery;
- Pupils attending Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School and Monnow Primary School.
- Members of staff currently employed at Kimberley Nursery School, Fair oak Nursery School, Crindau Primary School, Malpas Court Primary School, Malpas Park Primary School, Millbrook Primary School, Monnow Primary School, Chuckles Nursery and Tiny Tots Nursery;
- The Church in Wales, Diocese of Monmouth;
- Roman Catholic Archdiocese;
- Neighbouring Local Authorities across the South East Wales Consortium area;
- The Headteacher and Governing Bodies of all Newport schools;
- All Newport City Council elected members;
- All Newport City Council Heads of Service;
- All Community Councils across Newport;
- The Welsh Ministers;
- Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by the schools subject to the proposals;
- Estyn;
- Teaching and staff trade unions representing teachers and staff employed at Kimberley Nursery School and Fair oak Nursery School;
- The South East Wales Education Achievement Service;
- The Police and Crime Commissioner for Gwent;
- The Early Years Development and Childcare Partnership;
- All non-maintained registered nursery education providers across Newport;
- Aneurin Bevan Health Board;
- Public Health Wales;
- Newport Serennu Centre;
- SNAP Cymru;
- Gwent Association of Voluntary Organisations;
- Preventative Services.

Hard copies of the full consultation document and the Everyday Summary Version for Children and Young People were available at the two nursery schools, the Information Station and from the Civic Centre, and were provided bilingually in Welsh and English.

The schools identified as being affected by the proposal are listed below:

School	Reason
Directly Affected	
Kimberley Nursery School	The school will be affected due to the proposed amalgamation with Fairoak Nursery School
Fairoak Nursery School	The school will be affected due to the proposed amalgamation with Kimberley Nursery School
Possibly Affected	
Crindau Primary School	Possibly affected. If the proposal is implemented, applications for nursery places at these settings could increase
Malpas Court Primary School	
Malpas Park Primary School	
Millbrook Primary School	
Monnow Primary School	
Chuckles Nursery	
Tiny Tots Nursery	

Distribution of Information

Initially 20 hard copies of the full consultation document and 20 hard copies of the Children and Young People's Everyday Summary Version were provided to both Kimberley Nursery and Fairoak Nursery to be available for staff, pupils and parents. Two copies of each document were also provided to the possibly affected schools and nursery settings listed above. Further copies of the document were available to be delivered to schools on request. The consultation documents were reviewed and refreshed prior to the relaunch in June 2020. As a result, copies of the updated documents were provided to the directly affected and possibly affected settings outlined above under the same arrangements as for the original launch

Drop-in Events

When the consultation was launched in March 2020, the Council arranged two stakeholder drop-in sessions, which were publicised via the Council's website and in all correspondence and documentation relating to the proposal. The drop-in session at Fairoak Nursery was held as planned; however, the planned session at Kimberley Nursery was cancelled following the Council's suspension of public meetings and the subsequent withdrawal of the consultation. The drop-in session at Fairoak Nursery was held on Tuesday 17th March 2020 between 11:15 – 13:15 to accommodate parents/carers of children attending both morning and afternoon nursery sessions. The session was facilitated by the Council's Education Transformation Officer and an Education Information and Development Officer and the Head Teacher of the nursery school was also present. Only one stakeholder attended the session. This stakeholder confirmed that they supported the proposal in light of low pupil numbers across the two nursery sites, but did not submit a formal response to the consultation.

Due to the ongoing public health situation, there were no face-to-face consultation events arranged to support the relaunched consultation. Stakeholders were advised that any questions concerning the proposal could be submitted to school.reorg@newport.gov.uk and Council officers would provide a timely reply to ensure that informed responses could be submitted during the consultation period. No queries were received this way.

Learner Voice

Everyday Summary Version – Children & Young People

An Everyday Summary Version of the main consultation document was prepared and published, and was targeted specifically at children and young people. This summary version was available on request from the Information Station and the Civic Centre. The Council is committed to gaining the views of learners, and this was facilitated through School Pupil Workshops at Fair oak Nursery School and Kimberley Nursery School.

Fairoak Nursery Session – 17th March 2020

The first session was held at Fair oak Nursery during the initial launch and was attended by two Newport City Council officers, a teacher at Fair oak Nursery School and eight pupils from the school. Due to the age of the pupils, the session was led by their teacher.

Teacher Actions and Questions	Pupil Responses
The teacher started by explaining to the children that there is another nursery school in Newport called Kimberley Nursery School. She showed the children pictures of toys and activities that the children play with at the two nursery schools. The children were invited to share their thoughts and ask questions.	The children observed that the toys at Kimberley Nursery were the same that they have in their Nursery at Fair oak and realised that the children in both nurseries do the same things and play with the same toys.
The teacher then asked the children what they thought about the idea of the two nurseries joining and the children from Kimberley Nursery coming to join the children at Fair oak Nursery.	The children liked the idea as they would have a lot of new friends and would be able to play with each other and share toys. They expressed that they would be kind and nice to each other and would show their new friends smiles. One child stated it would be wonderful to join together.
The teacher asked the children if they thought the other children and their parents would like to come to Fair oak Nursery.	The children said that they thought the other children would love to come to Fair oak Nursery as they would have new friends and get to play with new toys. The children voiced that they love to share, therefore they would like to be able to share their toys. They also thought that the children from Kimberley Nursery would like to be shown around Fair oak and be shown the toys they can play with. The children also expressed how the children from Kimberley would have new teachers, which they believed they would like as they are very nice and friendly.
The teacher then asked the children how they thought the new families would get to the nursery.	The children thought that the new families would drive to the new nursery by car.
The teacher followed up with the children and asked if they had any questions or anything else they would like to say about the two nurseries potentially becoming one.	One child thought it could be a good idea for the children at Kimberley Nursery, to come and visit Fair oak Nursery to meet the new children before they move. The children also thought it would be very exciting and a nice idea for the two nurseries to join together, with one child replying that the joint nursery would be like a cotton candy cloud.

Kimberley Nursery Session – 14th July 2020

Following the relaunch of the proposal, a second session was held at Kimberley Nursery School. This was facilitated by a teacher at the school with six pupils taking part. Due to the public health situation following the outbreak of Covid-19, no Council officers were present, and so a teaching assistant observed and acted as scribe.

Teacher Actions and Questions	Pupil Responses
The teacher began by asking the children what they liked about their nursery and what lovely things they liked to do. She then explained that there was another local nursery called Fair oak where she used to work.	The children responded to the teacher by telling her what they liked about Kimberley – the fairy door, the bikes, playing with their friends and hot chocolate in the forest school area.
The teacher then showed the children pictures of the resources in the other nursery. <i>(To ensure consistency the teacher used the same resources as in the workshop at Fair oak).</i>	In response to the pictures of items at Fair oak, the children named the items and agreed that they have the same toys at Kimberley. They got excited by the pictures and began to talk about which toys they liked and who they played with.
The teacher then explained that the two nurseries might become one and asked children what they thought about the children from Kimberley going instead to Fair oak to play and learn.	The children's responses included: "Yes, we can go and play with them"; "I'd feel a little bit scared when I meet new people"; "Maybe one day when lockdown finishes we can meet them".

The Council is very grateful to the staff and pupils who took part, and would like to thank them for their valuable contributions to this process.

Consultation Responses

Responses received during the initial consultation period and the re-launch are included in this consultation report. Overall, a total of eighteen responses were received during the two consultation periods.

Eight responses were made via the standard response pro-forma (see Appendix A), from the following stakeholder groups:

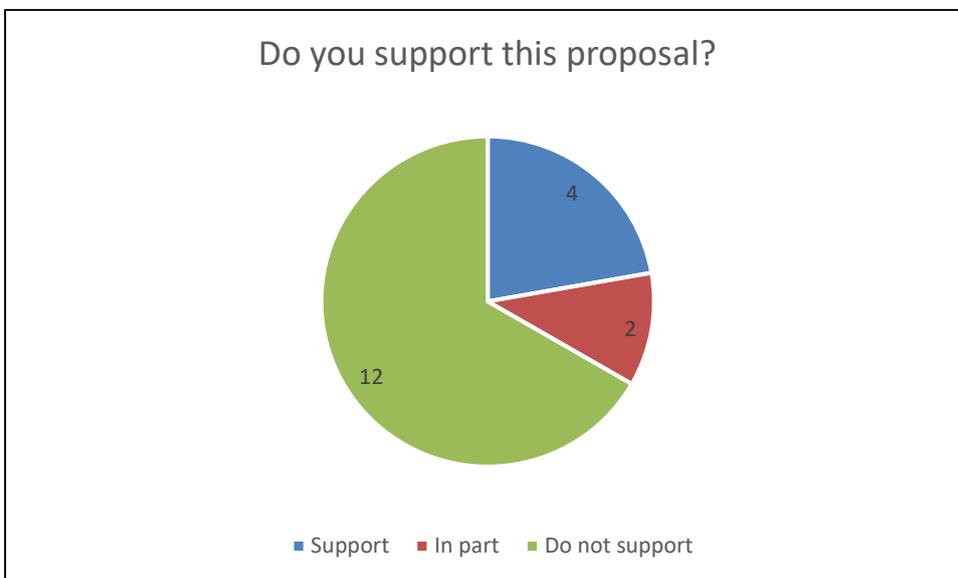
- Current/past/prospective parents/carers of pupils at Kimberley Nursery
- Residents in the area of Fair oak Nursery
- Staff at Newport schools
- Governors at Newport schools

There were ten responses by email, from the following stakeholder groups:

- Current/past/prospective parents/carers of pupils at Kimberley Nursery
- The previous Head teacher of Kimberley Nursery School
- A Newport elected member
- A Trade Union representative
- Estyn (*Her Majesty's Inspectorate for Education and Training in Wales*)

Seven of the ten email responses were sent directly to the Cabinet Member of Education and Skills with another sent directly to the Chief Education Officer. It was noted that the wording in six of the seven e-mails sent to the Cabinet Member for Education and Skills was almost identical.

A summary of the responses provided are shown in the chart below:



The following table below shows the various adverse comments and questions raised during the consultation period, and the Council's response to these points. As many respondents raised more than one issue, the number of commentators listed below is greater than the total number of consultation responses received.

Comment	Number of Similar Comments	Council's Response
The provision is long-standing with excellent facilities and would be a loss to the local community	7	The low pupil numbers and deficit budget position mean the current model of provision must change. There are a number of very good alternatives in the local area, including the new school that will be created by the amalgamation.
This proposal would will impact other schools nearby.	7	The Council anticipates some increase in applications for nursery places in schools and non-maintained settings in the Malpas and Bettws areas but considers there to be sufficient places available to meet this demand.
The removal of nursery provision from Kimberley will negatively affect Malpas Church in Wales Primary. Many families consider there to be natural transition between the two.	4	In taking forward this proposal, the Council did not and does not anticipate any adverse impact on Malpas Church in Wales Primary School. The Council is committed to ensuring that this school is viable and will work with school leadership team to ensure a sustainable future.

Comment	Number of Similar Comments	Council's Response
The distance between the two nursery schools is too far.	6	The distance between the two locations has been noted. However, there are a range of alternative provisions in the Malpas/Bettws areas, both in maintained and non-maintained settings.
Increased congestion around Fair oak Nursery at drop-off and pick-up times	2	Fair oak Nursery has capacity for 144 pupils and in the recent past has had in excess of 100 pupils on roll. As Fair oak nursery is currently not reaching capacity, any additional pupils coming from Kimberley will not result in pupil numbers in excess of the building capacity. We do not expect congestion to be a huge issue, however staggered start and finish times could be considered by the governing body to help alleviate any problems.
A purpose built new nursery in a central location would offer a better solution to the Fair oak building.	1	There are no other Council owned available sites nor available funds to build a new nursery in an alternative location.
Relocation of the Communication Class could cause distress for affected pupils and could affect the quality of provision.	2	Staff currently employed to work in the Communication Class will be offered the opportunity to apply for the same positions post-amalgamation. This will ensure that the high standard of education, care and support currently provided will continue if the class is relocated to Fair oak. The relocation would be effective at the start of the academic year reducing the number of pupils who will be required to transfer to a new school. Any pupils who will be required to transfer will be supported through the change by their teachers.
Additional provision is required across Newport for children with additional learning needs	1	The Council is currently considering plans for the future use of the Kimberley Nursery School building should this proposal be successful. Further information on this is included later in this report.

Comment	Number of Similar Comments	Council's Response
Current nursery provision should not be reviewed during the Covid-19 pandemic	2	The proposal, if approved, would not come into effect until September 2021, and unfortunately, the Council is unable to predict whether this will still be a factor at this time. However, all Headteachers have all received appropriate guidance on completion of risk assessments to enable schools to continue to operate safely during this pandemic.
Compulsory redundancies should be avoided.	1	If there are any potential staffing reductions as a result of the proposal, these will be dealt with in accordance with the Council's Job Security Policy. The Council will work with two existing Governing Bodies to redeploy any unplaced staff to other vacancies across the city, either in schools or elsewhere in the Council.

The Council was made aware of an online petition started within the community to *Save Kimberley Nursery*. The petition had received 1,283 signatures at the time when the second consultation period concluded, but this has not been formally submitted to the Council. During the relaunched consultation period, a banner was erected outside Kimberley Nursery reading 'SAVE OUR NURSERY!' The banner was subsequently removed as it was not erected with permission.

Estyn's Response

The full response from Estyn is included at Appendix B of this report. However, in summary, the response states:

- The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fair Oak Nursery School.
- Both schools have been running well under capacity over recent years, therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.
- The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal.
- The proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out.
- Both nursery schools are currently categorised as English medium language category. The proposal does not consider specifically Welsh medium needs.

In conclusion, the response states that it is unlikely the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained.

In response to the comments in relation to staffing implications and Welsh medium needs, the Council response is as follows:

If the two nursery schools are amalgamated, a new governing body will be established for the new school. This governing body will be responsible for determining the appropriate staffing structure for the new school and making the necessary appointments. Until this process is complete, it is not possible to fully understand the possible staffing implications of the proposal. As set out in the consultation document, this process would be supported by the Council's Job Security Policy and officers from the Council's Human Resources team.

The proposal concerns the amalgamation of two English language nursery schools that both use and teach the Welsh language in accordance with the national curriculum. The proposal is expected to have either a positive or a negative impact on the availability of provision to meet Welsh-medium needs. However, a separate proposal to establish a new Welsh-medium primary school for pupils aged 3-11 years was determined in June 2020. This new school will open to Nursery and Reception pupils from September 2021.

Other considerations

Since the launch of the statutory consultation on this proposal, the Council has allocated funding to be used for the refurbishment of the Kimberley Nursery building with a view to this being re-purposed as a dedicated Foundation Phase provision for children with Autistic Spectrum Disorder (ASD). This is currently subject to a detailed feasibility study, and if appropriate, a separate school reorganisation proposal will be taken forward in due course.

Recommendations

It is recommended that permission be sought to move this proposal forward by publishing a statutory notice. This decision will be referred to the Cabinet Member for Education and Skills and taken through the Council's agreed democratic process.

In accordance with the School Organisation Code (2018) this report is published electronically on Newport City Council's website at www.newport.gov.uk/schoolreorganisation

To request a hard (paper) copy of this document please contact Newport City Council's Education Information and Development Officer on 01633 656656 or email school.reorg@newport.gov.uk

Appendix A

Consultation Response Pro-forma

This response relates to a proposal to:

- Bring together Kimberley Nursery School and Fair oak Nursery School as one school on the Fair oak Nursery School site from September 2021.

Your views matter. Please tell us what you think about the proposal by completing this questionnaire and returning it to the Education Information and Development Officer, Newport City Council, Room 425W, Civic Centre, Newport NP20 4UR. Alternatively, you can complete this form online at

www.newport.gov.uk/schoolreorganisation or email your response to school.reorg@newport.gov.uk **The closing date for the submission of responses to this consultation is midnight on Friday 11 September 2020.** Please note that negative responses made to this consultation will not be counted as objections to the proposal, they will be recorded as adverse comments. Objections can only be registered following the publication of a statutory notice.

1) Do you support the proposal to:

To bring together Kimberley and Fair oak Nursery Schools as one school on the Fair oak site.



Please use the box below to provide comments or explain which element of the proposal you do not support

2) Do you believe that the proposal will have a positive or negative effect on opportunities to use the Welsh language?

Positive Negative No effect

3) If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?

4) Do you believe that the proposal will treat the Welsh and English languages equally?

Yes No

--

Please indicate who you are (e.g. parent/carer of a child attending a local nursery)

--

Please select your Ethnic group			
White British		Asian-Bangladeshi	
White Irish		Asian-Indian	
Any other White background (please state): _____		Asian-Pakistani	
		Any other Asian background	
Gypsy or Irish Traveller		Black Caribbean	
White and Asian		Black African	
White and Black African		Any other Black background	
White and Black Caribbean		Arab	
Any other Mixed background (please state): _____		Chinese	
		Any other ethnic group (please state): _____	
Asian-Bangladeshi		Prefer not to say	
Asian-Indian			
Asian-Pakistani			

Welsh language			
Do you consider yourself a Welsh speaker?			
Yes		No	Prefer not to say

Caring Responsibilities			
Do you care for children of school age?			
Yes		No	Prefer not to say
Do you care for children of pre-school age?			
Yes		No	Prefer not to say
Do you care for a dependent adult or child above school age?			
Yes		No	Prefer not to say

If you wish to be notified of the publication of the consultation report, please supply your contact details:

E-mail: _____

Postal address: _____

Appendix B

Estyn's full response to the proposal

Introduction

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer and other additional information such as data from Welsh Government and the views of the Regional Consortia, which deliver school improvement services to the schools within the proposal.

Summary/ Conclusion

The local authority's proposal for the amalgamation of Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021.

It is unlikely that the amalgamation of these schools, and the relocation of the Communication Class will have a detrimental impact upon learners, and educational standards are likely to be at least maintained.

Description and benefits

The local authority has set out clearly its proposal for the amalgamation of Kimberley Nursery School and Fair oak Nursery School into a single school on the current Fair oak Nursery School site from September 2021 and for the continuation of the dedicated Communication Class for 16 pupils, also on the same site.

The proposal will provide a single amalgamated stand-alone nursery school with capacity for up to 140 half-day sessions for mainstream pupils. This is a reduction of 84 half-day sessions across the two current schools. However, both schools have been running well under capacity over recent years, and projections suggest this would continue if no changes were made. Therefore 140 half-day sessions are likely to easily accommodate current demand, with some scope for an increase in numbers.

The local authority has considered appropriately a number of alternative arrangements to those set out in the proposal. The local authority's rationale behind the dismissal of each of these alternatives, appears to be reasonable.

The proposed new site for the amalgamated schools may mean additional travel distance for some of those currently using the Kimberley Nursery School. However, as nursery places are not given free home to school transport, this will not impact upon those local authority arrangements. Should parents wish to choose a more conveniently sited school, there are seven other nursery schools within two miles of Kimberley Nursery School, with three less than a mile away. Nearly all of these seven schools have surplus nursery places.

Both nursery schools are currently categorised as English medium language category. The proposal does not consider specifically Welsh medium needs.

The proposal has identified potential governance and staffing implications arising from the proposal, however, these are not fully spelt out. Any staffing reductions as a result of the proposal, will be dealt with in accordance with the council's Job Security Policy, with the redeployment of any unplaced staff to other vacancies across the city, either in schools or elsewhere in the council. The proposal to locate the Communication Class at Fair oak is not likely to have any impact on staffing. Under this proposal the specialist staff in the Communication Class will transfer with the provision, to Fair oak.

Educational aspects of the proposal

The amalgamation of Kimberley Nursery School and Fair oak Nursery School into a single school, and the location of the Communication Class on the same site is unlikely to have a detrimental impact upon the overall educational provision. The educational standards are likely to be at least maintained.

The nursery provision within the Malpas and Bettws area, in which Kimberley Nursery and Fair oak Nursery Schools are situated, are all categorised as green by the local authority, with the exception Kimberley which is yellow. Estyn's most recent inspections of the schools evaluated performance of both as good across the board. Six of the other nine nursery providers in the Malpas and Bettws areas identified as potentially being indirectly affected by the proposal have received judgements of 'good' or better in all key inspection areas. The one school, which received an 'adequate' judgement for performance and standards has since been deemed to have made good progress in these areas by Estyn.