

The Vale of Glamorgan Council

Cabinet Meeting: 19 June, 2017

Report of the Cabinet Member for Learning and Culture

Proposal to Change the Character of Fairfield Primary School to a 3 - 11 Years School, by Creating a Nursery Unit within the School

Purpose of the Report

1. To advise Cabinet of the outcome of the Statutory Notice on a proposal to establish a nursery unit at Fairfield Primary School and the process to be followed to allow a determination to be made.

Recommendations

1. That Cabinet note that no objections have been received to the published statutory notice to establish a nursery unit at Fairfield Primary School.
2. That Cabinet approves implementation of the proposal to establish a nursery unit at Fairfield Primary School.

Reasons for the Recommendations

1. The Local Authority is required to determine its own proposals under the School Standards and Organisation (Wales) Act 2013 and subsequent School Organisation Code 2013.
2. Following the completion of a period of statutory notice, a decision is required on whether to proceed to implement the proposal to establish a nursery unit at Fairfield Primary School.

Background

2. Nursery provision in the Penarth area is currently offered by a range of maintained and private nurseries. Primary schools in Penarth and the surrounding area offer maintained nursery provision with the exception of Evenlode and Fairfield primary schools.
3. Maintained nursery school places for children residing in the catchment areas for Evenlode and Fairfield primary schools are provided by two stand-alone nursery schools; Cogan and Bute Cottage.

4. A report recommending the Council consult on a proposal to establish a nursery unit at Fairfield Primary School was presented to Cabinet on the 31 October 2016. Cabinet approved the recommendation to carry out a consultation exercise on the proposal (minute ref C3348).
5. Consultation took place between 3 January 2017 and 14 February 2017 with prescribed consultees and a range of individuals. The consultation document is attached at [Appendix A](#).
6. A Consultation Report ([Appendix B](#)) was presented to Cabinet on the 20 March 2017 and published on the 29 March 2017 in accordance with the statutory requirement to publish within 13 weeks after the end of the consultation period.
7. Cabinet approved the recommendation to proceed to issue a statutory notice on the proposal (ref Cabinet minute C3056).
8. A statutory notice was published on 24 April 2017. The statutory notice period of 28 days (including 20 school days), was closed on the 22 May 2017. A copy of the notice is attached at [Appendix C](#).

Relevant Issues and Options

9. Welsh Government issued a School Organisation Code in 2013 that came into effect from the 1 October 2013. The Local Authority must “act in accordance with the Code” as determined by the School Standards and Organisation (Wales) Act 2013.
10. In line with the School Organisation Code (2013) requirements, the statutory notice was published in English and Welsh on the Council’s website and posted at the main entrances of the school. Furthermore, the school was provided with copies of the notice to distribute to pupils, parents and staff members (the schools may distribute the notice by email). The notice was also displayed and available on the school website.
11. On the day of the statutory notice being published, the following prescribed consultees received either a hard copy or were e-mailed a link to the Council’s website together with an electronic version of the notice:
 - Cardiff City Council, Bridgend County Borough Council and Rhondda Cynon Taf County Borough Council;
 - the Church in Wales and Roman Catholic Diocesan Authority for the area;
 - the Governing Body of Fairfield Primary, Bute Cottage Nursery and Cogan Nursery Schools;
 - the Governing Body of all other Vale of Glamorgan primary and secondary schools in the local area;
 - the Welsh Ministers;
 - Assembly Members (AMs) and Members of Parliament (MPs) representing the area;
 - Estyn;
 - the relevant teaching and trade unions representing staff;
 - Central South Consortium(Joint Education Service) - the relevant Regional Education consortium;
 - the Council's Transportation Department;

- the Police and Crime Commissioner for South Wales;
 - Penarth Town Council ;
 - Local Councillors;
 - the Vale of Glamorgan Communities First Partnership;
 - the Vale of Glamorgan Early Years Development and Childcare Partnership (EYDCP) and the Children's and Young People's Partnership;
 - Independent nursery providers in the Penarth area
 - Welsh Language Commissioner and RHAG.
 - Cardiff and Vale College
12. Any objections submitted during the notice period had to be made in writing or by email.
 13. Under section 49 of the 2013 Act, where objections are received, proposers must publish a summary of the statutory objections and the proposer's response to those objections ("the objection report").
 14. The Vale of Glamorgan Council is required to determine the proposal within 16 weeks of the end of the objection period.

Process:

15. In determining the proposal the School Organisation Code states that decision makers:
 - **must** consider whether are any other related proposals;
 - **must** ensure that the statutory consultation has been conducted in accordance with the Code; <http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
 - **must** ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
 - **must** consider the consultation document and consultation report;
 - **must** consider the objections and the objection report and any response to the notice supporting the proposals.
16. At the end of the statutory notice period the Council received no objections to the proposal for Cabinet to consider. There is therefore no requirement to publish an objection report as part of the proposal.
17. In considering the proposal, Cabinet should take into account the factors highlighted within the Code which include:
 - Quality and standards in education;
 - Need for places and the impact and accessibility of schools;
 - Resourcing of education and other financial implication; and
 - Other general factors.
18. The proposal will create all-through primary provision for 3 to 11 year olds in order to enhance standards at Fairfield Primary School with provision that is easily accessible for children. The proposal would meet future demand and provide additional high

quality local authority nursery places in the Penarth area. An overall increase in the number of pupils across the Vale of Glamorgan would result in increased funding for education from Welsh Government through the revenue support grant.

Resource Implications (Financial and Employment)

19. During 2015, the Foundation Phase building from Ysgol Dewi Sant in Llantwit Major was relocated to Fairfield Primary School with the intention of it being utilised as an early years' intervention base which would be a satellite of Ysgol Y Deri. In recognition of the need to establish a nursery at Fairfield Primary School the early years intervention base did not move into the building, remaining at Ysgol Y Deri pending identification of an alternative suitable site.
20. The building will require some adaptation to make it is suitable for nursery provision which is estimated to cost in the region of £20,000. This cost will be met from funding which has been set aside in the capital programme under the scheme to re-site the modular building from Ysgol Dewi Sant.
21. Additional revenue funding would be required to meet the operational costs of the nursery due to an increase in pupil numbers attracting the Age Weighted Pupil Unit (AWPU) funding. This would be found from within the overall schools' budget and from additional Education Improvement Grant due to additional pupil numbers. An overall increase in the number of pupils across the Vale of Glamorgan would result in increased funding for education from Welsh Government through the revenue settlement.
22. The governing body are responsible for determining staffing levels at schools. The number of teaching staff and learning support assistants is expected to increase for the nursery class only in response to guidelines for teaching support.

Sustainability and Climate Change Implications

23. Establishment of a 3 - 11 year old phase primary school offers a more efficient and sustainable model of delivery.

Legal Implications (to Include Human Rights Implications)

24. Powers for Councils to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2013. The Council is to comply with the relevant provisions in connection with the proposal.

Crime and Disorder Implications

25. There are no direct crime and disorder implications as a result of this report.

Equal Opportunities Implications (to include Welsh Language issues)

26. A key criterion for all school organisation proposals is to improve educational outcomes for all children and young people in all phases and to help to narrow the inequalities in achievement between advantaged and disadvantaged groups and individuals. It is anticipated that establishing a nursery at Fairfield Primary School will enable a seamless transition for nursery age children into the reception class of the school.

27. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics
28. Protected characteristics include:
- Age
 - Gender reassignment
 - Sex
 - Race - including ethnic or national origin, colour or nationality
 - Disability
 - Sexual orientation
 - Religion or belief - including lack of belief
29. An Equality Impact Assessment on the proposal to establish a nursery unit at Fairfield Primary School is attached at [Appendix D](#). The Equality Impact Assessment did not identify any potential for adverse impacts as a result of implementing the proposal and as a result, it has not been necessary to identify mitigating actions to address any negative impact.

Corporate/Service Objectives

30. Extension of the age range and establishment of a nursery class at the school contributes to the Council's wellbeing outcome: an aspirational and culturally vibrant Vale and to Corporate Objective 5: raising overall standards of achievement.

Policy Framework and Budget

31. This is a matter for Executive decision by the Cabinet.

Consultation (including Ward Member Consultation)

32. Public consultation with all interested parties has been carried out in accordance with legislation, following the statutory processes set out in the School Standards and Organisation (Wales) Act 2013.

Relevant Scrutiny Committee

33. Learning and Culture.

Background Papers

None.

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Officers Consulted

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