

The Vale of Glamorgan Council

Cabinet Meeting: 7 March, 2016

Report of the Cabinet Member for Children's Services and Schools

Proposal to amalgamate Cadoxton Nursery and Cadoxton Primary schools and extend the age range of Cadoxton Primary School from 4 to 11 to 3 to 11 years from 1 September 2016

Purpose of the Report

1. To advise Cabinet of the outcome of the consultation exercise undertaken on proposals to amalgamate Cadoxton Nursery and Cadoxton Primary schools and to decide whether or not to publish a statutory public notice to this effect.

Recommendations

1. That Cabinet considers the findings of the consultation exercise and the equality impact assessment of the proposal.
2. Cabinet approves the publication of the consultation report on the proposal.
3. Cabinet approves the publication of a statutory public notice to amalgamate Cadoxton Nursery and Cadoxton Primary schools.

Reasons for the Recommendations

1. To ensure the views of prescribed consultees are taken into account in the decision making process, and that the Council complies with its public sector equality duty.
2. To ensure the Local Authority meets the legal requirements of the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013.
3. To progress the proposed amalgamation of Cadoxton Nursery and Cadoxton Primary schools.

Background

2. The Council has a duty to review the number and type of schools in the area and to make the best use of resources to continue raising standards in schools.
3. There are currently 3 stand-alone nursery schools in the Vale of Glamorgan; Cadoxton Nursery School, Cogan Nursery and Bute Cottage Nursery. In 2015 there

were 13 stand-alone nursery schools across Wales, down from 22 stand-alone nursery schools in 2011.

4. Of the 15 primary schools in Barry, 14 have nursery classes which are a part of the school. Cadoxton Primary School is the only primary school in Barry without integrated nursery provision.
5. Incorporating the nursery school at Cadoxton into the primary school offers a more efficient and sustainable model of delivery. The amalgamation of the two schools on their current sites would provide savings predominantly through the streamlining of the leadership, governance and management of the schools by way of a single headteacher, leadership team and governing body.
6. Cabinet met on the 14 December 2015 where a report on the proposal to amalgamate the two schools and extend the age range of Cadoxton Primary School to a 3 to 11 years school was presented. Cabinet agreed at that meeting to undertake a consultation on the proposal from 4 January 2016 for a period of 6 weeks.
7. Following the requirements of the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013, a consultation exercise with prescribed consultees was undertaken between 4 January and 15 February 2016. The consultation document is attached at [Appendix A](#) along with the Community Impact Assessment which is attached at [Appendix B](#). Individual responses to the consultation have been made available in the members room.
8. A consultation report must be published within 13 weeks of the end of the period allowed for responses to the consultation. The publication of a consultation report must take place to support Cabinet's decision as to whether there is suitable evidence to support the publication of a statutory notice. The publication of the aforementioned consultation report must take place before a statutory notice is published on the proposal. The consultation report is attached at [Appendix C](#).

Relevant Issues and Options

9. The 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. Section 48 of the Act requires that before school organisation proposals are published they must first be subject to consultation. Consultees were either issued with a hard copy of the document or were e-mailed a copy as well as being provided with a link to the Council's website. The document was published on the Council's website on 4 January 2016. The document could also be found on the websites of both schools.
11. Appropriate consultation has taken place with prescribed consultees and a range of individuals, the details of which are attached in the Consultation document at [Appendix A](#).
12. Separate consultation meetings were held with the staff and governors of Cadoxton Primary School on 26 January 2016. Separate consultation meetings were also held with the staff and governors of Cadoxton Nursery School on 10 February 2016. Drop in sessions for parents of both schools were held on 4 February and 9 February 2016.

13. Consultation has also been undertaken with children of the 'Senedd' of Cadoxton Primary School. The outcome of the children's consultation can be found at [Appendix C](#) (Annex D). It was decided not to undertake a consultation exercise with the children of Cadoxton Nursery School as it was felt that at the ages of 3 and 4 the children would not be able to fully understand the process.
14. The Authority received 158 individual responses by the closing date, all through the medium of English. A petition against the proposal containing 416 signatures was also received. Of the 158 individual responses, 117 consultees either supported or were not in support of the proposal. Of the 117 responses, 27.4% (32) were positive, 72.6% (85) were against. 39 responses did not offer an opinion either way and 2 responses were deemed invalid as 1 required additional information and did not give an opinion and 1 response was deemed void as there was no indication of a response of any kind and solely included the respondent's name and address. The consultation report ([Appendix C](#)) concerns itself with the 156 responses that were deemed valid. The Authority received a response from Estyn and responses from each of the school's governing bodies, which can be found at [Appendix C](#). There was no response from any of the trade unions consulted as part of the exercise.
15. A number of key concerns relating to the proposal were raised by respondents. These are:
 - that the existing community-centred ethos of the nursery would be lost;
 - that an amalgamation would be detrimental to the standard of education and learning outcomes of the nursery children;
 - the wellbeing of the nursery children would be compromised as a result of having shared leadership and potential changes in staff responsibilities;
 - that given the excellent results of the nursery school, how an amalgamation could add value or benefit the children, and;
 - concerns over potential staff implications.
16. For those in favour of the proposal, the key supporting themes identified were:
 - facilitating continuity for children, as progress would be monitored from the age of 3 years to 11 years;
 - resources could be delegated more efficiently and there will be more opportunity for shared resources;
 - it would be easier for parents with consistent uniforms and inset days across all years, and;
 - that there will be more opportunity and scope for professional development for staff if they wish.
17. A summary of the key themes and issues raised by the respondents, including that of the governing bodies and Estyn, as well as the Council's responses are contained within the Consultation report at [Appendix C](#).

18. On balance, the benefits of the proposed amalgamation of Cadoxton Nursery School and Cadoxton Primary School would maintain and sustain the current high standards of both schools, outweighing any disadvantages, and are sufficient to warrant Cabinet's consideration as to whether to publish a statutory public notice to amalgamate.
19. To progress the proposal a statutory notice must be published providing 28 days for objections. The notice must be published on a school day and with 15 school days included within the notice period. It is proposed to issue a statutory notice for the amalgamation to run from the 11 April 2016 to 9 May 2016 if approval to proceed is granted by Cabinet.
20. Following the publication of a statutory notice and objection period, a further report to Cabinet will be issued on the outcome of the statutory notice period.

Resource Implications (Financial and Employment)

21. The Council is facing unprecedented financial challenges as a result of on-going reductions in funding from Westminster and consequent reductions to the Council's revenue support grant from Welsh Government. The Council must find £24.7M savings over the 3 years from 2015/16 - 2017/18. It is therefore incumbent on all Council services to use available funding as effectively as possible. The standalone nursery model is costly when compared to the alternative of the nursery being part of a primary school.
22. The amalgamation of the two schools would result in funding being allocated to the primary school on the same basis as for other primary schools with nurseries. The delegated funding for the primary school would be approximately £86,000 less than the funding currently provided for the separate nursery and primary school. The saving of £86K will not be fully achieved in the first year of amalgamation as transitional funding arrangements would be put in place to enable the school to embed a new structure and negotiate new contracts for the purchase of goods and services and service level agreements.
23. The majority of revenue saving would be generated through changes to staffing resulting from the school's new staffing structure. The development of the staffing structure and any implications would be subject to consultation with staff and the relevant trade unions.

Sustainability and Climate Change Implications

24. Establishment of a single phase primary school offers a more efficient and sustainable model of delivery.

Legal Implications (to Include Human Rights Implications)

25. 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, Statutory Code Document no. 006/2013.
26. If approved, the statutory notice to amalgamate Cadoxton Nursery and Cadoxton Primary schools will comply with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, Statutory Code Document no. 006/2013.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

28. The Council must comply with the public sector equality duty (section 149) of the Equality Act 2010 when coming to a decision on whether to publish a statutory notice on the proposal to amalgamate Cadoxton Nursery and Cadoxton Primary schools. Section 149 requires the Council to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s149 (1).

29. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149 (7) of the Equality Act.

30. Section 149 (3) of the Equality Act states that having due regard to the need to advance equality of opportunity involves due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low, and;
- the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

31. Section 149 (5) of the Equalities Act states that having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in this section may involve treating some persons more favourably than others.

32. To discharge the public sector equality duty the decision maker must analyse all the relevant material with the specific statutory consideration in mind. This includes considering whether the proposed decision is capable of having an adverse impact on persons who have any of the relevant protected characteristics. If it is, consideration must be given to whether there are any steps that could be taken (by way of modification of the proposed decision) to avoid or mitigate that impact. If there

are such steps, consideration must be given to whether or not to adopt any of them as part of the final decision.

33. In this particular case, an Equality Impact Assessment on the proposal to amalgamate Cadoxton Nursery and Cadoxton Primary schools 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

34. The amalgamation of Cadoxton Nursery and Cadoxton Primary schools progresses LS2 to 'Develop, consult on and implement a School Reorganisation Programme to ensure the right schools are provided in the right places' included within the Corporate Plan 2013-17.
35. The proposal detailed in this report contributes towards service objective 2 of the Learning and Skills Directorate Service Plan 2014/18: to meet the needs of all learners by providing a range of suitable and accessible learning opportunities and facilities.

Policy Framework and Budget

36. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

37. Public consultation with all interested parties in accordance with legislation has been carried out regarding the amalgamation of Cadoxton Nursery and Cadoxton Primary schools.
38. Ward members have been consulted on this proposal.

Relevant Scrutiny Committee

39. Lifelong Learning.

Background Papers

Individual responses to the consultation have been made available in the members' room.

Contact Officer

Anne Brown - School Organisation Manager, Directorate of Learning and Skills

Officers Consulted

Paula Ham - Head of Strategy, Community Learning and Resources
Trevor Baker - Operational Manager - Directorate of Learning and Skills
Mike Glavin - Head of School Improvement and Inclusion
Mike Matthews - Principal Strategic Planning Officer
Nicola Monckton - School Finance Manager
Tim Greaves - Equality Coordinator
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Responsible Officer:

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