

The Vale of Glamorgan Council

Cabinet Meeting: 6 June, 2016

Report of the Cabinet Member for Regeneration and Education

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 statutory notice to amalgamate Cadoxton Nursery and Cadoxton Primary schools and the process to be followed to consider a determination.

Recommendations

1. That Cabinet considers the findings of the objection report on the proposal.
2. Subject to consideration of the above, Cabinet considers approving the implementation of the proposal to amalgamate Cadoxton Nursery and Cadoxton Primary schools from September 2016 by closing Cadoxton Nursery School on 31 August 2016 and extending the age range of Cadoxton Primary School to 3 - 11 years from 1 September 2016.

Reasons for the Recommendations

1. To ensure the views of objectors are taken into account in the decision making process.
2. Following the completion of a period of statutory notice, a decision is required on whether to implement the proposal to amalgamate Cadoxton Nursery and Cadoxton Primary Schools.

Background

2. A Cabinet report recommending that the Council consult on a proposal to amalgamate Cadoxton Nursery and Primary schools was presented to Cabinet on 14 December 2015.
3. The proposal was to amalgamate Cadoxton Nursery and Cadoxton Primary schools by extending the age range of Cadoxton Primary School from 4 - 11 to 3 - 11 years; and discontinuing Cadoxton Nursery School.

4. Cabinet approved the recommendation to carry out a consultation exercise for a period of 6 weeks (minute ref C3020) to take place between 04 January 2016 and 15 February 2016. The consultation document, attached as [Appendix A](#), and is available on the Council's website.
5. A consultation report ([Appendix B](#)) was presented to Cabinet on 07 March 2016 and published on 14 March 2016 in accordance with the statutory requirement to publish within 13 weeks after the end of the consultation period.
6. Cabinet approved the recommendation to proceed to issue a statutory notice on the proposal (ref Cabinet Minute C3100).
7. A statutory notice was published on 11 April 2016. The statutory notice period of 28 days (including 20 school days), was closed on 09 May 2016. A copy of the notice is attached as at [Appendix C](#).

Relevant Issues and Options

8. The Welsh Government issued a School Organisation Code in 2013 that came into effect on 1 October 2013. The Local Authority must “act in accordance with the Code” as determined by the School Standards and Organisation (Wales) Act 2013.
9. In line with the School Organisation Code (2013) requirements the statutory notice was published in English and Welsh on the Council's website and on the gates of both schools. Both schools were provided with hard copies of the notice to distribute to pupils, parents, governors and staff members. Both schools provided links to the notice on their websites.
10. On the day of the statutory notice being published, the following stakeholders received either a hard copy or were e-mailed a link to the Council's website:
 - 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 Cadoxton Nursery and Cadoxton Primary Schools;
 - the Welsh Ministers;
 - Assembly Members (AMs) and Members of Parliament (MPs) representing the area
 - Estyn;
 - the relevant teaching and staff trade unions;
 - Central South Consortium(Joint Education Service) - the relevant Regional Education consortium;
 - Neighbouring primary and secondary schools;
 - the Council's Transportation Department;
 - the Police and Crime Commissioner for South Wales;
 - Barry Town Council;
 - Local Councillors;
 - the Vale of Glamorgan Communities First Partnership;
 - the Vale of Glamorgan Early Years Development and Childcare Partnership (EYDCP) and Young Peoples Partnership;

- Welsh Language Commissioner and RHAG.
11. All objections submitted during the notice period had to be made in writing or by email. By the end of the statutory notice period on 09 May 2016, the Council received 113 objections.
 12. Under section 49 of the School Standards and Organisation (Wales) Act 2013, the Council must publish a summary of the statutory objections and a response to those objections - the objection report. This is attached at [Appendix D](#).
 13. A number of key points were raised during the objection period, with a focus on the perceived detrimental impact on the children's educational experience and school standards as well as the negative impact on the community which the nursery school currently serves. Respondents also expressed a desire to maintain the status quo, which provides choice for local parents for standalone nursery provision.

Process:

14. In determining the proposal the School Organisation Code states that decision makers:
 - **must** consider whether there 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.
15. The School Organisation Code clearly states that "where a local authority's proposals have received objections, and require determination under section 53 of the Act, the local authority must not approach the determination of these proposals with a closed mind. Objections must be conscientiously considered alongside the arguments in respect of the proposals and in light of the factors set out in section 1.3 - 1.4 of this code". The factors include the quality and standards of education; the need for places and the impact on accessibility of schools; the resourcing of education and other financial implications.
16. In considering the quality and standards of education Members should have specific regard to the impact of the proposals on the quality of:
 - Outcomes (standards and wellbeing);
 - Provision (learning experiences, teaching, care, support and guidance and learning environment); and
 - Leadership and management (leadership, improving quality, partnership working and resource management).
17. In assessing the impact of proposals on quality and standards in education and how effectively the curriculum is being delivered, Members should consider any relevant advice from Estyn, refer to the most recent Estyn reports or other evidence derived from performance monitoring, and take into consideration any other available information on the school's effectiveness.

18. Information on the performance of Cadoxton Nursery and Primary schools was considered by Cabinet when deciding whether to consult on the proposals to amalgamate the schools. The relevant information is included in the consultation document attached at [Appendix A](#). Objections have been raised in relation to the potential detrimental impact this proposal could have on the standards and the wellbeing of the nursery pupils. These concerns and the Council's response are detailed in [Appendix D](#) to this report.
19. The Council is satisfied that there is no reason why the existing high quality provision cannot be maintained in a nursery class following amalgamation. Access to the resources of the wider school has the potential to improve the scope for continued professional development and could improve the range of provision on offer. Although the nursery class would become a part of the primary school following amalgamation, the nursery would continue to uphold its existing values and philosophies. The highly committed and professional staff would continue to deliver the same high quality of care, learning and social development for children in their care.
20. An amalgamation would build on the strengths present in the existing separate schools under a single leadership team, providing efficiency and opportunity which would not be available under separate management structures. The primary school will continue to work in partnership with a number of agencies such as community health, police and social services as it does now. These relationships would include the nursery class and they would continue to be sustained and developed. Estyn's response to the consultation on this proposal stated, "It is Estyn's opinion that the proposal is likely to maintain the current standards of education and provision in the area".
21. Consideration of the need for places and the impact on accessibility of schools is not relevant to this proposal. The number of places at the nursery will remain unchanged following amalgamation. The need to maintain the current number of nursery places is supported by pupil number projections which show that the existing level of demand for places at the nursery is likely to remain constant over the next five years. The nursery class will remain in its current building which provides good access for disabled pupils in accordance with requirements under the Equality Act 2010.
22. In addition, in accordance with the Act (2013), Cabinet are required to give full consideration to the objections received to the proposal. The objections have been collated into the Objection Report (attached as at [Appendix D](#)), which details the objections received and the Council's responses to these concerns.

Resource Implications (Financial and Employment)

23. 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. 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.
24. 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 schools. 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.

25. The majority of revenue saving would be generated through changes to staffing resulting from the school's new staffing structure. This includes savings from having only a single Headteacher for the amalgamated school, which has been discussed as part of the consultation process with all stakeholders, including trade unions. It is expected that all staff from the nursery school with the exception of the Headteacher would be transferred into the amalgamated school. The existing postholder for Headteacher at the nursery school would have the option to transfer to the amalgamated school on a salary that would be protected for 3 years. Any future development of the staffing structure would be subject to further consultation with staff and the relevant trade unions, under the remit of the school's governing body and Headteacher.

Sustainability and Climate Change Implications

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

Legal Implications (to Include Human Rights Implications)

27. 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.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

29. 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 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).
30. 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 2010.
31. 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.
32. 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.
33. 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.
34. In this particular case, an Equality Impact Assessment on the proposal to amalgamate Cadoxton Nursery and Cadoxton Primary schools is attached at [Appendix E](#). 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

35. The amalgamation of Cadoxton Nursery and Primary schools progresses the Council's strategy of moving away from single phases of education such as nursery, infant and junior phases, towards 'all through' primary schools. It also supports the need to maximise the use of resources.

Policy Framework and Budget

36. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

37. Public consultation regarding the amalgamation of Cadoxton Nursery and Cadoxton Primary schools has been carried out with all interested parties in accordance with legislation.
38. Ward members have been consulted on this proposal, as has the former Scrutiny Committee (Lifelong Learning).

Relevant Scrutiny Committee

39. Learning and Culture.

Background Papers

Individual objections to the statutory notice have been made available in the members room.

Contact Officers

Mike Matthews - Principal Strategic Planning Officer
Anne Brown - School Organisation Manager

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
Nicola Monckton - School Finance Manager
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Responsible Officer:

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