

CABINET MEETING: 6 JULY 2017

**SCHOOL ORGANISATION PROPOSALS: THE PROVISION OF
ADDITIONAL ENGLISH-MEDIUM PRIMARY SCHOOL PLACES
AT RADYR PRIMARY SCHOOL**

**REPORT OF DIRECTOR OF EDUCATION AND LIFELONG
LEARNING**

AGENDA ITEM: 7

**PORTFOLIO: EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR
SARAH MERRY)**

Reason for this Report

1. This report is to inform the Cabinet of any objections received to the statutory notice to increase the capacity of Radyr Primary School from 376 places to 420 places to allow the school to admit up to 60 pupils from September 2017.

Background

2. At its meeting on 19 January 2017 the Cabinet, in accordance with the terms of the School Standards and Organisation (Wales) Act, approved a recommendation for the publication of the statutory notice detailed in paragraph 1.
3. Copies of the consultation document and the statutory notice can be found at Appendix 1.
4. The notice was published on the Council website and displayed in the local area on 28 February 2017. Additional stakeholders identified in the Welsh Government School Organisation Code as needing to receive either a hard copy of the notice or be emailed a link to the Council website were notified of publication of the notice.

Issues

5. One objection to the statutory notice was received.
6. The new School Organisation Code came into force in October 2013. Following this the Council's Cabinet now has responsibility for the determination of school organisation proposals including those which

receive objections (save for those that are required to be considered by the Welsh Government).

7. In accordance with this, the Cabinet must decide whether to approve, reject or approve with modifications, the proposal. The Council must not approach the decision with a closed mind and any objections must be conscientiously considered.

Objections Received

8. The objection was raised by a parent of a pupil at Radyr Primary School who expressed the view that Radyr Primary School is already an overcrowded school with children in 'cramped unsafe conditions' and that extra pupil numbers will impact negatively on the existing children attending the school.
9. The objector is concerned that Radyr Primary School is in "Special Measures"; that the Council is investing in a "low performing primary" school; and that the existing pupils have no play area and no field.

Council's response to the objections

Performance of Radyr Primary School

10. Radyr Primary School is not in Special Measures. Radyr Primary School was last inspected in June 2011. The school's performance was judged to be good with prospects for improvement judged to be adequate. As a result of the recommendations from Estyn, an action plan was drawn up by the school and the school's progress monitored.
11. In October 2012, the school was judged to have good progress and was removed from the list of schools requiring Estyn monitoring.
12. As set out in Estyn's response to the public consultation (10 October – 21 November 2016) (a copy of the full response can be seen at Appendix 2), Estyn are of the view that the proposal is likely to at least maintain the current standards of education in the area.
13. In the most recent Welsh Government categorisation of schools the school was categorised as Yellow (an effective school which is already doing well and knows the areas it needs to improve) and it is not expected that the proposal would impact on this.
14. During the consultation the Governing Body and Headteacher expressed their desire for the school to become two form entry and their belief that the school has the physical space and resources in place to fully support the proposed increase in pupil numbers. (Copies of the responses are at Appendix 3).
15. The current uncertainty of pupil numbers at Radyr Primary School has caused challenges for the School in the areas of budget planning and staff resourcing. A permanent two form intake will mean that there are

no mixed year group classes which will assist in school management planning.

16. Whilst concerns have been expressed about the expansion of Radyr Primary School, the school is well placed to meet demand for English-medium community places from the local area and the Council will work with the school to ensure that standards are maintained.
17. Changes to any existing accommodation and any new accommodation can cause some disruption, however experience shows that this can be kept to a minimum and children's education does not suffer.

Overcrowding at Radyr Primary School

18. The Headteacher and the Governors of Radyr Primary School fully support the expansion of the school. In their response to the public consultation, the Governing Body formally noted their desire for the school to become two-form entry: "We believe that the school has the physical space and resources in place to fully support a school of 60 pupils per year group".
19. The Headteacher's formal response include the following: "The school has over the years adapted the physical space and resources to fully support a school of 60 pupils and the only necessary accommodation would be an extra classroom. As Radyr is fortunate to have a very large field area and open space a further classroom would not impact on the available playground space for the children."
20. As set out in the response from the Governing Body and the Headteacher, the school has the physical space and resources in place to fully support a school of 60 pupils in each year group.
21. The School has already made changes to the space and accommodation in order to ensure it has suitable physical space along with appropriate levels of resources to provide for 60 children per year group. The school has a large field and open space and do not feel that an additional classroom would impact on the available playground space for the children.
22. In the event of the proposal being progressed to implementation, officers will work with the school to ensure there is sufficient, suitable accommodation available to support the school in the effective delivery of national curriculum requirements.

Requirements of the School Organisation Code

23. As set out in the School Organisation Code, the following factors should be taken into account by relevant bodies when exercising their function of approving/determining proposals.

Quality and Standards

24. The Council works closely with the governing bodies of schools to ensure that standards in schools are high, that teaching is good and that leadership and governance is strong. The Council works closely with two organisations in order to monitor the performance of schools and to support school improvement.
25. Estyn is the office of Her Majesty's Chief Inspector of Education and Training in Wales. It is a Crown body, established under the Education Act 1992. Estyn is independent of the National Assembly for Wales but receives its funding from the Welsh Government under Section 104 of the Government of Wales Act 1998. Estyn inspects quality and standards in education and training providers in Wales.
26. Central South Consortium Joint Education Service (CSCJES) was established in September 2012. The Local Authority has commissioned the Consortium to support and challenge schools in Cardiff.
27. When proposing changes of this type to schools Local Authorities are required to refer to the most recent Estyn reports, other evidence from performance monitoring and any other information available on school effectiveness.
28. Local Authorities must also demonstrate the likely impact of the proposals on the quality of :
 - outcomes (standards and wellbeing)
 - provision (learning experiences, teaching, care support and guidance and learning environment)
 - leadership and management (leadership, improving quality, partnership working and resource management).

Estyn

29. Schools are inspected as part of a national programme of school inspection. The purpose of an inspection is to identify good features and shortcomings in schools in order that they may improve the quality of education offered and raise standards achieved by their pupils (Estyn).
30. The relevant Estyn Inspection reports provide grades against Key Questions and provide school with recommendations for improvement.
31. For Estyn inspections carried out before September 2010, there were seven key questions each with the following grades which could be awarded:
 - Grade 1 good with outstanding features
 - Grade 2 good features and no important shortcomings
 - Grade 3 good features outweigh shortcomings

Grade 4 some good features, but shortcomings in important areas

Grade 5 many important shortcomings

32. In September 2010 a new common inspection framework was introduced and Estyn inspections carried out after September 2010 provides judgements against three Key Questions.
33. Each key question is provided with a judgement:
- Excellent –many strengths, including significant examples of sector-leading practice
 - Good – many strengths and no important
 - Adequate – strengths outweigh areas for improvement
 - Unsatisfactory – important areas for improvement outweigh strengths
34. Inspectors also provide an overall judgement on the school's current performance and on its prospects for improvement.
35. Radyr Primary School was last inspected in June 2011. The school's performance was judged to be good with prospects for improvement judged to be adequate.
36. In October 2012, the school was judged to have made good progress and was removed from the list of schools requiring Estyn monitoring.

Welsh Government categorisation of schools

37. In January 2015, the Welsh Government introduced a new categorisation system that considered each school's standards alongside the school's capacity to improve so as to understand the level of support that organisations such as CSC need to give each other in order that they achieve their targets.
38. The categorisation system is described below:

Category	What the category means
Green	A highly effective school which is well run, has a strong leadership and is clear about its priorities for improvement.
Yellow	An effective school which is already doing well and knows the areas it needs to improve.
Amber	A School in need of improvement which needs help to identify the steps to improve or to make change happen more quickly.
Red	A school in need of greatest improvement and will receive immediate, intensive support.

39. To determine the colour coded category as explained in the table above, schools are placed in one of four groups for standards (1-4) and for bringing about improvement (A-D) with one being the highest grouping for standards and A being the highest for improvement capacity. Updated categorisations are published every year in January.

Radyr Primary School

40. The Welsh Government has categorised the school as Yellow.

School	Standards Grade	Improvement Capacity	Category of Support
Radyr Primary School	1	B	Yellow

41. For further information about the new categorisation scheme, please see Welsh Government's parents' guide to the National School Categorisation System:

<http://gov.wales/docs/dcells/publications/150119-parents-guide-en.pdf>

42. Details of the Estyn judgements, recommendations, WG categorisation and the Foundation Phase/Key Stage 2 outcomes can be seen at Appendix 4.

Outcomes (standards and wellbeing)

43. The Council has in place policies to support school improvement e.g. 'High Achievement for All' and 'Achievement for Inclusion'. It is working to respond to the key principles of the 'School Effectiveness Framework' to secure better learning outcomes and well-being for all children.
44. It is not anticipated that there will be any impact on the quality of standards of education or the delivery of the Foundation Phase and Key Stage 2 at Radyr Primary School as a result of this proposal.

Provision

45. The proposal would provide appropriately for demand for English-medium primary school places in the Radyr and Morganstown areas.

Leadership and Governance

46. The Council would continue to work with the leadership of Radyr Primary School to continue to ensure a rigorous whole school approach to improvement planning and secure good relationships with parents and other partners in order to ensure pupils receive a high quality education.
47. Careful planning would take place during the proposed period of change to avoid any risk of distraction or disruption to leadership and governance that could impact on educational outcomes.

48. The Council has no information to suggest that the Quality and Standards of existing school would be negatively affected by the proposals. The expectation would be that investment in new school facilities would add value and have potential to better support delivery of relevant curriculums and children's learning experiences.

Need for places and the impact on accessibility of schools

49. The catchment area of Radyr Primary school falls entirely within, and serves part of the Radyr and Morganstown ward. The Radyr and Morganstown ward is also served by Bryn Deri Primary School.
50. The Radyr Primary School catchment area lies within the catchment area of Radyr Comprehensive School. Projected demand for English-medium community school places varies in each of the primary school catchment areas within the secondary school catchment, however, the combined demand is at a high level.

Recent demand for places

51. A growth in the pre-school population has been evident in recent years in the Radyr and Morganstown area.
52. School census data (PLASC) confirms that the number of pupils attending English-medium Reception places at any school, resident within the catchment area of Bryn Deri Primary School, exceeded 30 places by 8 pupils in January 2013 and by 4 pupils in January 2014.
53. The number of pupils attending English-medium Reception places, resident within the catchment area of Radyr Primary School, exceeded 45 places by 10 pupils in January 2014 and by 2 pupils in January 2015. Initial data analysis suggests that the number of pupils attending Reception at an English-medium primary school also exceeded 45 in January 2016 by 26 pupils.
54. In September 2012, to assist in meeting the demand for places in the local area, the Council agreed with the Governing Body of Radyr Primary School to allow the admission of up to 15 additional pupils to the school, utilising spare accommodation in the school.
55. In order to continue to accommodate pupils in Radyr and Morganstown in local English-medium schools, and to prevent late applicants being unable to obtain local school places in neighbouring schools, the Council has allowed the admission of up to 60 pupils at entry to Reception in the successive intakes since September 2012.
56. The combined demand for English-medium community school places in the Bryn Deri and Radyr catchment areas, and take up of places at the two schools, in recent years is set out below:

Academic Year	Primary School catchment area:			Pupils admitted to school	
	Bryn Deri Primary	Radyr Primary	Bryn Deri Primary & Radyr Primary combined catchment	Bryn Deri Primary	Radyr Primary
2011/ 2012	26	29	55	30	38
2012/ 2013	38	39	77	30	60
2013/ 2014	34	55	89	30	60
2014/ 2015	28	47	75	30	56
2015/ 2016	25	71	96	30	60

School Class Organisation

57. Schools that are highly/ fully subscribed and which also have a Published Admission Number that is not a multiple of 30 pupils are expected to operate mixed age classes. In the case of Radyr Primary School, the Published Admission Number of 45 provided a suitable balance with the demand for places in the area for a number of years and the school was able to balance numbers of pupils in each year group with other year groups, in order to operate as a 1.5 Form entry school.
58. Having admitted 60 pupils in September 2012 to meet the demand for places that could not be accommodated elsewhere, and demand for places having remained at a high level, the Council has required the school to admit in excess of 45 pupils each year since and the school has not been able to return to a 1.5 form entry organisation.
59. As a consequence of this, the school would require an additional classroom for September 2017 in order for the Council to comply with admitting pupils up to the Published Admission Number of 45 places at an approximate cost of £400,000.

Future demand

60. Projected demand based upon NHS data received in 2015 indicates that the number of English-medium community pupils entering Reception will remain at high levels until at least September 2018, the latest year for which data are available.

Academic Year	Primary School catchment area:		
	Bryn Deri	Radyr	Bryn Deri & Radyr combined catchment
2016/ 2017	34	69	103
2017/ 2018	37	54	91
2018/ 2019	30	80	110

61. The above projections take account of a positive Cohort Survival Ratio in the area, indicative of pupils moving into the area in the years between the age of 0-4. This ratio is evident in the annual NHS population data update for the Bryn Deri and Radyr catchment areas.
62. Projected demand for school places takes account of data supplied by the NHS and the recent take-up of places. The Council is aware of a number of sites approved for housing and/ or under consideration by housing developers that, if progressed, would increase the demand for school places in the local area.
63. Whilst any additional housing, if agreed for development, will be expected to include provision for education, any new housing in the locality could create additional demand for school places in addition to that included in projections, at least in the short term. In the event of this being the case consideration would need to be given to how this demand would be met.

Local Member consultation (where appropriate)

64. The Local Member was consulted as part of the consultation and is fully supportive of the proposed expansion.

Reason for Recommendations

65. To address the shortfall of English-medium primary school places in the Radyr and Morganstown areas by increasing the capacity of Radyr Primary School to allow the school to admit 60 pupils from September 2017.

Financial Implications

66. This report seeks authority for Radyr Primary School to admit up to 60 pupils from September 2017. As outlined in the report, the school has admitted in excess of its Published Admission Number in recent years and in most years has admitted close to 60 pupils. The revenue funding provided to schools, via the School Funding Formula, is largely predicated on the basis of expected pupil numbers and, therefore, Radyr Primary School has received a share of funding based on the increased level of pupil numbers. As a consequence of formally increasing the potential intake from September 2017, it is not anticipated that there will be a requirement to increase the revenue funding provided to the school and that any additional revenue costs incurred will be met from within the school budget.
67. The report refers to the potential need to add an additional classroom to the school site to accommodate the additional numbers. The capital costs associated with this additional classroom, which could total approximately £400,000, will be met from within the Council's annual School Suitability & Sufficiency Budget, approved as part of the Council's 2017/18 Capital Programme. In addition, any revenue costs associated

with the hire of temporary accommodation will need to be met from within the Council's revenue budget for the hire of demountable accommodation. Furthermore, should any of the transport recommendations, outlined in Appendix 6, be implemented, these will need to be subject to a detailed costing exercise and any expenditure incurred will need to also be met from within the existing Suitability & Sufficiency budget. This will entail a review of other commitments against that budget and consideration as to which are the priority works, resulting in a potential phased approach to their implementation, in line with resource availability.

Legal Implications

68. Under the Education Act 1996, the Council has a responsibility for education and must provide sufficient school places for pupils of compulsory school age.
69. A local authority can make proposals to make regulated alterations to a community school which include enlargement of the premises to increase its capacity under section 42 and Schedule 2 of the Schools Standards and Organisation (Wales) Act 2013. The Council is required prior to publishing its proposals to undertake a consultation on those proposals in accordance with section 48 of that Act and the School Organisation Code. The recommendation seeks authority to carry out that statutory consultation.
70. Any proposals must be the subject of full and fair consultation and due regard must be had by the Cabinet to the responses before a final decision is taken.
71. The Council has to satisfy its public sector duties under the Equality 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. Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief
72. As such the decision on whether to proceed to publish intention to implement the proposal has to be made in the context of the Council's public sector equality duties.
73. The report identifies that the Equality Impact Assessment has been updated to take into account the consultation and is included in the Statutory Screening Tool at Appendix 5. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

74. As such the decision on whether to proceed to publish intention to implement the proposal has to be made in the context of the Council's public sector equality duties.
75. In accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards included within the Council's Compliance Notice issued by the Welsh Language Commissioner, the Council must also consider the consultation must also consider (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language.
76. The decision maker must also have regard to certain other matters when making its decision as outlined in the Statutory Screening tool (including where appropriate a Strategic Environmental Assessment). The decision maker is therefore referred to the Screening Tool attached at Appendix 5.

HR Implications

77. HR People Services will work with the Governing Body of Radyr Primary in readiness for its permanent expansion. In line with the SOP HR Framework the Headteacher and the Governing Body will be encouraged to undertake a review of their staffing structure to ensure that they are sufficient for expansion as the numbers on roll increase. This will have to be balanced against the forecasted school budget. However, it is likely that the permanent expansion of the school will result in the creation of additional permanent vacancies.
78. HR People Services will also provide recruitment support in line with the Council's Redeployment and Redundancy Policy which the Governing Body has adopted. This means that any new vacancies arising as a consequence of an increase in the numbers on role, will provide opportunities for staff on the school redeployment register.

Equality Impact Assessment

79. An Equality Impact Assessment on this proposal has been carried out. The assessment concluded that this proposal would not adversely affect a particular group in society. If the proposal were to proceed, further equality impact assessments would be undertaken including an assessment on any additional accommodation. (Details of the Equality Impact Assessment can be seen at Appendix 5)

Sustainability Assessment

80. A Strategic Environmental Assessment (SEA) of the proposal has been carried out in accordance with European Legislation. The assessment confirms that the proposal is compatible with the environmental objective identified by Cardiff's 21st Century: A Strategic Framework for a School Building Improvement Programme. If the proposal were to proceed, an environmental assessment would be carried out as part of the planning application process. (Details of the Sustainability Assessment can be seen at Appendix 5)

Transport Matters

81. A Highway Impact Report to assess the potential impact of the proposal has been undertaken (See Appendix 6). The assessment sets out a number of recommendations that would need to be considered in the event of the proposal being progressed to implementation.

Community Impact

82. The following are taken into account when considering a proposal: Public Open Space, parkland, noise and traffic congestion. Officers will work with school and any community groups to ensure that any proposal(s) brought forward would avoid negative impacts wherever possible.

Urgent Decision Exempt from Call-in

83. This decision has been certified by the Monitoring Officer as urgent because any delay likely to be caused by the call-in process could seriously prejudice the Council and is in the public interest under section 13 of the Scrutiny Procedure Rules as urgent and the call-in procedure does not apply to it.
84. The reason for this is, that the decision has a direct impact upon the decisions about whether or not to admit 15 additional pupils for the school year September 2017/18 which begins on Monday 4 September 2017. The decision is to be considered by Cabinet on 6 July 2017 and any call in would result in the decision not being implemented until after the start of the school term. The delay caused by any call-in to the decision would be that those pupils who would be admitted to the school if the proposal is accepted would not be able to start school at the same time as their other classmates; this would have a substantial prejudicial effect, as this affects the Reception age group and is the start of their compulsory school education Their parents would have to apply to admit them to alternative schools, and may then chose to transfer them which would be disruptive for these pupils, or they may chose for them to remain at alternative schools which would have an impact upon the school's budget and resources.
85. The Council is not able to implement, or authorise, any additional admissions prior to the Cabinet decision in relation to this report, because to do so would not be in accordance with Welsh Government's School Organisation Code which requires a determination by Cabinet and because to do so would commit the Council to providing additional resources to the school before Cabinet has made a decision.
86. The Chair of the Children & Young People's Scrutiny Committee has been consulted on this matter and has agreed that this report should be certified as urgent.

RECOMMENDATIONS

The Cabinet is recommended to:

1. Approve the proposals as set out in paragraph 1 without modification
2. Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 1.
3. Authorise officers to publish a summary of the statutory objections and the Authority's response to those objections (referred to as the "Objection Report") within 7 days of the determination of the proposal;
4. Authorise officers to publish the decision within 7 days of determination of the proposal.
5. Delegate the approval of any necessary contracts to the Director of Education and Lifelong Learning in consultation with the Corporate Director Resources & Section 151 Officer, Director of Legal Services and the Cabinet Members for Corporate Services & Performance and Education & Skills.

NICK BATCHELAR

Director

30 June 2017

The following appendices are attached:

Appendix 1 – Consultation Document and Statutory Notice

Appendix 2 – Estyn response to public consultation

Appendix 3 – Radyr Primary School Governing Body and Headteacher responses to public consultation

Appendix 4 - Quality and Standards information

Appendix 5 – Statutory Screening Tool

Appendix 6 – Highway Impact Report