

**PROPOSED CHANGE OF STATUS OF ST DAVID'S CATHOLIC  
SIXTH FORM COLLEGE – IMPLICATIONS FOR THE LOCAL  
AUTHORITY**

**EDUCATION, EMPLOYMENT AND SKILLS (COUNCILLOR  
SARAH MERRY)**

**AGENDA ITEM: 5**

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

**Reason for this Report**

1. This report seeks to;
  - i. Inform the Cabinet of the proposal being considered by St David's College and the Archdiocese of Cardiff to change the status of St David's College to a Voluntary Aided (VA) School;
  - ii. Explain the implications, benefits and risks to the Council and provide a synthesis of feedback from key stakeholders to the consultation undertaken by St David's College and the Archdiocese of Cardiff;
  - iii. Seek the delegation of authority to the Director of Education and the Corporate Director Resources to undertake the necessary due diligence and, subject to Welsh Ministers' approval, to facilitate the change of status of St David's Catholic Sixth Form College to a Voluntary Aided School.

**Background**

2. Prior to the 1992 Further and Higher Education Act, St David's Catholic College had voluntary Aided status within the Local Authority Area of South Glamorgan. Following the 1992 Act, the College joined the Further Education Sector in Wales.
3. The governing body is responsible for the College's funding, which comes directly from Welsh Government. The nature of the organisation, in terms of both size and ethos, and the pattern of its provision differs markedly to other Further Education Institutions ("FEIs"). St David's is a sixth form college in character and mode of operation. In England, a sixth form

college is distinct from General Further Education institutions. In Wales, St David's has resided in the Further Education sector since 1992. This sector has undergone significant change since that time. As recently as 2008, there were 25 FEIs in Wales, now there are just 14. The largest FEIs have turnovers in excess of £50m and are able to act as large corporations. From their position of size and market influence, such institutions are able to plan from a strategic context.

4. St David's College provides a range of post 16 courses for approximately 1,500 pupils. Performance at the end of the 2016/17 academic year compared to pupils in Cardiff sixth forms and across Wales can be seen in the following table;

	Cardiff sixth forms	All Wales sixth forms	St David's College
The proportion of pupils achieving the Level 3 threshold, equivalent to the volume of 2 A levels at grade A*-E,	97.5%	97.1%	100%
The proportion of pupils achieving 3 A levels A* to C	61.8%	54.6%	63.4%
The proportion of pupils achieving 3 A*-A grades	16.0%	10.4%	15.3%

5. The mission of St David's Catholic College is to be:

*“A Catholic college for the community, seeking to discover and realise the full potential of all in an atmosphere of love, service and respect inspired by Christ.”*

6. The governing body of Saint David's Catholic Sixth Form College and the Archdiocese of Cardiff has commenced a consultation on the proposal to dissolve the College as a “designated FE Institution”. The governing body and the Archdiocese are consulting on the reconstitution of the College as a voluntary aided school maintained by the City of Cardiff Council. A copy of the consultation document is attached as Appendix A. Originally the consultation period ran until the 2<sup>nd</sup> November 2017, however the College and Archdiocese have extended this period.
7. Before pursuing the current proposal, the College considered two other options. The other options were:
- The status quo - This option prolongs the issues that the College are currently facing, in terms of funding mechanisms and the ability to focus on priorities for their learners. It also maintains the College at arm's length from the planning and provision for 16-19 full time education of learners in the Cardiff area.

- Merging with a larger FE institution - This option was actively explored with other FE Institutions, but the governing body were not convinced that either their faith based nature, or their current quality profile could be maintained in the future by such arrangements.
8. An additional option considered by the College would be a merger with a Higher Education institution. Whilst this would have been a first in Cardiff, there are examples across the United Kingdom where this type of merger has occurred. However, similar concerns could have materialised as those in exploring a merger with an FE institution.
  9. A merger of St David's with a much larger institution could present risks to the partnership planning of post-16 provision in the city which is focused primarily on meeting the needs of Cardiff learners.

### **Current Sixth Form Provision in Cardiff**

10. In October 2017, 13 of the 18 Cardiff mainstream secondary schools were providing Post-16 courses in their 6<sup>th</sup> forms to a total of 3,643 pupils. The Cardiff schools that do not provide directly provide Sixth form provision are:
  - Corpus Christi RC High School
  - St Illtyd's RC High School
  - Mary Immaculate RC High School
  - Willows High School
  - Eastern High
11. At Cardiff West Community High School, A-Level provision is currently provided through a partnership arrangement with St David's College and Cardiff and the Vale College (CAVC) providing the vocational Post-16 courses.
12. In addition CAVC at its Dumballs Road campus and a number of independent schools offer a range of A level and other level 3 provision across the City.
13. Post-16 provision at the Eastern Community Campus will be delivered by CAVC from January 2018.
14. Two Special Schools, Woodlands High and Ty Gwyn and two Secondary Schools, Whitchurch High (Specialist Resource Base) and the Bishop of Llandaff High School, (Marion Centre) provide specialist Post-16 education for learners with statements of Additional Learning Needs (ALN).
15. Appendix B contains list of the numbers of learners across the 13 mainstream Sixth Forms in Cardiff, together with a further listing of the courses provided at St David's College. St David's College provides for 1,348 learners full time learners (part time learners have not been included in this listing) covering a range of subjects at both AS/A level and

vocational some of which are not provided in any of the 13 mainstream Sixth Forms in Cardiff.

### **Projected Pupil Numbers and demand for Post-16 educational provision**

16. Primary schools across Cardiff have been accommodating a significant rise in the pupil population. This is now beginning to impact on the numbers of learners who are entering the secondary phase. In the 'Developing the Education Estate in Cardiff' Cabinet Report (October 12<sup>th</sup> 2017), reference was made to the impact this will have on the sufficiency of places in secondary phase. The report highlighted that:
- English-medium places at entry to secondary education (Year 7) will exceed places available by September 2019;
  - English-medium places, throughout the whole secondary age range (11-16), will exceed places available by September 2022;
  - Welsh-medium places at entry to secondary education will exceed places available by September 2021.
17. The increased demand for secondary places will in time have an impact on the demand for places in Sixth Forms. Appendix C includes an analysis which projects forward the actual pupil numbers in schools across the City. The progression into Sixth Forms is based on the current staying on rates; 54% of learners progress from Year 11 into Year 12 and 79% from Year 12 to Year 13. The projection indicates that by the academic year 2028, there could be a demand for at least 4,205 places in Cardiff Sixth Forms in mainstream schools representing an increase of 1,115 places or 36%. These projections are based on historic patterns. However with the rising attainment of 16 years olds, demand for post 16 sixth-form provision may be greater.

### **St David's Catholic Sixth Form College Proposal**

18. St David's College and the Archdiocese of Cardiff outlined their proposal in a consultation document published and distributed in September 2017. Within the consultation document (copy at Appendix A), St David's College and the Archdiocese outlined the following as the key aspects:
- Proposed admission number and admission arrangements: 1,500 learners with current admission arrangements unchanged;
  - Age range: sixth form 16 – 19;
  - Pupil places capacity : 1,500 (unchanged);
  - Location and accessibility: unchanged from present, there are no plans to relocate any or all of the current activities to another site;
  - Category : Voluntary Aided;
  - Language: English medium;
  - Proposed accommodation (including proposed facilities): existing facilities;

- Home to school transport arrangements and accessibility of alternatives (including any transitional arrangements): unchanged from present arrangements.

### **Views from stakeholders**

19. St David's College and the Archdiocese will publish a consultation report summarising, and responding to, views expressed in early 2018. St David's College has however shared with the Local Authority a copy of each of the 31 individual responses received in response to their consultation. Responses were received from;

- 1 FE Institution (neutral comments)
- 14 Parents (13 positive, 1 negative )
- 2 from the office of the Welsh Language Commissioner (neutral comments)
- 1 from an Assembly Member (neutral comments)
- 1 from Estyn (see below)
- 10 from Cardiff Secondary School Headteachers (see below)
- 1 from an Office of Welsh Government (neutral comments)
- 1 from a Cardiff Secondary School Chair of Governors (see below)

Excerpts of the main concerns and issues raised in these consultation responses are listed below in italics;

### **Estyn Response**

20. Within the response from Estyn, the following comments were made:

- *It is Estyn's opinion that the proposal appears to be sound and likely to at least maintain the current standard of education provision in the college;*
- *The proposer clearly defines the expected benefits of the proposal. These appear to be reasonable. These include a positive impact on learner outcomes, provision and leadership, offering a comprehensive range of education and training opportunities, choice of qualifications at different levels, high standards of pastoral care and additional opportunities for staff professional development;*
- *The proposer has included the outcomes of the most recent Estyn inspection judgements and provided a narrative from the most recent Estyn link visits. This appears to support the proposal well;*
- *The proposer has provided clear evidence to show that it has considered the risks/disadvantage associated with these proposals, including the loss of independence in decision-making. It has provided clear evidence to state why these alternatives appear to be unsuitable.*

### **Responses from Cardiff Headteachers and Chair of Governors**

21. Ten of the 31 responses were from Headteachers representing Cardiff schools. Of the ten responses, two responses were from Headteachers who had already made a response. Of the eight Headteachers who

responded, seven of the responses were supportive of the change of status with some of the supportive comments shown below;

*It is my firm belief that the return of St David's to the Local Authority control will ensure the following:*

*A more coherent alignment of Post-16 faith education with the strategic direction established by the local authority;*

*A better experience for our young people within the partnership, based on an alignment of common regulations, guidance and support; Standardisation of the measurement of quality between the two institutions will contribute to striving to raise standards continuously.*

*An enhanced curriculum offer for young people who opt for a faith based education;*

*A more efficient use of resources and consequently an improved service;*

*The ability to work more effectively with community schools sharing and benefiting from good practice.*

The one Headteacher response that was not supportive made the following comments;

*I am concerned that there would be insufficient funding from the Welsh Government to the local authority to be able to fund appropriately all 6th form provision in the local authority if there is another provider. It would mean the local authority would be responsible for the buildings in the capacity as a landlord. My other concern is that in Cardiff all work in partnership and share pupils/provision across schools. St David's must be prepared to work with schools and be a part of the post 16 common timetable.*

22. One response from a Chair of Governors of a Cardiff Secondary School responded with concerns regarding:

- *Revenue Funding - insufficient funding from the Welsh Government to the Local Authority to be able to fund appropriately all 6th form provision in the Local Authority if there is another provider. The governors feel that there is therefore a significant risk to St David's becoming a maintained Post 16 school. The Post-16 funding stream has been severely cut in real terms over the past five to six years and secondary schools are working collaboratively and/or on a demand led curriculum to be able to afford local, relevant and diverse curriculum choices. It is felt that an additional 1,500 places in Post 16 secondary school education would affect all Cardiff schools;*
- *Capital investment - The Diocesan authority also has limited funds available for capital investment. It is not clear how St David's College anticipates being part of future capital investment as a voluntary-aided school and the tensions this would create within the local authority and across other schools also in need of significant capital investment;*
- *Planning of School Places - Cardiff County Council has invested in the new flagship Eastern High secondary school for pupils aged 11-19 years. However, if St David's College now becomes a voluntary aided school then there could be a knock-on effect for Post 16 education in the area, with a greater number of surplus places in Years 12 and 13.*

*Maintained secondary schools for students aged 11-19 may have to use delegated budgets, short and long-term risk, to offset courses, which are no longer viable and are running at above cost.*

### **Appraisal of concerns raised**

23. St David's College and the Archdiocese will respond to the concerns raised in their published consultation report. For the purpose of this report it is evident that responses to the consultation are broadly supportive of the proposed change in status. Additionally the Local Authority has sought assurance on the following issues from Welsh Government;
- Revenue funding – whilst the funding of this proposal has not been fully modelled by Welsh Government the response from Welsh Government confirmed that if a change of status was made the Local Authority Post-16 distribution to Cardiff would be increased in proportion to the additional learner numbers from St David's College;
  - Capital Investment – St David's College have made a separate bid for funding from the Welsh Government Band B 21<sup>st</sup> Century Schools investment programme and this has been made on the basis of the Governing Body funding the expected 50% contribution themselves. If the College were to change their status to become a VA school the contribution rate would reduce to 15%, which would be funded by the Governing Body of the College;
  - Planning of school places – the proposal from St David's and the Archdiocese is based upon no change to the capacity of the College or current admission arrangements.

### **Other Considerations**

#### **Annual Revenue Funding for Post 16 Provision**

24. The annual funding for pupils attending School 6th Forms in Cardiff is received as a specific grant for a financial year from April to March from Welsh Government. Local Authorities are funded for school 6<sup>th</sup> forms based upon an average funding level per pupil and a projection of pupils attending school 6<sup>th</sup> forms. For the 2017/2018 financial year, Cardiff will receive £12.8m to distribute between the 13 existing 6<sup>th</sup> forms.
25. St David's College currently receives an annual grant for an academic year, which for 2017/18, amounted to £5.538m directly from the Welsh Government as part of the distribution of funding to FE Colleges based on an annual return of learner numbers plus additional enhancements.
26. Whilst as an FE institution St David's College has not purchased any services directly from the Local Authority, in recent months the Education Catering Service has provided management support to the College's in house catering function. The Council's Facilities Management Team have also provided operation caretaking support directly to the College. A transfer back into Local Authority control would provide additional trading

opportunities to the full range of council run services, which currently trade with Cardiff schools.

### **School Estate**

27. St David's College have shared with the Local Authority copies of the most recent (2016) condition survey report for the college estate. The report identifies a backlog of repairs of £5.293m and an assessment of the condition of the buildings as B/C. The college has subsequently funded works to address issues with the roof, external cladding and one floor of classroom refurbishments.
28. St David's College have also supplied a copy of their individual bid for Welsh Government funding through Band B of the 21<sup>st</sup> Century investment programme, which totals £5.989m with an identified contribution rate from the college of 50%. Subsequent advice to the Council from Welsh Government indicates that should the College change status to VA that the expected contribution rate would reduce to 15%.
29. Following a change of status, St David's College as a VA institution will continue to have security of occupation of the school site, with the land remaining under the control of the Diocesan trustees. This reflects the current arrangements and represents no change.

### **Staffing**

30. Following a change of status of St David's College to a VA institution, the Governing Body would remain as the employer of staff in the school and there are no TUPE implications arising.
31. During the consultation on the previous proposal to change their status to a VA school made by the College, a response received from a teaching trade union made reference to the issue of current teaching staff at the college not having Qualified Teaching Status. The Trade Union sought assurance from the College, which was forthcoming, that they would work with all staff to gain this accreditation and the Local Authority would support the College and Trade Unions with this work.
32. Should the change of status happen the Council would commend to the Governing Body adoption of the Council's Single Status Agreement as it applies to schools and associated Job Evaluation process for all non-teaching staff.

### **Impact of the proposed change on the Welsh Language.**

33. St David's College does not provide any provision through the medium of Welsh but does currently provide AS and A level Welsh 2<sup>nd</sup> Language courses. There is no expected impact on these courses and it is not anticipated that there will be any impact on the Welsh Language as a result of the proposed change.



### **Impact of the proposed change on transport or learner travel arrangements.**

34. Cardiff Council's Home to school transport policy states the following about Post 16 Transport;  
"There is no statutory duty on the Council to provide free travel for students aged 16 years. However the Council has a duty to assess the travel needs of all learners under the age of 19 who receive education or training and are permanently resident in the City of Cardiff. This includes learners over the age of 19 provided the learner is attending a course which was started before reaching the age of 19. "
35. In August 2015 Cardiff Council approved the phased withdrawal of funding of Free Home to School Transport via the Council's Passport to Travel Scheme for post 16 pupils/students aged 16-19 with effect from the 2016/2017 Academic Year. Funding would continue for all pupils who started 6th Form or college courses prior to the 2016/2017 Academic Year providing they continue to qualify for the full EMA allowance, until the end of the academic year that they turn 19.
36. It is not anticipated that there will be any impact on transport or learner travel arrangements as a result of the proposed change.

### **Impact of the proposed change on sixth form admission arrangements**

37. Voluntary Aided schools have their own admissions arrangements and in Cardiff admission arrangements for Sixth Forms have been delegated to individual Maintained Community schools. It is not anticipated that there will be any impact on those arrangements as a result of this change.

### **Issues**

38. The Consultation Document issued by St David's Catholic College and the Archdiocese sets out the attainment profile of the College. It is a significant provider of post-16 education in Cardiff.
39. The move would enhance the Council's ability to plan strategically for 16-19 education in the city in the context of increased demand arising from population increase.
40. The proposal should not affect the viability of institutions already providing good-quality post-16 provision including school sixth forms, Further Education Institutions, and private training organisations.

### **Local Member consultation**

41. The change of status is not a local issue and no specific local member consultation has taken place.

### **Scrutiny Consideration**

42. The Children & Young People's Scrutiny Committee considered this item at their meeting on 9 January 2018. The letter from the Chair is attached

at Appendix E.

### **Reason for Recommendations**

43. The Governing Body of St David's Catholic College and Archdiocese are consulting on a change of status to become Voluntary Aided, maintained by Cardiff Local Authority. This report makes recommendation about the Council's response to this proposal.

### **Financial Implications**

44. The recommendations to this report request delegated authority to confirm the Council's support for the proposal and to facilitate, in conjunction with relevant officials, the change of status requested. In the event of the proposal going ahead, specific financial implications will arise. As outlined in this report, the Welsh Government have not modelled the impact of the potential change in status and, therefore, it has not been confirmed exactly how the change would be treated in the funding allocations received by the Council in respect of post-16 provision.
45. The Welsh Government directly provide funding for post-16 education in the form of a specific revenue grant. This grant is allocated on the basis of predicted post-16 pupil numbers, which are predicated on the anticipated retention of current 11-16 pupils in the Cardiff school system. An average funding level per pupil is applied to the predicted numbers to derive the total allocation for Cardiff Council as a whole. Additional allocations in the form of uplifts are then added to the allocation to reflect deprivation levels and Welsh medium provision. The Council then distributes the total allocation to individual schools based on pupil numbers and the nature of courses being studied.
46. St. David's College currently receives its core funding in the form of grant from Welsh Government but, whilst the method is the same as the above, the pupil numbers are capped for FE colleges. It is understood that the college also receives additional funding uplifts, which form part of their overall allocation. Upon change of status, the college's funding would form part of that allocated by Welsh Government to the Council for its post-16 provision and the college would be incorporated within the formula distribution undertaken by the Council in respect of its school providing post-16 education.
47. The local authority have received advice from Welsh Government, which outlines the potential implications of the college being re-constituted as a voluntary aided school. The advice indicates that the Council would not be financially burdened by the change in status. However, consideration needs to be given as to the impact on post-16 funding for the local authority as a result of the college becoming both part of the overall allocation provided to the Council and no longer being constrained by the cap on pupil numbers attracting funding. Further work also needs to be undertaken to understand the impact upon funding levels received by each individual school when the college becomes part of the Council's overall distribution.

48. In relation to capital expenditure, St David's College has submitted a bid to Welsh Government requesting a 21st Century Schools Band B Programme totalling £5.989 million. Should this bid be approved, it would have been based on a 50:50 split in funding between Welsh Government and the college. However, should the change of status proceed, the funding arrangement would change to one whereby Welsh Government would fund 85% of the total cost and the college would fund 15%. In the event of the college being unable to meet their contribution then the Council would need to identify capital funds to meet this requirement and reprioritise its existing commitments.
49. Further areas for consideration include the funding arrangements for any general asset renewal expenditure required, any requirements around funding in relation to additional learning needs and any requirements and cost implications around school transport. In addition, an understanding of the scope and opportunity for Council services to trade with the college will need to be gained.

### **HR Implications**

50. The recommendations in this report will not result in a change in the employer as this will remain the governing body of St David's Sixth Form college in its capacity as a voluntary Aided School. The local authority will need to work with the college to gain a full understanding of the pay, terms and conditions of service for its staff, and to secure an understanding of all employment policies and procedures. The level of support required will be determined as currently the staff are not paid through the Council's payroll and have in house HR support. The specific issue raised by the trade unions with regard to unqualified staff will need to be addressed through discussions with parties, including the appropriate trade unions.

### **Legal Implications**

51. Under the Education Act 1996, the Council has a responsibility for education and must provide sufficient school places for pupils of compulsory school age and has the power under section 15A to make provision for those over compulsory school age.
52. Section 41 of the Schools Standards and Organisation (Wales) Act 2013 allows anyone to make a proposal to establish a voluntary school. In accordance with the School Organisation Code, the Council has to be consulted upon any proposal to establish a new voluntary school in its area. Any proposals must be the subject of full and fair consultation and due regard must be had by the proposers to the responses before a final decision is taken.
53. 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.

54. The report identifies that the Equality Impact Assessment has been undertaken. 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. 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.
55. 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.
56. The Council also has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.

## **RECOMMENDATIONS**

The Cabinet is recommended to delegate authority to the Director of Education and the Corporate Director Resources to:

1. Respond to the Governing Body of St David's College and the Archdiocese of Cardiff confirming the Council's support for their proposal to change the status of the College to that of a VA School;
2. Undertake the necessary due diligence and, subject to Welsh Ministers approval, to facilitate the change of status of St David's Catholic Sixth Form College to a Voluntary Aided School.

**Nick Batchelar**  
**Director of Education & Lifelong Learning**

*The following Appendices are attached*

Appendix A – Copy of St David's College and Archdiocese of Cardiff Consultation

Appendix B – Analysis of current post 16 pupil numbers

Appendix C – Projection of post 16 pupil numbers

Appendix D – Equality Impact Assessment