

City of Cardiff Council

Statutory Screening Tool Guidance



Appendix 5

If you are developing a strategy, policy or activity that is likely to impact people, communities or land use in any way then there are a number of statutory requirements that apply. Failure to comply with these requirements, or demonstrate due regard, can expose the Council to legal challenge or other forms of reproach.

For instance, this will apply to strategies (i.e. Housing Strategy or Disabled Play Strategy), policies (i.e. Procurement Policy) or activity (i.e. developing new play area).

Completing the Statutory Screening Tool will ensure that all City of Cardiff Council strategies, policies and activities comply with relevant statutory obligations and responsibilities. Where a more detailed consideration of an issue is required, the Statutory Screening Tool will identify if there is a need for a full impact assessment, as relevant.

The main statutory requirements that strategies, policies or activities must reflect include:

- [Equality Act 2010 - Equality Impact Assessment](#)
- [Wellbeing of Future Generations \(Wales\) Act 2015](#)
- [Welsh Government Statutory Guidance - Shared Purpose Shared Delivery](#)
- [United Nations Convention on the Rights of the Child](#)
- [United Nations Principles for Older Persons](#)
- [Welsh Language \(Wales\) Measure 2011](#)
- [Health Impact Assessment](#)
- [Habitats Regulations Assessment](#)
- [Strategic Environmental Assessment](#)

This Statutory Screening Tool allows the Council to meet the requirements of all the above legislation as part of an integrated screening method and should take no longer than 1 hour to complete.

The Statutory Screening Tool can be completed as a self assessment or as part of a facilitated session, should further support be needed. For further information or if you require a facilitated session, please contact the Operational Manager – Policy, Partnerships and Community Engagement on (029) 2078 8561 or e-mail: Gareth.Newell@cardiff.gov.uk

Please note:

- **The completed Screening Tool must be submitted as an appendix with the Cabinet report.**
- **The completed Screening Tool will be published on the Council's Intranet.**

Statutory Screening Tool

Name of Strategy / Policy / Activity: Improving Provision for Children and Young People with Additional Learning Needs (ALN) 2018-2022	Date of Screening: 26/3/18
Service Area/Section: Education	Lead Officer: Jennie Hughes
Attendees: Jennie Hughes, Carly Davies, Jackie Turner	

What are the objectives of the Policy/Strategy/Project/Procedure/ Service/Function	Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]
<p>ALN provision within Cardiff needs to increase in response to a growing number of learners requiring Special School or Specialist Resource Base places as referenced in the ALN Development Plan 2018 – 2022.</p> <p>A range of schemes to achieve this objective have been consulted upon in accordance with section 44/48 or the Schools Standards and Organisation (Wales) Act 2013 as they require “regulated alterations”.</p> <p>Note the outlined proposals will not fully address sufficiency needs for the period 2018 – 2022 and the council has taken and will continue to take a range of steps to increase provision according to needs.</p> <p>Proposals are as follows: Ty Gwyn PROPOSAL: To meet demand for primary and secondary special school places for learners with complex learning disabilities or ASC it is proposed to</p> <ul style="list-style-type: none"> • Increase the designated number of Ty Gwyn places to 198; • Establish 3 extra classrooms by adapting the old Trelai Youth Centre building, which is situated to the rear of the school 	<p>Business Case for ALN Proposal Investment</p> <p>Failure to invest in Cardiff-maintained provision over the next 3-4 years will lead to the Council becoming increasingly reliant on independent special school providers in order to meet the Council’s statutory responsibilities. Over reliance on independent places would have the following implications and risks:</p> <ul style="list-style-type: none"> • Higher revenue costs to the Council • Inability to offer places according to parental preference <p>The cost of independent special school places ranges from £39K to £77k per annum, compared to costs for Cardiff special schools of £14k to £25k per annum. It is rarely in a pupil’s interest to transfer school mid-phase so once placed there is little prospect of pupils returning to maintained provision should places become available in future years. The costs would therefore continue over 7-8 years for placements beginning in Year 7, and potentially longer for primary placements.</p> <p>The majority of Cardiff parents express a preference for places in Cardiff special schools or specialist resource bases for their child. Offering places in independent schools could have negative reputational implications. It should be noted that there is no guarantee the independent sector could offer sufficient special school places to meet Cardiff’s sufficiency needs,</p>

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Greenhill

PROPOSAL: To meet the need for post-16 places for emotional health and wellbeing needs it is proposed to

- Extend the age range of Greenhill from 11-16 to 11-19 and
- Increase the capacity of the school to allow for up to 64 places.

Meadowbank

PROPOSAL: To meet demand for primary special school places for complex learning disabilities, it is proposed to

- Change the designation of Meadowbank School from: ‘specific language impairments’, to: ‘speech language and communication needs and complex learning disabilities’

Allensbank

PROPOSAL: To meet the need for early intervention places for speech and language needs, it is proposed to

- Phase out the SRB at Allensbank School, closing the class in July 2020, or when all current pupils have completed their primary placement, if earlier.
- Open an 8-place early intervention class for children with speech and language needs at Allensbank School, admitting the first cohort in September 2019.

St Mary the Virgin Church in Wales Primary School

PROPOSAL: To meet the demand for primary specialist resource base places for complex learning disabilities, it is proposed to

- Open a specialist resource base (SRB) at St Mary the Virgin CiW Primary School, for up to 20 places.

Ysgol Pwll Coch

PROPOSAL: To meet the demand for primary SRB places for with complex learning disabilities and autism spectrum conditions in the Welsh medium sector, it is proposed to

- Open a specialist resource base at Ysgol Pwll Coch, providing up to 10 places initially, but with scope to extend to 20 places in future, as demand grows

Ysgol Glantaf

PROPOSAL: To meet the demand for secondary SRB places for complex

especially for primary aged pupils. Over-reliance on the sector could therefore result in Cardiff being unable to fulfil statutory responsibilities.

Additional Learning Needs and Educational Tribunal (Wales) Act (ALNET)

The Additional Learning Needs and Educational Tribunal (Wales) Act (ALNET) was passed by the Welsh Assembly in December 2017. The legislation will transform the statutory framework for this area of responsibility, and introduce significant changes to how local authorities must work with learners, families and partners to support children and young people with additional learning needs.

ALN Development Plan 2018 – 2022

The ALN Working Group was established in 2016 with representatives from schools, officers, health, children and adult services, parents and Cardiff and the Vale College. The group met throughout the academic year 2016-17, to identify the strategic priorities to improve outcomes for learners with additional learning needs. The working group identified three strategic priorities:

- Priority One: To improve outcomes for learners with additional needs by successfully implementing the ALN and Educational Tribunal Act
- Priority Two: To improve outcomes for learners with additional needs by strengthening our collective capacity to meet all needs
- Priority Three: To improve outcomes for learners with additional needs by ensuring sufficient, high quality additional learning provision

Consultation on Proposals - Summary of overall responses received

The proposals were consulted on from 31 January – 13 March 2018. Details of the consultation and the responses received are set out in the report Improving Provision for Children and Young People with Additional Learning Needs (ALN) 2018-2022

Specific work has also been undertaken with a variety of stakeholders to inform proposals. Groups include ALN Working Group, Speech and Language reference Group as well as Governing Bodies, Head Teachers, staff,

learning disabilities and autism spectrum conditions in the Welsh medium sector it is proposed to:

- Extend the designated number at Ysgol Glantaf specialist resource base to up to 30 places
- Extend and improve the current accommodation for the SRB

The Hollies

PROPOSAL: To meet demand for primary and secondary special school places for learners with autism spectrum conditions it is proposed to:

- Extend the age range of The Hollies School from 4-11 to 4-14
- Increase the designated place number to 138
- By refurbishing the school accommodation to be vacated by Ysgol Glan Morfa

parents/carers and Specialist Teachers.

Furthermore, Cardiff Research Centre undertook a pupil consultation in order to engage children and young people in the process. Further reflecting education's commitments of Partners to the United Nations Convention of the Rights of the Child.

All Stakeholder consultation has informed which proposals are progressed and which are not and the process has ensured full representation and opportunity for stakeholders to participate.

Other references:

Speech and Language Reference Group

Welsh in Education Strategic Plan

Welsh Education Forum

ALN Strategy Group

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Part 1: Impact on outcomes and due regard to Sustainable Development

Please use the following scale when considering what contribution the activity makes:		
+	Positive	Positive contribution to the outcome
-	Negative	Negative contribution to the outcome
ntrl	Neutral	Neutral contribution to the outcome
Uncertain	Not Sure	Uncertain if any contribution is made to the outcome

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.1	<p>People in Cardiff are healthy; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>the promotion of good health, prevention of damaging behaviour, promote healthy eating/active lifestyles etc,</i> <i>vulnerable citizens and areas of multiple deprivation</i> <i>Addressing instances of inequality in health</i> 	✓ ✓ ✓				<p>The Council acknowledges any concerns raised regarding health provision in the consultation exercise, and is in discussion with the Health Board to address this. The Council will consider funding some developmental work, to enable Cardiff special schools to secure improved access to training and consultative advice from health services.</p> <p>In addition, it is acknowledged that the number of pupils with Additional Learning Needs is increasing in Cardiff and failure to take proposals forward would therefore not be a solution in terms of health provision, for existing or prospective pupils. However, would have an adverse impact on prospective pupils, who would not be able to gain admission to ALN Provision.</p> <p>Furthermore, following the work of the ALN Working Group, the ALN Strategic Group was established To oversee implementation of and promote stakeholder awareness and engagement with the ALN Strategy. This improved level of engagement with Cardiff and Vale University Health Board and Education Officers will ensure better alignment of services moving forward.</p>
1.2	<p>People in Cardiff have a clean, attractive and sustainable environment; <i>Consider the potential impact on</i></p>					<p>Transport Assessments have been completed on each proposal and accessibility of the sites has been assessed. It is evident that the public transport provision is adequate and sites are</p>

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	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
						<p>not yet ready for transition to college or employment at the end of Year 11. Pupils will be supported to make a successful transition to college, training or employment by the end of Year 12.</p> <p>This is proposed as an interim step towards the development of a more comprehensive post-16 department as part of the Band B scheme to establish a larger secondary school for young people with emotional health and wellbeing needs.</p>
1.4	<p>Cardiff has a thriving and prosperous economy; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>economic competitiveness (enterprise activity, social enterprises, average earnings, improve productivity)</i> <i>Assisting those Not in Education, Employment or Training</i> <i>attracting and retaining workers (new employment and training opportunities, increase the value of employment,)</i> <i>promoting local procurement opportunities or enhancing the capacity of local companies to compete</i> 	✓		✓ ✓ ✓		As above.
1.5	<p>People in Cardiff achieve their full potential; <i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> <i>promoting and improving access to life-long learning in Cardiff</i> <i>raising levels of skills and qualifications</i> <i>giving children the best start</i> <i>improving the understanding of sustainability</i> <i>addressing child poverty (financial poverty, access poverty, participation poverty)</i> <i>the United Nations Convention on the Rights of a Child and Principles for Older persons</i> 	✓ ✓		✓ ✓ ✓		<p>The purpose of the ALN proposals are to increase provision for those with ALN, therefore improving their life chances and opportunities via Early Intervention Provision, increased Specialist Resource Base provision, increased Special School Provision and increased Post 16 Provision. Furthermore, Welsh Medium ALN provision is being increased in response to need and anticipated needs as outlined in the Welsh in Education Strategic Plan and by the Welsh Education Forum.</p> <p>A United Nations Convention on the Rights of a Child (UNRC) Assessment has been undertaken and the proposals meet all, bar x8 of the UNRC Articles ensuring that the proposals address the majority of rights children and young people have in order to be safe, healthy and happy.</p>
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	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.6	Cardiff is a Great Place to Live, Work and Play <i>Consider the potential impact on</i> <ul style="list-style-type: none"> • promoting the cultural diversity of Cardiff • encouraging participation and access for all to physical activity, leisure & culture • play opportunities for Children and Young People • protecting and enhancing the landscape and historic heritage of Cardiff • promoting the City's international links 			<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		Not applicable to the proposals
1.7	Cardiff is a fair, just and inclusive society. <i>Consider the potential impact on</i> <ul style="list-style-type: none"> • the elimination of discrimination, harassment or victimisation for equality groups • has the community or stakeholders been engaged in developing the strategy/policy/activity? • how will citizen participation be encouraged (encouraging actions that consider different forms of consultation, through more in depth engagement to full participation in service development and delivery)? 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<p>Specific work has been undertaken with a variety of stakeholders to inform the proposals put forward to increase ALN provision. Groups include ALN Working Group, Speech and Language reference Group as well as Governing Bodies, Head Teachers, staff, parents/carers and Specialist Teachers. Furthermore, Cardiff Research Centre undertook a pupil consultation in order to engage children and young people in the process. Further reflecting education's commitments of Partners to the United Nations Convention of the Rights of the Child.</p> <p>All Stakeholder consultation has informed which proposals are progressed and which are not and the process has ensured full representation and opportunity for stakeholders to participate.</p>
	<i>Will this Policy/Strategy/Project have a differential impact on any of the following:</i>					<i>Please give details/consequences of the differential impact (positive and negative), and what action(s) can you take to address any negative implications?</i>
	<ul style="list-style-type: none"> • Age (including children and young people aged 0-25 and older people over 65 in line with the United Nations Conventions) 	<input checked="" type="checkbox"/>				<i>The proposals put forward increase ALN Provision for children and young people throughout Cardiff in response to needs identified via the ALN Working Group.</i>
	<ul style="list-style-type: none"> • Disability 	<input checked="" type="checkbox"/>				The proposals will have a positive impact on specific groups which have been identified as requiring additional support.
	<ul style="list-style-type: none"> • Gender Reassignment 	<input checked="" type="checkbox"/>				

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
	<ul style="list-style-type: none"> • Marriage & Civil Partnership • Pregnancy & Maternity • Race • Religion/Belief • Sex • Sexual Orientation • Welsh Language 	✓				<i>Consideration has been given to ALN identified in Welsh Medium and provision will be increased accordingly.</i>
		✓				
		✓				
		✓				
		✓				
		✓				
		✓				
			Yes	No		
	Is a full Equality Impact Assessment required?		✓			
	Is a full Child Rights Impact Assessment required?			✓		
1.8	<p>The Council delivers positive outcomes for the city and its citizens through strong partnerships</p> <p><i>Consider the potential impact on</i></p> <ul style="list-style-type: none"> • <i>strengthening partnerships with business & voluntary sectors</i> • <i>the collaboration agenda and the potential for shared services, cross-boundary working and efficiency savings</i> 					Not applicable

SUMMARY OF APPRAISAL (highlight positive and negative effects of the policy / plan / project being assessed, demonstrating how it contributes to the economic, social and environmental sustainability of the city):

There has been a significant growth in the numbers of young people with Additional Learning Needs (ALN) since 2012, as reflected in the growing need for special school and specialist resource base places over the last five years. This trend is expected to continue for the next 5-10 years.

While the 21st Century Schools Band B Programme will provide opportunities to address special school sufficiency issues from 2021 or 2022, there will be a need to take steps to extend provision to meet demand in the intervening period, 2018-22.

Failure to invest in Cardiff-maintained provision over the next 3-4 years will lead to the Council becoming increasingly reliant on independent special school providers in order to meet the Council's statutory responsibilities.

Over reliance on independent places would have the following implications and risks: ☒ higher revenue costs to the Council ☒ inability to offer places according to parental preference

The cost of independent special school places ranges from £39K to £77k per annum, compared to costs for Cardiff special schools of £14k to £25k per annum. It is rarely in a pupil's interest to transfer school mid-phase so once placed there is little prospect of pupils returning to maintained provision should places become available in future years. The costs would therefore continue over 7-8 years for placements beginning in Year 7, and potentially longer for primary placements.

The majority of Cardiff parents express a preference for places in Cardiff special schools or specialist resource bases for their child. Offering places in independent schools could have negative reputational implications. It should be noted that there is no guarantee the independent sector could offer sufficient special school places to meet Cardiff's sufficiency needs, especially for primary aged pupils. Over-reliance on the sector could therefore result in Cardiff being unable to fulfil statutory responsibilities.

The schemes proposed below will not fully address sufficiency needs for the period 2018-22. The Council has taken, and will continue to take, a range of steps to increase provision within existing accommodation and designated numbers wherever possible. Such actions do not require formal consultation unless they require a 'regulated alteration'. It is also anticipated that further schemes will need to be developed and proposed in 2019, to open additional specialist resource bases at both primary and secondary phase.

The proposed schemes set out below require 'regulated alterations'. Under the Schools Standards and Organisation (Wales) Act 2013, a local authority can make proposals to make regulated alterations and 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. 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.

WHAT ACTIONS HAVE BEEN IDENTIFIED OR CHANGES BEEN MADE TO THE POLICY / PLAN / PROJECT AS A RESULT OF THIS APPRAISAL:

A full EIQA may be required in order to suggest more detailed suggestions or actions on the paper.

Part 2: Strategic Environmental Assessment (SEA)

		Yes	No
2.1	Does the plan or programme set the framework for future development consent?		✓
2.2	Is the plan or programme likely to have significant, positive or negative, environmental effects?		✓

Is a Full Strategic Environmental Assessment Screening Needed?	Yes	No
<ul style="list-style-type: none"> ▪ If Yes has been ticked to both questions 2.1 and 2.2 above then the answer is Yes ▪ If a full SEA screening is required then please contact the Sustainable Development Unit to arrange (details below) 		✓

If you have any doubt about your answers to the above questions, then please consult the Sustainable Development Unit for advice on (029) 2087 3228 or email: sustainabledevelopment@cardiff.gov.uk

Part 3: Habitat Regulation Assessment (HRA)

		Yes	No	Unsure
3.1	Will the plan, project or programme results in an activity which is known to affect a European site, such as the Severn Estuary or the Cardiff Beech Woods?		✓	
3.2	Will the plan, project or programme which steers development towards an area that includes a European site, such as the Severn Estuary or the Cardiff Beech Woods or may indirectly affect a European site?		✓	
3.3	Is a full HRA needed?		✓	

Details of the strategy will be sent to the County Ecologist on completion of the process to determine if a Habitat Regulation Assessment is needed. For further information, please phone (029) 2087 3215 or email: biodiversity@cardiff.gov.uk

Part 4: Welsh Language (Wales) Measure 2011

		Yes	No	Unsure
4.1	Have you considered how the policy could be formulated so that the policy decision would have positive effects, or increased positive effects on opportunities for persons to use the Welsh language?	✓		
4.2	Does the policy ensure that the Welsh language is treated no less favourably than the English language?	✓		

If you have any doubt about your answers to the above questions, then please consult the Bilingual Cardiff team for advice on (029) 2087 2527 or email: Bilingualcardiff@cardiff.gov.uk

Appendix 1 – Statutory Requirements

It is possible that the Statutory Screening Tool will identify the need to undertake specific statutory assessments:

- **Equality Impact Assessment:** *This assessment is required by the Equality Act 2010 and Welsh Government’s Equality Regulations 2011.*
- **Wellbeing of Future Generations (Wales) Act:** *The Act requires sustainable development to be a central organising principle for the organisation. This means that there is a duty to consider sustainable development in strategic decision making processes.*
- **Welsh Government Statutory Guidance - Shared Purpose Shared Delivery:** *The Welsh Government requires local authorities to produce a single integrated plan to meet statutory requirements under a range of legislation. The City of Cardiff Council must therefore demonstrate its contribution towards Cardiff’s own integrated plan: “What Matters”.*
- **United Nations Convention on the Rights of the Child:** *The Children Act 2004 guidance for Wales requires local authorities and their partners to have regard to the United Nations Convention on the Rights of a Child.*
- **United Nations Principles for Older Persons:** *The principles require a consideration of independence, participation, care, self-fulfillment and dignity.*
- **Welsh Language (Wales) Measure 2011:** *The Measure sets out official status for the Welsh language, a Welsh language Commissioner, and the freedom to speak Welsh.*
- **Health Impact Assessment:** *(HIA) considers policies, programmes or projects for their potential effects on the health of a population.*
- **Habitats Regulations Assessment:** *The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 provides a requirement to undertake Habitats Regulations Assessment (HRA) of land use plans.*
- **Strategic Environmental Assessment:** *A Strategic Environmental Assessment (SEA) is an European Directive for plans, programmes and policies with land use implications and significant environmental effects.*