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7 November 2018

Dear Mr Batchelar

**SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013 - PROPOSAL TO
MAKE A REGULATED ALTERATION TO GREENHILL SPECIAL SCHOOL BY
EXTENDING THE AGE RANGE FROM 11-16 TO 11-19**

1. Kirsty Williams AM, the Cabinet Secretary for Education (“the Cabinet Secretary”), one of the Welsh Ministers, has considered Cardiff Council’s (“the local authority”) proposal to extend the age range of Greenhill Special School from 11-16 to 11-19 and increase its capacity. Proposals that affect post-16 provision require the approval of Welsh Ministers under section 50 of the *School Standards and Organisation (Wales) Act 2013* (“the 2013 Act”).
2. The Welsh Ministers exercise their school reorganisation functions in accordance with the 2013 Act and the *School Organisation Code* (“the Code”) made under it. Where proposals require their consideration, the Welsh Ministers must decide to approve the proposals, reject the proposals or following agreement of the local authority and having consulted with the governing body approve the proposal with modification.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. I am directed by the Cabinet Secretary to say that she has considered the consultation document and the consultation report for the purposes of consideration of the relevant factors set out in the Code. She has noted that there were no statutory objections to the proposal. The Cabinet Secretary has noted that the proposed implementation date of 1 September 2018 has now passed.
4. In exercise of her powers under section 50 of the 2013 Act the Cabinet Secretary has decided to approve the proposal with a modification to the effect that it will be implemented on 1 September 2019, a year later than the date proposed. This letter seeks approval from the local authority and the views of the governing body of Greenhill Special School on the proposed implementation date of 1 September 2019. A response is requested by 3 December 2018.
5. In summary her reasons for approving the proposal are that it likely to:
 - at least maintain current standards of education provision in the area;
 - contribute towards meeting current and future demand for post-16 ALN provision;
 - provide young people with emotional health and well-being needs the opportunity to transition to College or employment when they are emotionally ready and capable to do so at the end of Year 12; and
 - lead to an improvement in the educational achievements of pupils who are above compulsory school age but below the age of 19.
6. Parts 1.3 to 1.14 of the Code set out the factors which should be taken into account by relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) when exercising their functions of preparing and publishing school organisation proposals, or approving/ determining them. The relevant factors for this type of proposal (1.3, to 1.6, 1.9, 1.13 and 1.14) are set out below and are followed by an analysis of how far the Cabinet Secretary believes the factors have been “satisfied”.

Section 1.3 Quality and Standards in Education

7. The Cabinet Secretary considers that the extended provision at Greenhill Special School will increase opportunities for learners who attend the school. Although she notes that a suitable post-16 curriculum has yet to be established, she considers that modifying the implementation date to 1 September 2019 will provide the school and local authority with ample time to do this.
8. The Cabinet Secretary has noted that in its most recent inspection report in 2013 Estyn judged the school to be ‘Good’. She notes that Greenhill Special School has been categorised as ‘Green’ under the school categorisation system a highly effective school that is well run, has a strong leadership and is clear about its priorities for improvement. She is satisfied that outcomes are at least likely to be maintained at Greenhill Special School. She notes that Estyn also judged wellbeing to be good and considers that future sixth form pupils could be expected to enjoy similar standards of wellbeing.
9. The Cabinet Secretary notes that in its most recent inspection Estyn found provision to be good at Greenhill Special School. She sees no reason to suggest that this would not be the case for future sixth form pupils. She agrees that extending provision to sixth form pupils with emotional health and well-being needs will assist them in transitioning to college or employment with support.

10. The Cabinet Secretary has noted that the current school buildings are rated 'D' (Bad, life expired) by the 21st Century Schools Condition Survey. She notes that the caretaker's building will be adapted to accommodate the sixth form. She is assured that the local authority plans to address the condition of the wider school buildings as part of its 21st Century Schools Programme Band B proposal.
11. The Cabinet Secretary has noted that leadership and management at the school was judged by Estyn to be 'Good'. She considers that the proposal will have a neutral to positive impact on leadership and management at the school.

Section 1.4 Need for places and the impact on accessibility of schools

12. The Cabinet Secretary notes that this proposal forms part of the authority's wider strategic proposals for additional learning needs and is satisfied that there is current demand for sixth form specialist places in the area. She agrees with the authority that introducing sixth form provision in the school with support will assist learners with emotional health and wellbeing needs will assist their transition to the next stage, improving access to further education and employment opportunities for these learners.

Section 1.5 Resourcing of education and other financial implications

13. The Cabinet Secretary recognises that the proposal will not impact on the distribution of funding between mainstream schools in the authority. She is satisfied that the local authority has demonstrated the need for post-16 specialist provision and notes that the proposal will have no impact on surplus places in mainstream schools in the area.
14. The Cabinet Secretary notes that the costs of adapting the caretaker's house to accommodate the increase in age range are £100k which will be met from the authority's own Capital Programme and the recurrent costs met from post-16 funding. She notes that the proposal is independent of a 21st Century School Band B proposal to build a new secondary school for pupils with emotional health and well-being needs.
15. The Cabinet Secretary notes that as the local authority does not provide discretionary transport for students aged 16 years there will be no additional transport costs incurred as a result of the proposal. She has noted that the authority's Travel Training scheme will be encouraged for all pupils where possible.
16. On the basis of information provided by the authority the Cabinet Secretary is satisfied that the costs have been considered, that the necessary funding is available and that the proposal will not result in a budget deficit for the school.

Section 1.6 Other General Factors

17. The Cabinet Secretary notes that the school provides for learners with specific emotional health and well-being needs and as such the proposal will have a neutral impact on educational attainment among children from economically deprived backgrounds.
18. The Cabinet Secretary is satisfied that the authority has carried out an equality impact assessment which has identified a positive impact in relation to ensuring equality of provision for learners with emotional health and well-being needs.

Section 1.9 Specific factors to be taken into account for proposals to add or remove sixth forms

19. The Cabinet Secretary notes that around 50% of Greenhill pupils are not in education or employment (NEET) after leaving school at Year 11. She considers that introducing sixth form provision with support is likely to lead to an improvement in the educational achievements of learners over compulsory school age but below the age of 19.
20. The Cabinet Secretary notes that the school will develop an appropriate post-16 curriculum that meets the requirements of the Learning and Skills (Wales) Measure 2009. She agrees that providing for learners to continue their education at their current school with support will assist them in the transition to college or work.
21. The Cabinet Secretary considers that the proposal is likely to increase participation by learners post-16. She has noted that Travel Training will be encouraged for all learners to promote public transport.
22. Although the local authority has not referred to it specifically in its consultation document the Cabinet Secretary is satisfied that the proposal is likely to contribute to the 14-19 agenda by ensuring a wider range of sustainable provision for the learners at Greenhill Special School.
23. The Cabinet Secretary considers that the proposal is likely to have a neutral to positive effect on 11-16 provision at Greenhill. She notes that the proposal is specifically for learners who have been admitted to the school in Key Stages 3 and 4. The extended provision may provide those learners with the assurance that they have the extra time and expertise to transition to their next phase of development with support impacting on their outcomes during the ages of 11-16. The Cabinet Secretary recognises that this is a Special School for learners with specific additional needs and as such that other non special maintained schools or post-16 provision and institutions are unlikely to be significantly affected by the proposals.
24. The Cabinet Secretary notes that the local authority has considered Welsh medium provision for 14-19 years in ALN settings as part of its wider consultation and is satisfied that this proposal does not affect Welsh medium provision in the 14-19 network and wider area.
25. The Cabinet Secretary agrees that the status quo is not a tenable option given the current demand and need for additional learning provision in the authority. She agrees that the proposal will provide a sustainable provision for post-16 and help to address the number of learners who become NEET at Greenhill.
26. The Cabinet Secretary notes that the local authority has been phasing a withdrawal of free home to school transport via the Councils Passport to Travel Scheme for post-16 learners. She notes that learners will be encouraged to use the Travel Training Scheme.

Section 1.13 Additional factors to be taken into account in approving/ determining proposals for reorganisation of SEN provision

27. The Cabinet Secretary is satisfied that the authority has demonstrated the need and identified the demand for the post-16 ALN provision at the school for learners with emotional health and well-being needs. She is satisfied that the standard of provision will be maintained and that the proposal will support the inclusion of post 16 learners. She notes that the adaptation to the caretaker's building will provide the necessary capacity to accommodate the extended provision.

28. The Cabinet Secretary is satisfied that the authority has considered the impact on all other services provided in the area. She has noted that there are some concerns regarding the financial implications for the Health Board and that the local authority is committed to working with them to ensure that the learner's needs are met.

Section 1.14 Factors to be taken into account in approving/determining school organisation proposals

29. The Cabinet Secretary is satisfied that there were no other related proposals to consider. She is satisfied that the consultation document was sent to those it should have been sent to, and that pupils affected by the proposals were consulted. She is also satisfied that the required amount of time (42 days of which at least 20 of which are school days) was provided to respond to the consultation. She notes that the consultation document contained the majority of the prescribed information set out in the Code, with the exception of the details relating to the capital costs of the proposal. The local authority subsequently provided this information on request and it has been taken into account as part of her consideration of the proposal. The Cabinet Secretary is satisfied that the omission would not have been a fundamental deciding factor for consultees in making an informed opinion on the proposal.

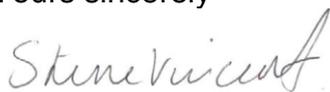
30. The Cabinet Secretary is satisfied that the timescales and content required have been complied with in relation to the consultation report. She is satisfied that the publication of the notice complied with the requirements of the Code and the notice contained all of the prescribed information. She notes that there were no objections to the proposal and therefore no objection report for her to consider.

31. In accordance with the Code, before making a modification, the Welsh Ministers must obtain agreement from the proposer in this case the local authority and consult with the governing body. The local authority and the governing body are asked to forward their response to Ruth.Gittins@gov.wales by **3 December 2018**. Subject to this the proposal is approved with a modified implementation date of 1 September 2019.

32. Once the proposal is implemented, the Cabinet Secretary will look to the local authority to ensure that appropriate arrangements are put in place. The local authority should inform Schools Management and Effectiveness Division, Education and Public Services Group within the Welsh Government when the proposal has been implemented.
Schoolsmanagementdivision3@gov.wales

33. I am sending a copy of this letter to: Mr Paul Orders, Chief Executive of Cardiff Council; and Janine Nightingale, Head of School Organisation, Access and Planning.

Yours sincerely



Steve Vincent

**Deputy Director
Schools Effectiveness Division**