

**SOP 21st Century (Band B) – Replacement Fitzalan High School : Pre-Decision Scrutiny**

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**Purpose of Report**

1. To provide Members with the opportunity to carry out pre-decision scrutiny of the report to Cabinet, attached at **Appendix A**, prior to its consideration by the Cabinet at its meeting on the 24 January 2019.
2. The report informs the Cabinet of responses received following a public engagement exercise on a proposals for a new build Fitzalan High School and to seek Cabinet approval for the implementation of the proposals.
3. The proposed replacement Fitzalan High School would provide state-of-the-art educational facilities in a brand new school from September 2022. Pupils would have access to the best quality learning environment to support and enhance teaching and learning. Improved new sports facilities such as a new swimming pool, multi-use games areas (MUGA) and access to 3G rugby and football pitches would be provided and these facilities would be available for use by the whole community. There would still be access to existing sporting facilities. The new school would have the same capacity as it does now (1500 places for learners aged 11 to 16 plus sixth form provision).

**Background**

4. At its meeting on 14 December 2017, the Cabinet approved the prioritised scheme under Band B of the Cardiff's Band B 21st Century Schools Programme. The Band B Programme seeks to address the most acute sufficiency and condition issues in Cardiff. The report states that "It is

proposed that Fitzalan High School is rebuilt as a new 11-18 high school, with ten forms of entry (10FE). This will address the “D” condition categorisation and “D” categorised sufficiency issues in the local area.

5. Statutory procedures are usually necessary to make significant changes to school. The School Organisation Code sets out a number of regulated alterations which must not be carried out unless the relevant local authority/governing body have complied with the requirements of the Code. Whilst Fitzalan High School is proposed to have new build accommodation, the capacity of the school is not being increased, there is not change to the age range of the school, the medium of instruction is not being changed and the new site is within one mile of the existing school site therefore the proposal is not subject to these procedures.

### **Issues highlighted in the report to Cabinet**

6. The report explains in detail a number of factors that have been taken into account in identifying the need for the report, namely:
  - Condition and suitability (paragraph 4 – 9)
  - Sufficiency of school places (paragraph 10 -11)
  - Summary forecast of recent and forecast demand for places at entry to secondary education City Wide ( paragraph 12 – 17)
  - Fitzalan High School Catchment Area (paragraph 18-28)
  - The proposed new school (paragraph 29-35)
  - Public Engagement (paragraph 36 – 38)
  - Responses received regarding the proposal during the consultation period (paragraph 39 – 78)
  - New Build Specification, Procurement and Design (paragraph 79 – 85)
  - Admissions and Catchment Areas (paragraph 87-89)
  - Partnerships (paragraph 90-94)
  - Impact of the proposal on the Welsh Language (paragraph 95-101)
  - Learner travel arrangements (paragraph 102-104)
  - Community impact (paragraph 105-109)
  - Wellbeing of future generations (paragraph 110-112)

7. The report to Cabinet includes a number of appendices which are also attached, namely:
- Appendix 1: Cabinet Report, 14 December 2017
  - Appendix 2: Cabinet Report, 13 December 2018
  - Appendix 3: Engagement materials
  - Appendix 4: Engagement letter
  - Appendix 5: Record of drop in sessions
  - Appendix 6: Presentation to pupils
  - Appendix 7: Record of meeting with Fitzalan High School, School Council
  - Appendix 8: Pupil feedback
  - Appendix 9: Equality Impact Assessment

## 8. Recommendations

The Cabinet is recommended to:

- Note the responses received during the public engagement exercise on the proposal to provide a new build school for Fitzalan High School.
- Delegate authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education & Skills and Corporate Services & Performance, the Director of Governance and Legal Services, and the Corporate Director for Resources) to determine all aspects of the procurement process (including for the avoidance of doubt development of all procurement documentation and selection and award criteria, commencement of procurement through to award of contracts) for the new build school.

### **Scope of Scrutiny**

9. The scope of this scrutiny is for Members to consider and provide comments on the draft report to Cabinet.

## **Way Forward**

10. Councillor Sarah Merry (Deputy Leader and Cabinet Member for Education Employment, Skills), Nick Batchelar (Director of Education and Lifelong Learning), and Michele Duddridge-Hossain (Operational Manager – Planning and Provision) will present the report to the Committee, and be available to answer any questions Members may have.
11. This report will also enable Members to provide any comments, concerns or recommendations to the Cabinet Member prior to its consideration by Cabinet.

## **Legal Implications**

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **Financial Implications**

13. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

## **RECOMMENDATIONS**

The Committee is recommended to:

- a) Review and assess the information contained in the draft Cabinet Report, attached at **Appendix A**, together with any information provided at the meeting
  
- b) Provide any recommendations, comments or advice to the Cabinet Member and / or Director of Education and Lifelong Learning prior to the report's consideration by Cabinet.

**Davina Fiore**

**Director of Governance and Legal Services**

**11 January 2019**