

CABINET MEETING: 5 JULY 2018

**SCHOOL ORGANISATION PROPOSALS: IMPROVING
PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH
ADDITIONAL LEARNING NEEDS (ALN) 2018-22 (POST-
STATUTORY NOTICE)**

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

AGENDA ITEM: 4

Reason for this Report

1. This report is to inform the Cabinet of any objections received to the statutory notices to increase specialist provision for children and young people with additional learning needs 2018-19.

Background

2. At its meeting on 19th April 2018 the Cabinet, in accordance with the terms of the School Standards and Organisation (Wales) Act, approved a recommendation for the publication of the statutory notices to:
 - a) Increase the capacity of Ty Gwyn to allow for up to 198 places
 - b) 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.
 - c) Change the type of special educational need Meadowbank School provides for from: 'speech language and communication needs', to: 'speech language and communication needs and complex learning disabilities'
 - d) Phase out the Specialist Resource Base at Allensbank School, closing the class in July 2020, or when all current pupils have completed their primary placement, if earlier.
 - e) Open an eight-place early intervention class for children with speech and language needs at Allensbank School, admitting the first cohort in September 2019.
 - f) Subject to a decision by the Governing Body of St Mary the Virgin Church in Wales (CiW) Primary School, to proceed to statutory notice:

approve the inclusion of SRB accommodation in the Band B scheme for a new build St Mary the Virgin School.

g) 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.

h) Extend the place number of the SRB at Ysgol Glantaf to 30 places. Adapt and improve accommodation to cater for increased numbers.

3. Copies of the consultation document and the statutory notices can be found at Appendix 1.
4. The notices were published on the Council website and displayed in the local areas on 2nd May 2018. 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 notices.
5. Following the approval of the St Mary the Virgin CiW Primary School the relevant notice was published on the School website, the Council website and displayed at the school and the local area on 03rd May 2018. 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

6. No objections to the statutory notices were received.
7. The School Organisation Code came into force in October 2013. Under the Code, 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).
8. In accordance with the requirement of the Code the proposal to extend the age range of Greenhill from 11-16 to 11-19 requires determination by Welsh Ministers.
9. The proposal to establish SRB provision at St Mary the Virgin CiW Primary School requires determination by the Governing Body of the school.
10. The Cabinet must decide whether to approve, reject or approve with modifications, the proposal. As set out in the Code, the Local Authority must not approach the decision with a closed mind and any objections must be conscientiously considered.

Requirements of the School Organisation Code

11. 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

12. 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 are strong.

Provision

13. The proposals would help to address ALN sufficiency needs projected in 2018-21, ensuring children and young people can access high quality education in Cardiff special schools or specialist resource bases, in both English and Welsh medium sectors.

Leadership and Governance

14. The Council would continue to work with the leadership of the schools subject to the proposals to continue to ensure a rigorous whole school approach to improvement planning and to secure good relationships with parents and other partners in order to ensure pupils receive a high quality education.

Educational Benefits of the eight proposed schemes

15. The proposals would offer the following educational benefits:
 - Addressing ALN sufficiency needs projected in 2018-21, ensuring children and young people can access high quality education in Cardiff special schools or specialist resource bases, in both English and Welsh medium sectors.
 - Development of the Trelai Youth Centre will provide additional sports facilities for use across the Western Learning Campus Federation, access for community use, and opportunities to further develop multi-agency collaboration on site, including provision of outreach services, to the benefit of ALN learners aged 0-25.
 - A sustainable future for Meadowbank School, ensuring children with speech and language needs or complex learning disabilities can continue to benefit from the expertise and facilities offered by the school.
 - Improved post-16 opportunities for young people with severe emotional health and wellbeing needs.
 - Opening a new SRB in the South Central area of Cardiff will improve access to specialist provision for children in the area, and reduce the need for SEN transport.

- Increased capacity for early intervention to support children with speech and language needs.

Need for places and impact on accessibility of schools

16. As set out in the report to Cabinet on 18 January 2018 Improving Provision for Children and Young People with Additional Learning Needs (ALN) 2018-22, Cardiff Council is committed to inclusion and recognises that increasing specialist places is not the only action needed to meet the needs of a grown ALN population.
17. It is equally important to ensure mainstream schools continue to develop as inclusive settings able to meet a wide range of complex needs. The Council has therefore adopted three strategic priorities for improving outcomes for children and young people with additional learning needs:

21st Century Schools Programme, 'Band B'

18. In the medium to long term, Cardiff intends to meet the need for additional specialist places through the capital investment programme '21st Century Schools'.
19. The '21st Century Schools- Cardiff Council's Band B' priorities identify four capital schemes to re-shape Cardiff special school provision. The schemes would enable the Council:
 - to replace the 'D' rated accommodation at Riverbank, Woodlands, the Court and Greenhill Schools
 - to increase capacity to meet future projected need from 2022-27
 - address the gaps in provision such as places for girls and for post-16 pupils with emotional health and wellbeing needs
 - to enhance opportunities for multi-agency support and provision;
 - to enhance the role of special schools as a source of support for families and for mainstream schools.

ALN Provision Development Plan 2018-22

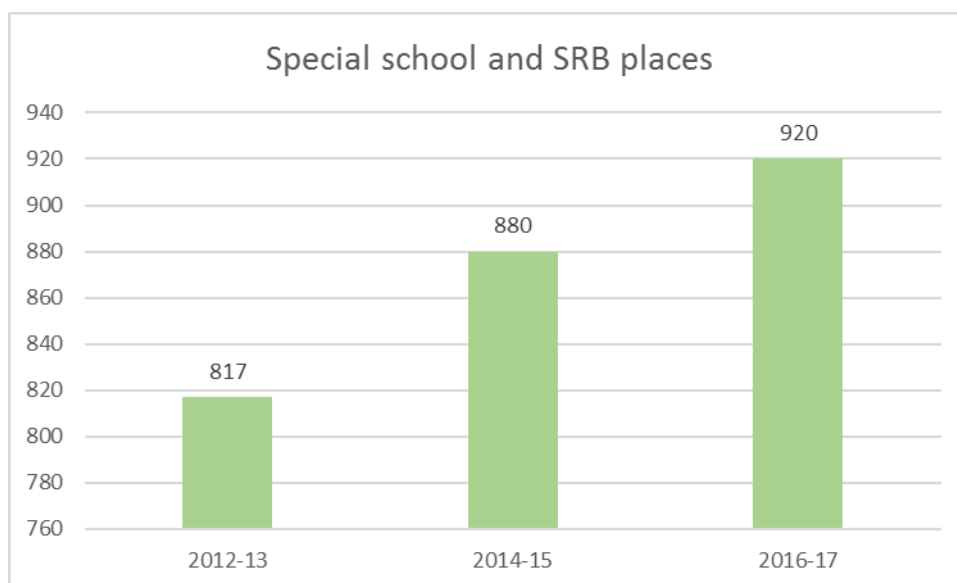
20. Band B schemes will not be completed until 2021 at the earliest. The Council will therefore need to take steps to extend the number of places to meet more immediate demands over the next three years.
21. The proposed schemes are separate and additional to the Band B schemes. They set out actions the Council is considering in order to meet demand for specialist places 2018-22.
22. Whilst the schemes proposed 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.

23. 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.

Increased demand for specialist places

24. As illustrated in the graph below, the number of funded special school or specialist resource base places in Cardiff schools has increased by 103 places over a five year period.



25. Despite the growth in places, there is some evidence to suggest this has not been sufficient to meet existing need. For example, the cost of supporting mainstream statements has increased by 63% over the last 5 years, and there has been an increase in the number of pupils placed in independent schools ('out of county'). This suggests there are pupils in our mainstream schools and in 'out of county' settings who would benefit from access to a Cardiff special school or specialist resource base place.
26. Over the next 5-10 years, revenue and capital investment will be needed to ensure sufficient and suitable specialist support for the growing population of learners with additional learner needs, and to reduce reliance on the independent sector. Increased demand is anticipated for learners with:
- Emotional health and wellbeing needs
 - Complex learning disabilities
 - Autism spectrum conditions

Falling demand for speech and language specialist places

27. In contrast, demand for specialist places designated for specific language impairment has fallen since 2010. Between 2010 and 2015, the collective pupil roll at Meadowbank Special School and Allensbank specialist resource base – both of which are designated for 'specific language impairments- fell from 58 to 34.
28. In 2015-16 the Council formally proposed closing both settings and re-allocating the resource to other areas of need where demand is growing. However, stakeholders raised a range of objections to this proposal and the Council decided not to proceed, but to engage further with stakeholders and to undertake a review of speech and language support.
29. A reference group was established to provide a forum for stakeholders, including parents, teaching staff, governors, the voluntary sector and the speech and language therapy service, to contribute to the evaluation of current services.
30. As a result of this work, the Council is taking a number of actions to further improve support for learners with speech and language needs, and is proposing to change, but not close, Meadowbank School and Allensbank Specialist Resources base, as set out in the proposals.
31. Actions being taken to improve support for speech and language needs include:
 - Further embedding the partnership and collaboration between Education and the NHS Speech and Language Therapy Service
 - Building on the success of Speech and Language Links in Foundation Phase (which is now used in 100% of Cardiff primary schools) by rolling out Junior Speech and Language Links to all schools.
 - Continuing to roll out training to both primary and secondary schools.
 - Introducing WellComm in early years settings, to screen for speech and language needs in nursery-aged pupils, and to provide early support.

Business case for an ALN Development Plan 2018-22

32. As set out in the report to Cabinet on 18 January 2018 Improving Provision for Children and Young People with Additional Learning Needs (ALN) 2018-22 Cabinet report, 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.
33. 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

34. 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.
35. The Council is therefore committed to the goal of developing sufficient high quality places in Cardiff-maintained schools for all pupils with additional learning needs. This represents a more efficient use of public resources than relying on Independent places, and also contributes to continued development of expertise within Cardiff's schools.
36. 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.
37. 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.

Local Member consultation

38. Local Members were consulted as part of the consultation.

Reason for Recommendations

39. To improve outcomes for children and young people with additional learning needs, by extending the number of special school and SRB places available in the city.
40. The proposed schemes form a part of the wider ALN Strategy, to improve support and provision in all schools and settings, including a commitment to further developing the inclusive character of our mainstream schools.
Financial

Financial Implications

41. This report recommends that a number of proposals for new and increased SRB provision, and increased special school provision, are taken forward. It will be necessary for all costs arising from these proposals to be funded from within either existing budgets or any budget allocations approved as part of future Council budget setting processes.
42. In terms of capital expenditure, costs will arise in respect of adaptations to existing buildings and new accommodation where required. These costs will need to be met from within the Council's Capital Programme, as approved by Council on 22 February 2018, and any external grant funding that becomes available during the period within which these schemes will

be implemented. Further to the ALN Strategy paper approved by Cabinet in January 2018, the five-year Capital Programme included additional asset renewal and suitability allocations totalling £25 million. These allocations will provide the main source of funding for these proposals, however they will also fund an enhanced general asset renewal programme and, therefore, it will be necessary to ensure that planned use of resources adequately reflects both priorities.

43. In terms of revenue expenditure, costs will arise in respect of the operational running costs of each type of provision. These costs will be incurred by the schools hosting the provision and, therefore, funding will be provided as part of the overall school budget and distributed to the relevant schools on the basis of projected costs. The profile of funding will need to be reviewed on an ongoing basis and considered as part of the Council's annual budget setting process. Further consideration will need to be given in relation to additional transport costs arising and any costs associated with the closure of existing provision.

Legal Implications

44. 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 to consider parental preference which includes preference for Welsh medium education. The Council also currently has obligations under the Education Act 1996 to carry out statutory assessments, create, amend and maintain statements of Special Educational Needs and to provide for pupils with Special Educational Needs. From 2020, the Council will have to comply with the Additional Learning Needs and Educational Tribunal (Wales) Act 2018.
45. 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. 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.
46. 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
47. As such the decision on whether to proceed to implement these proposals has to be made in the context of the Council's public sector equality duties.

48. The report identifies that the Equality Impact Assessment has been updated to take into account the consultation and is included as an Appendix. 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.
49. 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.
50. 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.
51. The decision maker should also be mindful of the Council's obligations under the Wellbeing of Future Generations (Wales) Act 2015.

HR Implications

52. The Council has a Human Resources Framework which was produced in consultation with key stakeholders, including headteachers, governors, representatives of the diocesan authorities and the trade unions. It provides the basis for managing the human resources issues associated with School Organisation Planning and its purpose is to support governing bodies and staff working in schools, through a variety of strategies and with the ultimate aim of minimising compulsory redundancies.
53. HR People services will work with the Education Directorate and school governing bodies to assess workforce requirements in light of each proposal to ensure that the human resources issues are properly planned for and managed during the period leading to the respective change.
54. A key aspiration for the Council is to achieve staff reductions (if required) as far as possible through redeployment rather than voluntary or compulsory means. Therefore the Council is committed to maximising opportunities for school staff to secure employment in other schools in Cardiff, and in particular, in new schools which are established as a result of the agreed proposals. The Staffing of Maintained Schools (Wales) Regulations 2006 delegate to school governing bodies all decisions in relation to the appointment and dismissal of staff, therefore, in order for redeployment to work effectively a partnership approach is required across all school governing bodies. In order to secure this a Redeployment and Redundancy Policy and Procedure has been commended to and adopted by around 97% of school governing bodies. This is an excellent indication of the commitment across Cardiff schools, both in the maintained and the

voluntary aided sectors to supporting each other through budget difficulties and school reorganisation.

55. Where proposals include a change in the nature of the provision in a school an assessment will be made of training and development needs for existing staff so that they are able, wherever possible, to fulfil the requirements of the new provision.
56. Dialogue with the trade unions will be required throughout the period of change for each of the proposals.

Traffic and Transport

57. Transport Assessments have been completed on each proposal with the exception of St Mary the Virgin Church in Wales Primary School proposal which will be completed as part of the planning process of the 21st Century Schools Band B scheme to deliver a new school building.
58. A variety of recommendations have been made for each scheme as detailed by the individual Transport Assessments undertaken by Opus during the consultation period. Schools Organisation and Planning will look to work with Highways to consider the recommendations and implement where appropriate and necessary (transport assessments can be seen at Appendix 2).

Learner Travel Arrangements

59. Under these proposals there are no plans to change the Council's policy on the transport of children to and from schools. Any pupils affected by this proposal would be offered the same support with transport as is provided throughout Cardiff and in accordance with the same criteria that apply across Cardiff. The Council's transport policy can be viewed on the Council's website (www.cardiff.gov.uk).
60. There is a statutory legal obligation on the Council to provide free home to school transport to primary school pupils who live 2 miles or more from the nearest suitable school, as measured by the shortest available walking route.
61. When deciding which is the nearest suitable school, the local authority must consider any disability a child has and any special educational needs (SEN).

Equality Impact Assessment

62. An Equality Impact Assessment on this proposal has been carried out (see Appendix 3). 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.

Sustainability Assessment

63. A Strategic Environmental Assessment (SEA) of the proposal has been carried out in accordance with European Legislation. The proposals do not require development consent and will not have a significant positive or negative environmental effect.

Community Impact

64. 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 proposals brought forward would avoid negative impacts wherever possible.

RECOMMENDATIONS

The Cabinet is recommended to:

1. Determine and approve the proposals as set out in paragraph 2 without modification.
2. Subject to approval by the Welsh Government, approve the proposal to extend the age range of Greenhill from 11-16 to 11-19. This change requires determination by Welsh Ministers.
3. Subject to approval by the Governing Body St Mary the Virgin CiW Primary School, approve the inclusion of SRB accommodation in the Band B scheme for a new build St Mary the Virgin CiW Primary School.
4. Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 2.
5. Authorise officers to publish the decision within 7 days of determination of the proposal.
6. 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.

SENIOR RESPONSIBLE OFFICER	NICK BATCHELAR
	29 June 2018

The following appendices are attached:

- Appendix 1 – Consultation Document and Statutory Notices
- Appendix 2 – Transport Assessments
- Appendix 3 – Equality Impact Assessment
- Appendix 4 - Statutory Screening Tool