

**21ST CENTURY SCHOOLS, BAND B: REPLACEMENT FITZALAN
HIGH SCHOOL**

EDUCATION, EMPLOYMENT & SKILLS

AGENDA ITEM: 3

**Appendix 10 is exempt from publication as it contains information
pursuant to paragraph 16 of the Local Government Act 1972**

Reason for this Report

1. This report is:
 - to inform the Cabinet of responses received following a public engagement exercise on a proposal for a new build Fitzalan High School.
 - to seek Cabinet approval for implementation of the proposal.

Background

2. 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.
3. The Band B Programme seeks to address the most acute sufficiency and condition issues in Cardiff.
4. A copy of the 14 December 2017 Cabinet Report is included at Appendix 1.

Issues

Condition & Suitability

5. Cardiff has a very large education estate, with over 127 school properties. Many sites comprise of multiple blocks, constructed during different decades. A large number of primary, secondary and special schools are in a poor state of repair.
6. Approximately £17m, or 14%, of maintenance and condition issues of the estate have been addressed through Band A of the 21st Century

Schools investment programme. There has been significant investment in the construction of two new high schools in the East and West of the City, new primary school provision and suitability works undertaken in primary schools.

7. This nonetheless leaves a significant maintenance backlog of approximately £68m, of which circa £8m is Equality Act 2010 compliance. The Local Authority's current spend on school asset renewal has been circa £4.7m per annum. In 2018-2019, the Council allocated an additional £25 million of funding over the next 5 years to the school's asset renewal budget. This resource is allocated on a priority basis and is predominantly limited to keeping properties safe and watertight.
8. As part of the prioritisation of schools within the Band B programme, all properties across the school estate were given a rating from A to D (with D being the worst category) for the following issues:
 - Sufficiency of places available;
 - Condition of the school buildings;
 - Suitability of the environment for teaching.
9. Fitzalan High School is rated as a "D" category, which means the buildings are life-expired. Significant maintenance issues, including mechanical and electrical, fire safety compliance and roofing repairs have had to be addressed, however the school buildings whilst compliant remain in a poor condition throughout.
10. The Welsh Government is committed to removing all "D" condition schools from Wales. As a result, Fitzalan High School is automatically prioritised for investment under Band B.

Sufficiency of school places

11. When considering likely demand for places across the area, a number of factors have been used to inform projections and forecasts, including:
 - Recent and historic numbers on roll taken from verified PLASC (Pupil Level Annual Census) for Cardiff schools;
 - Recent and historic populations known to be living in each area utilising NHS data;
 - Recent and historic numbers and percentages of children attending English-medium and Welsh-medium community and faith places in Cardiff;
 - Recent and historic numbers and percentages of children transferring from primary schools in Cardiff to secondary schools elsewhere.
12. Forecasts have been prepared based on:
 - Current residential populations;

- Likely child populations from the future residential developments currently in construction and proposed;
- Likely demand, if parental take-up patterns were to remain consistent with the most recent years, applying these trends to the relevant populations in future years;
- Likely demand if parental take-up patterns at entry to secondary schools were consistent with the type of primary school (English-medium community, Welsh-medium community or Faith) attended, applying this information to the relevant populations in future years.

Summary forecasts of recent and forecast demand for places at entry to secondary education

City-wide

13. The five secondary schools included in Cardiff's Band B 21st Century schools programme, including Fitzalan High School are proposed to expand from a combined capacity of c35.5 forms of entry to c44 forms of entry. These proposals take account of the projected increasing demand for places in a number of areas of Cardiff.
14. Cardiff's expected level of growth in this period, in existing communities, is significant.
15. As detailed in the Cabinet Report of 13 December 2018 (attached as Appendix 2), the city-wide forecast demand for places at entry to secondary education from existing housing will increase by approximately 200 children per year group within the Band B investment period.
16. Dwelling completions in Cardiff have averaged 733 per year in the past 5 years and this level of growth is expected to continue. Whilst much of Cardiff's future growth will be in new communities on greenfield developments, with new schools proposed, housing completions on brownfield land have exceeded completions on greenfield land for nineteen consecutive years.
17. The 2018 landbank for housing in Cardiff numbers 26,203 dwellings, including 10,289 on Brownfield sites. Approximately 4,300 additional dwellings in Butetown, 1,600 in Grangetown, 750 in Canton and 600 in Llandaff have planning permission or are on sites allocated in the LDP. Each of these communities lie within the catchment areas of the schools included within the Band B programme.
18. It is evident that, separate to pupil forecasts based on existing housing, additional secondary school places will be required to accommodate children from new housing developments in the catchment areas of existing schools.

Fitzalan High School catchment area

19. The recent take-up of primary school places by pupils resident within the existing Fitzalan High School catchment area has averaged 700 pupils

per year group, and has fluctuated between 647 and 733 pupils, in the period 2012-2018.

20. The Fitzalan High School catchment area is an area of high 'pupil mobility'. Many school age children move into or out of the area each year. This makes it difficult to accurately project the number of pupils promoting from one year group to the next.
21. There is a significant difference in the number of pupils in Year 6 cohorts and in the following year's Year 7 cohorts in the Fitzalan High School catchment area, i.e. some children resident in the area do not attend community or faith schools in Cardiff when they leave primary education.
22. In recent years, approximately 65 pupils per year group, who are resident within the Fitzalan High School catchment area, have taken up places at schools in the Vale of Glamorgan. It is unlikely that similar numbers of pupils would be successful in gaining a place in future years as the demand for places within this area is also increasing.
23. In recent years an increasing number of pupils have, at the end of primary education, opted for alternatives to the above school provision including private education.
24. Proposals to replace the existing Fitzalan High School with a new ten form entry school in the Band B 21st Century Schools programme period would be expected to have a positive impact on parental preferences within its existing catchment area.
25. Taking these factors into account it would be prudent to plan to provide sufficient secondary school places for all pupils who are resident in the Fitzalan High School catchment area and who are also enrolled in English-medium primary schools in Cardiff, to promote to English-medium community or faith schools in Cardiff.
26. Forecasts indicate that approximately 540-555 English-medium secondary school places will be needed to serve the current pupils in the Fitzalan High School catchment area. Approximately 110 places would be taken up within faith schools by pupils resident in the area, and 430 - 445 pupils would require up places within an English-medium community secondary schools in Cardiff.
27. There are a number of planned housing developments within the Fitzalan High School catchment area, including those with outline or full planning permission which would increase the pupil population.:
 - International Sports Village, Grangetown
 - Prospect Place, Grangetown
 - Ely Mill (former Arjo Wiggins site), Canton
 - Clive Lane Embankment
 - West of Dumballs Road, Butetown
 - Bessemer Fruit Market, Grangetown
 - Gas Works site, Ferry Road, Grangetown

- Porth Teigr (Roath Basin), Butetown
28. It is therefore evident that, in order to meet the forecast demand in the Fitzalan catchment area for places in English-medium community secondary schools, some places must continue to be provided in other schools serving the south and central parts of Cardiff including, but not limited to, Cantonian High School, Cathays High School and Willows High School. The additional capacity proposed within these neighbouring schools would continue to ensure sufficiency of places for children in these catchment areas.
 29. In the context of the proposed redevelopment of the five secondary schools within the Band B 21st Century Schools Programme, consideration will need to be given to how to better balance the demand for places across the combined area that the schools serve.

The proposed new school

30. The proposed replacement Fitzalan High School would provide high quality 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.
31. Improved new sports facilities including 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.
32. The new school would have the same capacity as it does now (1500 places for learners aged 11 to 16 plus sixth form provision).
33. The new school would be located on Leckwith Road, Canton.
34. The main entrance to the school would face Cardiff Athletics Stadium with additional pedestrian access points on Lawrenny Avenue to support school transport and active travel arrangements.
35. Pupils would remain at the existing Fitzalan High School site on Lawrenny Avenue until the new school build is complete to minimise the potential for disruption.
36. The proposal provides:
 - a permanent solution to the educational and business needs;
 - represents good value-for-money by addressing longer-term condition issues;
 - sustainable, local facilities designed to achieve a high quality effective educational environment;
 - facilities aligned with strategic aims of the authority;
 - facilities which are energy efficient, mitigating running costs and detrimental environmental impact;

- a solution to the need for temporary accommodation, although existing on site provision will need to be maintained (revenue cost to CCC)

Public Engagement

37. The engagement period ran from 12 November to 10 December 2018.
38. The process involved:
- Publication of information on the indicative plans for the new school building including site layout and artists impression of the main school building and sporting facilities on the Council website (a copy of the engagement materials can be seen at Appendix 3);
 - Publication of a letter setting out details of the proposal which was distributed to parents of children currently at Fitzalan High School and at primary schools within the Fitzalan High School cluster. (5,300) and other stakeholders (a copy of the letter can be seen at Appendix 4);
 - Meetings with Staff and Governors at Fitzalan High School;
 - A drop-in session for local members at which officers were available to answer questions;
 - Drop-in sessions at the Canton Library, Grangetown Hub and Butetown Hub where officers were available to answer questions (notes from the drop in sessions can be seen at Appendix 5);
 - Presentations to Years 7, 8 and 9 at Fitzalan High School following which Tutor Groups provided feedback on the proposal (see Appendix 6).
 - A meeting with the Fitzalan High School, School Council to discuss the proposal (notes from the meeting can be seen at Appendix 7).
39. The views expressed at Council organised meetings, and on paper or electronically through the appropriate channels, have been recorded.

Responses received regarding the proposal during the consultation period

40. The majority view expressed during the engagement period was support for the proposed new build school enabling the school to build on existing progress and standards. There were however a number of concerns raised around the siting of the school building, access to the new site, the future use of the existing Fitzalan High School site and on-site logistics.
41. The points of view received as part of the consultation are set out in *italics* below. The Council's response to each point can be seen underneath, under the heading 'Appraisal of views expressed'.

Fitzalan High School Governing Body

42. *The Fitzalan Governing Body is extremely pleased that our staff and pupils will benefit from a New Build. It will help us to continue our improvement journey and ensure that Fitzalan is a beacon of excellence for the South Cardiff community. We hope that the new build will provide*

us with the space and flexibility to continue to meet the specific needs of all our pupils. Also, for Fitzalan to continue to be a 'Learning Organisation' so that staff from our school and across South Wales receive the CPD and training they need to be excellent practitioners.

Appraisal of views expressed

43. The Council welcomes the Governing Body's support for the proposed new build school.

Assistant Headteacher Fitzalan High School

44. *We are incredibly excited at the prospect of a new Fitzalan being developed across from our existing facility. We hope that this new school will provide an inspirational environment for our pupils for generations to come. It has been great to already witness the enthusiasm and positivity that the announcement has created and seeing the pupils already engage with the process has been fantastic. Involving both staff and pupils with the vision for the new school has further created a sense of belonging and an absolute commitment to getting it right! We are very much looking forward to the journey and to continue working with and further developing our excellent relationship with our project team in order to bring our aspirational vision to reality! The future for Fitzalan is very bright.*

Appraisal of views expressed

45. The Council welcomes the Assistant Headteacher's support for the proposed new build school.

Fitzalan High School PE Department

46. *The PE Department are excited to see the plans for the school, particularly the proposed sports facilities which will allow for the development of provision and outcomes and very much look forward to seeing the project come to fruition.*
47. *They would like to see the sport facilities being built at the front of the site facing the retail park as this would provide an opportunity for people to see an inspirational community use facility with a focus on health and wellbeing. Parking facilities, community access and security would also be easy to manage at the front of the site with the opportunity for a pool and a maximum two storey sports complex in the front area offsetting any visual impact on the residents backing on to the site. The proximity of the sports indoor areas to the 3G pitches and MUGAs would also allay some of the pupil concerns about accessing the facilities for lessons.*

Appraisal of views expressed

48. The Council welcomes the support of the Fitzalan High School Department for the proposed new school build.

49. The information provided during the public engagement was indicative and any final site layout/design taken forward would be developed in partnership with the school (Governing Body, staff and pupils) and other stakeholder and subject to planning processes and requirements.

Fitzalan High School Learning Support Staff

50. Officers met with members of Fitzalan High School Learning Support Staff who expressed support for the proposal. There were a number of queries regarding facilities for children with additional needs, particularly those with a visual impairment or mobility issues.

Appraisal of views expressed

51. The Council welcomes the support of Fitzalan High School Learning Support Staff.
52. Consideration will be given to pupils with Additional Learning Needs (ALN) and any disabilities, the school workforce, the community and out of school activity. Furthermore, potential for a specific area for access and inclusion activity in addition to ALN provision and smaller / break out space for withdrawal activity will be factored into the design.

Siting of new school build

53. *The proposed siting of the new school build is a cause of concern to a number of residents on Lawrenny Avenue who are concerned about noise levels, loss of privacy, light pollution and the potential for a negative impact on house prices.*

Appraisal of views expressed

54. The concerns expressed by residents are noted.
55. See paragraph 48.

Access to the new school site

56. *The current school site can be accessed via Broad Street and Lawrenny Avenue and continued pedestrian/cycling access from Broad Street is seen as necessary as part of encouraging active travel.*

Appraisal of views expressed

57. See paragraph 48.
58. Access to the site will be a key consideration, with the maintenance of pedestrian access to the new school site from Broad Street being prioritised.

The future use of the existing Fitzalan High School site

59. *The transfer of the existing Fitzalan High School site for use as public open space was seen as positive future use of the site once vacated.*

Appraisal of views expressed

60. The future use of the existing High School site will be subject to further consideration, taking account of the views of a range of stakeholders.

Timing of new school build

61. *Disappointment that the new school build would not be delivered before 2022 and concerns that there is no further slippage in the timescale.*

Appraisal of views expressed

62. A draft project programme has been prepared and assessed by internal teams and external consultants who agree that the programme and proposed timescales are achievable at this stage.
63. This is subject to implementation of the proposal being agreed and, progressed in line with the required procurement processes.

Traffic

64. *There were concerns that current issues with traffic flow in the surrounding area could be made worse if the school was to be located on the corner of Leckwith Road and Lawrenny Avenue.*

Appraisal of views expressed

65. In line with the Council's commitment to active travel, safe routes to school will be assessed and improvements identified as part of the development. The main vehicle access to the site for Staff and deliveries will be off the existing Leckwith Road/Athletics Stadium signalised cross-road junction, with additional pedestrian and cycle access points from various locations around the site and from Lawrenny Avenue. Access points will be designed to be attractive to pedestrians and cyclists. It is envisaged that the existing school bus provision will be maintained.
66. A School Travel Plan and Transport Assessment detailing the highway improvements will be completed as part of the planning application process.

Pupil engagement

67. Following presentations to the Years 7, 8 and 9 year groups at Fitzalan High School, the pupils worked in Tutor Groups to identify aspects of the proposal which they were excited about and any causes for concern (details can be seen at Appendix 8).

68. Officers also met with the Fitzalan High School, School Council to discuss the proposal (notes of the meeting can be seen at Appendix 7).
69. *The response from the pupils was positive, with the provision of new sports facilities, new technologies and new classroom and learning spaces welcomed overall. However, there were some concerns that the new sports facilities would take up more space and that there could be less valuable open-access outside space.*
70. *Access to a varied and affordable food options is very important to the pupils with a number of suggestion put forward.*
71. *The provision of sufficient and suitable toilets is an issue for pupils with some concerns being expressed around unisex toilets, cleanliness, and the number and distribution of toilets across the school site.*
72. *A number of pupils would like to see improved access to prayer space/prayer rooms.*
73. *Access to the site is a concern for pupils, with concerns expressed around the potential for longer journeys, safety at pedestrian crossing, and anxieties over traffic.*
74. *Pupils were concerned that the layout of the site may result in them being late for classes, as additional time may be needed to get around the site.*

Appraisal of views expressed

75. The Council welcome the support of pupils for the proposed new build school.
76. See paragraph 48.

Local Member consultation

77. As part of the engagement exercise, there was a drop-in session for local members, where officers were available to answer questions.
78. Members welcome the proposed new build school.
79. The future use of the existing Fitzalan High School site, traffic management and access to the school from all areas of the catchment were points raised.

New Build Specification

80. The new build school would be compliant with Building Bulletin guidelines:
- BB98: building framework for secondary school projects
 - BB93: acoustics
 - BB91: access for disabled people to school

- BB102: designing for pupils with special educational needs
81. Consideration will be given to pupils with ALN and any disabilities, the school workforce, the community and out of school activity. Furthermore, potential for a specific area for access and inclusion activity in addition to ALN provision and smaller / break out space for withdrawal activity will be factored into the design.

Procurement & Design

82. The new school would be procured through a two-stage procurement process; inviting contractors to submit a tender via the South and Mid Wales Collaborative Construction Framework (SEWSCAP 2) , Lot 5.
83. However, School Organisation Planning are following the success of Eastern High and Cardiff West in Band A, adopting two-stage tendering as the preferred procurement approach for the scheme, so the benefit of contractor knowledge and experience can be gained at the outset. Collaborative working has been highlighted by CEW and WG as being a critical success factor in delivering any construction project.
84. Two stage procurement involves a client inviting prospective contractors to bid for a project based on their ability to deliver an outline brief and cost benchmark. Following the first stage competition, the appointed team works alongside the client to develop proposals further (Early Contractor Involvement stage). The construction contract is then awarded at the end of this stage if both parties are content to proceed. This differs from the traditional cost-led procurement model in reducing industry bidding costs, enabling faster mobilisation and in providing the opportunity for clients to work throughout all stages with a single integrated team.
85. The Council will work with partners to deliver a clear vision and design brief that has an Educational focus; this will enable contractors to design a school which will meet the Council and WG 21st Century Schools requirements. The first stage of the procurement process would commence after a tender process and evaluation, which would identify a preferred bidder from the SEWSCAP2 framework.
86. The Council will then work with the contractor to determine a detailed design for the project, obtain planning permission and develop a confirmed cost for the construction. This is called the ECI procurement stage and would use SEWSCAP2 NEC3 Professional Services Contract (PSC).

Reason for Recommendations

87. To seek approval for the proposal for a new build Fitzalan High School to replace the existing Condition D facilities and to proceed to implementation.

Scrutiny Consideration

88. This issue was considered by the Children and Young People's Scrutiny Committee on 15 January 2019. The letter from the Chair of the Committee will be circulated at the Cabinet meeting.

Admissions and Catchment areas

89. There are no plans to change the Council's policy on the admission of children to schools, as a result of this proposal.
90. Detailed information regarding admission arrangements is contained in the Council's Admission to Schools booklet, and this information can be viewed on the Council's website (www.cardiff.gov.uk).
91. As set out in paragraph 28, consideration will need to be given to how to better balance the demand for places across the combined area that the secondary schools included in the Band B 21st Century School Programme serve..

Partnerships

92. The 'Cardiff Commitment' is the Council's youth engagement and progression strategy. The Cardiff Commitment sets out how the council, together with a wide range of public, private and third sector partners, will work together to ensure a positive destination for every young person in Cardiff after they finish school, either in employment or further education and training.
93. To date over 120 businesses have pledged to support Cardiff Commitment and provide opportunities to schools and young people, better preparing them for the world of work, contributing to the future economic growth of the city.
94. The Council's proposals for Band B of the 21st Century Schools Programme, and the Cardiff 2020 strategy, clearly state the link between improving the environment for learning and raising standards of achievement.
95. The Council is keen to assist with the development of opportunities between schools and businesses, to help create a sustainable pool of talent for future workforce needs, and to spread skills across the city. An example of this is the Creative Education Partnership that has been established between Cardiff West Community High School and partners from the creative industries.
96. The significant school developments proposed would provide opportunities for strong partnerships with businesses and employers from a range of sectors in the Cardiff economy. Opportunities for further partnerships are being explored and will be progressed in line with the priorities set out in the Cardiff Commitment

Impact of the proposal on the Welsh Language

97. It is not anticipated that there will be any negative impact on the Welsh Language, as a result of this proposal.
98. The teaching of Welsh within an English medium setting is subject to the requirements of the National Curriculum. This would not change with the transfer of the school to new build accommodation. This proposal does not seek to change the number of Welsh-medium primary or secondary school places available in the area.
99. The Council works closely and constructively with partners on its Welsh Education Forum, which includes representatives of nursery, primary, secondary and further education, childcare, RhAG and the Welsh Government. The Forum actively informs the planning of Welsh-medium places, to continue to drive the Council's plan to sustainably increase the number of learners within Welsh-medium schools and those learning Welsh in English-medium schools.
100. The Council monitors birth rates, the yield from proposed housing and the patterns of take-up in Welsh-medium provision at primary and secondary age, with a view to bringing forward appropriate plans to meet any increased demand.
101. Whilst forecasts, based on the number of children in the Welsh-medium primary, indicate that additional capacity will be required to meet the demand for places in Welsh-medium secondary schools, separate proposals will be brought forward at the appropriate time to ensure there are sufficient places available.
102. The Council, and its partners on the Welsh Education Forum, are committed to driving the increase in number of pupils educated through the medium of Welsh, to meet the targets within Cardiff's WESP, and to meet the targets set out in the Welsh Government's Cymraeg 2050 strategy.
103. The Council must ensure that the expansion of school provision is brought forward in a strategic and timely manner, which does not compromise existing provision. Expanding Welsh-medium secondary school provision would, inevitably, have an impact on the take-up of places in other schools, and in turn on the ability of schools to balance budgets and to attract or retain staff.

Learner Travel Arrangements

104. There are no plans to change the Council's transport policy for school children.
105. Any pupils affected by the proposals would be offered the same support with transport as is provided throughout Cardiff in line with the same criteria that apply across Cardiff.

106. The Council's transport policy for school children can be viewed on the Council's website www.cardiff.gov.uk/schooltransport.

Community impact

107. The following are taken into account when considering a proposal: Public Open Space, parkland, noise and traffic congestion. Officers will work with schools and any community group to make sure that the proposal avoids negative impacts if possible.
108. The Council is committed to contributing to the social, economic and environmental well-being of the wider communities involved in projects awarded through SEWSCAP. All contractors on SEWSCAP are contractually bound to commit to working with the Council to achieve community benefits related targets. A specific Community Benefits Plan will be produced by the contractor with the input from SOP and link to the wider Council strategy for social values as part of responsible procurement.
109. The school offers after school activities and may have community organisations offering services from the school . It is not thought that there would be a negative impact on any of these activities. The Council will work with the school to ensure ongoing/enhanced community access to all available facilities.
110. With significant sports and wider leisure provision now established, or being developed, in many schools a key objective is to enable third party to access the sports facilities at schools, on a sustainable financial basis. Welsh Government's aim for shared facilities in community-focussed school are to:
- Provide opportunities for the local community and sports organisations to participate in sport and physical activity for health improvement and development of their skills, particularly amongst low participant groups;
 - Operate in line with the national agenda for sport taking into account nationally adopted strategies;
 - Generate positive attitudes in sport and physical activity by young people and reducing the dropout rate in sports participation with age;
 - Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;
 - Use the facilities to encourage the range, quality and number of school sports club links and to stimulate competition that is inclusive of young people and adults;
 - Provide affordable access to the facilities and to be self-financing and cost neutral in the first instance, generating sustainable income for the school in the future.

111. The City of Cardiff Council is committed to contributing to the social, economic and environmental well-being of the wider communities involved in projects awarded through SEWSCAP. All contractors on SEWSCAP are contractually bound to commit to working with the Council to achieve community benefits related targets. A specific Community Benefits Plan will be produced by the contractor with the input from SOP and link to the wider Council strategy for social values as part of responsible procurement

Wellbeing of Future Generations

112. In line with the Well-being of Future Generations Act, Cardiff's Band B programme is committed to providing Local Schools for Local Children, together with encouraging use of sustainable modes to travel to schools, such as walking and cycling. Each School project takes into account key transport issues when they are being designed and the firm need to provide safer routes to encourage walking, cycling and other active travel modes to schools.
113. With the current investments in ICT across the city, student movements may be further reduced as mobile technology develops further allowing for flexible teaching methods. These have the potential to result in a more efficient Travel Plan and further contribute to the Council's targets to reduce its carbon emissions.
114. In order to maximise the long-term impact of this significant investment, any design taken forward for each included in this proposal would be developed to ensure the delivery of high quality modern facilities that are able to respond to the current pupil population needs and support the delivery of effective teaching and learning methods. They would also incorporate the flexibility to take account of changes depending on need as time progresses; such as changing demographics and pupil numbers, changing curriculum and changing types of pupil needs.

Financial Implications

115. The recommendations to this report request approval to proceed with the proposed scheme at Fitzalan High School. This scheme forms part of the Council's outline 21st Century Schools Band B Programme proposals approved by Cabinet in December 2017. Whilst the final financial envelope, or nature of the funding, for Band B has not been finalised by Welsh Government, commitment to the scheme has been given following approval of the Outline Business Case. It is anticipated that the total cost of the five-year programme will be in the region of £284 million, with this particular scheme being met from within that envelope.

Should the scheme be taken forward, it will be necessary for a full financial evaluation, in conjunction with the Council's cost consultants, to be undertaken. The aim of this will be to provide assurance that the scheme remains affordable, with particular reference to the significant risks relating to construction inflation, abnormal scheme costs and

contingencies for potential changes in delivery timescales Following that, a full business case, seeking approval of funding, will need to be developed for submission to Welsh Government before the scheme progresses to procurement.

116. As per the Council's 2018/19 Budget Report, the funding required for the Council to meet its share of the potential £284 million has been identified. This funding will take the form of external borrowing and capital receipts, with the funding for the eventual repayment of the external borrowing having also been confirmed as part of the 2018/19 Budget Report. As well as the capital expenditure commitments, there would also be significant revenue expenditure implications, both connected to the project delivery and on an ongoing basis, once the new facility is operational. Any revenue expenditure implications connected to the project itself would need to be funded from within the SOP Revenue Reserve, including any costs that will be incurred in advance of the scheme commencing. Any additional ongoing operational costs would be met from within the delegated school budget.
117. Further to this, consideration needs to be given to the significant maintenance requirements of the existing school building in the interim period prior to construction of the new school building. A detailed analysis will need to be undertaken to ensure that the minimum maintenance requirements are quantified, enabling a funding solution, for both revenue and capital works, to be considered and identified.

Legal Implications

118. Under the Education Act 1996, the Council has a general statutory obligation to promote high standards of education and to provide sufficient school places for pupils of compulsory school age.
119. Parents have a right to express a preference for the school they wish their child to attend under section 86 of the School Standards and Framework Act 1998. This does not provide a right to attend a certain school, as applications can still be refused for admission where this would prejudice the provision of efficient education or the efficient use of resources.
120. This is not a proposal that is covered by the School Organisation Code or the Schools Standards and Organisation (Wales) Act 2013. However, it is still a proposal where full and fair consultation is required. The report gives details of the consultation and engagement. Due regard must be had by the Cabinet to the responses before a final decision is taken.
121. Catchment areas and published admission numbers of schools are part of the Council's admission arrangements and therefore the statutory consultation within the School Admission Code and the Education (Determination of Admission Arrangements) Regulations 2006 would need to be followed if following consultation these proposals are taken forward.

122. The decision about these recommendations has to be made in the context of the Council's public sector equality duties. The Council also 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. The 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. If the recommendations in the report are accepted and Cabinet should have due regards to the Equality Impact Assessment when making this decision.
123. The Council also has to consider its obligation under section 88 and schedule 10 of the Equality Act 2010 to prepare and implement an accessibility strategy. The strategy should increase disabled pupils' access to the curriculum and improve the physical environment and the provision of information.
124. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language.
125. The Council 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.
126. Further legal implications are set out in confidential appendix 10.

HR Implications

127. The full HR implications of the development of the new school will be determined as the project develops. The governing body and the school's leadership may require HR advice, guidance and support to ensure that its staffing structure is appropriate for a new build school, and in particular this will include the consideration of estates and facilities requirements.

Transportation

128. The Council's Local Development Plan (2006-2026) includes a target of 50% of all journeys to be made by sustainable transport. Minimising the proportion of school journeys made by car and maximising opportunities for travel to school by active and sustainable modes can make an important contribution to achieving this target and reducing pressures on the transport network at peak times. Increasing travel to school by active modes will have a positive impact on children's health and wellbeing and will support the delivery of key actions and outcomes under Goal 5 the Council's Child Friendly City Strategy (2018), which relates to ensuring

access to safe outdoor environments for formal and informal play, walking, cycling and scooting and active travel to school.

129. The Council's current Corporate Plan includes a commitment to every school in Cardiff developing an Active Travel Plan. It is important that the design and development of the new Fitzalan School (and all other schools developed through the Band B programme) is integrated with the development of an Active Travel Plan.
130. An initial Transport Assessment has been undertaken to support early public engagement on this project. This indicates that the transport impacts of the proposals are manageable with appropriate mitigation measures which are highlighted in the TA. These include off-site infrastructure provisions to improve safety and facilitate active journeys to school, including new controlled pedestrian crossings, linkage with the proposed future Cycle Superhighway network, provision of direct pedestrian and cycle access from Lawrenny Avenue, relocation of bus stops, traffic calming measures and junction modifications. These measures will need to be combined with the provision of on-site facilities such as secure cycle parking and the development and implementation of a Travel Plan (incorporating an Active Travel Plan). Further Transport Assessment work will be required to support the detailed proposals and planning application(s) for the scheme.
131. This work will require more detailed investigation of issues and solutions identified within the initial Transport Assessment, with a focus on ensuring that the scheme incorporates facilities and infrastructure which maximise opportunities for children, parents and staff to travel to school by active and sustainable modes.

Equality Impact Assessment

132. An initial Equality Impact Assessment has been carried out (see Appendix 9). It concluded that the proposed change would not negatively affect a particular group in society. This assessment would be reviewed as part of the design process after the consultation. Further equality impact assessments would also be carried out if the proposal is progressed.

RECOMMENDATIONS

The Cabinet is recommended to:

1. Note the responses received during the public engagement exercise on the proposal to provide a new build school for Fitzalan High School.
2. Delegate authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education, Employment & Skills and Finance, Modernisation & 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.

SENIOR RESPONSIBLE OFFICER	NICK BATCHELAR DIRECTOR EDUCATION & LIFELONG LEARNING
	18 January 2019

The following appendices are attached:

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 (*to follow*)

Appendix 7: Record of meeting with Fitzalan High School, School Council

Appendix 8: Pupil feedback

Appendix 9: Equality Impact Assessment

Appendix 10: Confidential legal implications