

**CABINET MEETING: 17 SEPTEMBER 2020**

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**SCHOOL ORGANISATION PLANNING: 21<sup>ST</sup> CENTURY  
SCHOOLS BAND B: REDEVELOPMENT OF CANTONIAN,  
RIVERBANK AND WOODLANDS SCHOOLS**

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

**AGENDA ITEM: 4**

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**Reason for this Report**

1. To enable the Cabinet to:
  - note the approval of the Welsh Minister for proposals to increase the capacity of Cantonian High School, transfer Riverbank Special School and Woodland High School to the Cantonian High School site and increase their capacities.
  - delegate authority for officers to take the appropriate actions to implement the proposals.

**Background**

2. At its meeting on 13 June 2019 the Cabinet agreed the publication of statutory notices to:
  - Increase the capacity of Cantonian High from 6 forms of entry (6FE) to eight forms of entry (8FE) with sixth form provision for up to 250 pupils in new build accommodation;
  - Expand the Specialist Resource Base (SRB) for learners with an Autism Spectrum Condition (ASC), hosted at Cantonian High School from 20 to 30 places in purpose built accommodation in the new school buildings;
  - Transfer Woodlands Special School to the Doyle Avenue site and increase the capacity from 140 places to 240 places in new build accommodation;
  - Transfer Riverbank Special School to the Doyle Avenue site and increase the capacity from 70 to 112 places in new build accommodation.

3. The statutory notices were published on 28 June with one objection received by the statutory notices closing date.
4. Where objections are received to the statutory notices, an objection report must be published summarising the statutory objections and the proposer's response to those objections.
5. The Council published the objection report on 21 August 2019.
6. As the proposals affect sixth form provision they required the approval of Welsh Ministers. A copy of the statutory objection and the objection report were submitted to the Welsh Ministers for determination of the proposal on 28 August 2019.

## **Issues**

7. Kirsty Williams, Minister for Education, has considered the Council's proposals to increase the capacity of Cantonian High School, transfer Woodland High School and Riverbank Special School to the Cantonian site and increase their capacities with effect from 1 September 2023.
8. Proposals to make a regulated alternation published under section 48 of the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act'), the effect of which would increase or decrease sixth form provision, require the approval of Welsh Ministers under section 50 of the 2013 Act. The Minister noted that both the Cantonian and Woodland proposals are to make a regulated alteration which would have the effect of increasing sixth form provision.
9. Under section 52 of the 2013 Act proposers must send to the Welsh Ministers any proposals they consider to be related to those which require approval under section 50 of the Act. The Minister noted that the local authority considers the Riverbank proposal is related to the Cantonian proposal because if the Cantonian proposal was not approved the local authority would need to consider alternative options to meet current and future demand for places. The Minister also noted that all three proposals form part of a single 21st Century Schools funding bid and were the subject of a joint consultation. The Minister therefore agreed that the Riverbank proposal is related to the Cantonian proposal and required her approval under section 50 of the 2013 Act.
10. Where a proposal requires their consideration the Welsh Ministers may reject the proposal, approve the proposal, or after obtaining the consent of the proposer and consulting with the school governing body approve the proposal with modification.
11. In a letter dated 21 July 2020, the Welsh Government advised that the Minister for Education had decided to approve the proposal. (A copy of the letter can be seen at appendix 1).

12. The Minister has approved the proposal on the basis that it is likely to maintain at least equivalent outcomes and offer provisions at least equivalent to that which is currently available to learners at the schools.
13. In addition she considers that the proposal will:
- Provide new school buildings, removing reliance on temporary classrooms, offering an improved learning environment and accommodation with 21st Century facilities;
  - Contribute to the effective funding of education;
  - Increase the number of English medium secondary school places and contribute towards meeting projected demand for places;
  - Increase the number of places in special schools for learners aged 4-19 with complex additional learning needs and autistic spectrum condition and contribute towards meeting projected demand for places.
14. The Minister notes that the local authority proposes to implement these proposals on 1 September 2023. The Council must inform the Schools Management and Effectiveness Division, Education and Public Services Group within the Welsh Government when the proposal has been implemented.

### **Local Member consultation**

15. Members were consulted as part of the consultation on the proposals.

### **Reason for Recommendations**

16. To meet demand for community English-medium secondary school places and special school places for learners with complex ALN aged 4 – 19.

### **Financial Implications**

17. The financial implications arising from this proposal have not significantly deviated from those outlined in previous Cabinet reports. These have been summarised in the paragraphs below.
18. In relation to capital expenditure (moving school sites and increasing pupil capacity) the overall cost of the Cantonian, Riverbank and Woodlands Schools project is part of the programme of works for 21st Century Schools. The total cost for the scheme has been approved in principal by WG as part of the overall Band B programme, but will require full business case sign off prior to release of any grant monies. Current WG intervention rates were agreed in principal at 70% (the overall rate for this scheme will be determined by WG based on the proportion of the scheme that relates to mainstream school at 65% and special school at 75%). Regardless of intervention rates the overall Band B programme must remain within the approved financial envelope, with the remaining costs will be funded by the corporate 21st Century Schools Invest to Save scheme.

19. The funding provided to individual schools, including external revenue grant funding, is largely predicated on the basis of pupil numbers. Therefore, any changes to the number of pupils admitted to individual schools, presents the possibility that the budget for a school will increase or decrease. To enable this to be achieved, without financial detriment to other individual schools budgets, it will be necessary to factor the projected growth in pupil numbers into the Council's annual budget setting process and medium term financial planning. Should the school not reach its full capacity in the first few years following transfer to its new accommodation, it will be necessary to evaluate the financial impact of this and consider any action required to ensure that the schools do not enter financial difficulties.
20. There may be additional financial implications with the potential requirement to provide free home to school transport. Should the proposal result in a change to the school transport provision required, it will need to be identified and also considered as part of the Council's budget planning process and reflected in the Medium Term Financial Plan.

### **Legal Implications**

21. 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.
22. 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.
23. A local authority can make school organisation proposals, including regulated alterations to a maintained school, including a community special school, under sections 42-44 of the Schools Standards and Organisation (Wales) Act 2013 ("the 2013 Act").
24. It is noted that Council has complied with the requirements of the 2013 Act, as set out in the Cabinet report dated 13th June 2019, and the Welsh Minister has approved the Council's proposals.
25. Admission arrangements, including admission numbers and catchment areas, will need to be determined, following consultation, in accordance with the School Admission Code and the Education (Determination of Admission Arrangements) (Wales) Regulations 2006.
26. When considering the proposals, the Council must have regard to its public sector equality 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 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. An Equalities Impact Assessment should be carried out to identify the equalities implications and due regard should be given to the outcomes of the Equalities Impact Assessment.

27. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its proposals upon the Welsh language.
28. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how the proposals will contribute towards meeting its well-being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### **HR Implications**

29. There are significant HR implications arising from the proposals. Firstly, the proposed increase in pupil numbers for each of the three schools will require the Governing Bodies of Cantonian High School and the Western Learning Federation to plan for the workforce requirements in readiness for their respective expansions. The Governing Bodies will be encouraged to undertake this work in line with the SOP HR Framework.
30. HR People Services will provide advice, support and guidance for to the Governing Bodies for the workforce planning and consequential recruitment processes. Where the Governing Bodies have adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a consequence of an increase in numbers on the role will provide opportunities for school based staff on the school redeployment register.
31. Secondly, the proposals include the relocation of Riverbank and Woodlands special schools which will require high levels of staff and trade union consultation; clear communication plans regarding the arrangements for the transition from one school site to another; in addition to staff involvement in the development of building specifications or designs.
32. There may also be HR implications arising from the potential for the three schools to be co-located on one school site, for example, governance arrangements for shared service contracts such as cleaning and estates management arrangements. The full implications of this will need to be assessed as the proposal progresses, and the Governing Bodies will need to ensure full consultation with staff and trade union colleagues.

### **Property Implications**

33. Strategic Estates have reviewed the proposals and there are no immediate property related issues identified at this stage requiring action.
34. Any land transactions, negotiations or valuations required to deliver the proposals set out in this report should be done so in accordance with the Council's Asset Management process, and in consultation with Strategic Estates and relevant Service Areas.

### **Traffic and Transport Implications**

35. The significant increase in the numbers of people who would be travelling to the site requires a range of measures to offset the potential for increased impact on the local highway network.
36. Council policy means that a primary target for new developments is to make a positive contribution to city-wide improvements in the use of sustainable modes of transport (by foot, cycle and/or use of public transport). This will be achieved by ensuring that the development is fully integrated with infrastructure to mitigate potential transport impact.
37. The Council is also committed to ensuring all schools in Cardiff have an Active Travel Plan by 2022. This will set out actions identified by the school to reduce car use and encourage active travel. There are a range of measures available which would help support pupils, parents and staff to travel more actively for the journey to school.
38. The transport assessment (incorporating a travel plan for the site) includes recommended highway measures to reduce the overall proportion of vehicular traffic to the site. Increased levels of active travel will be encouraged through the improvements to key walking and cycling routes, including appropriate crossing facilities. The school site will have direct and convenient walking and cycling accesses and secure storage facilities for cycles and scooters.
39. The transport assessment work also includes information on construction traffic for the site.
40. Existing volumes of traffic and congestion in the local centres will continue to be considered in developing measures designed to accommodate efficient access and egress of authorised vehicles to the site. Measures will also be identified to reduce existing issues with parking on local roads, to supplement the measures which encourage a modal shift towards active travel.
41. As further transport assessment work is progressed in conjunction with the detailed design of the layout, access and buildings, emerging options for transport proposals would be a matter for further informal engagement with stakeholders including local residents and at planning application stage.

## RECOMMENDATIONS

Cabinet is recommend to:

1. note approval of the proposal by the Welsh Minister
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, the Director of Economic Development 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 schools.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Nick Batchelar</b> <b>Director of Education &amp; Lifelong Learning</b>
	11 September 2020

*The following appendices are attached:*

Appendix 1: Welsh Government letter confirming determination of proposals  
Appendix 2: Statutory Screening Tool and Equality Impact Assessment