

**BY SUBMITTING THIS REPORT TO THE CABINET OFFICE, I, (DIRECTOR NAME) (DIRECTOR TITLE) AM CONFIRMING THAT THE RELEVANT CABINET MEMBER(S) ARE BRIEFED ON THIS REPORT**

## **APPENDIX A**

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**CABINET MEETING: 15 JULY 2021**

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**SCHOOL ORGANISATION PROPOSALS: PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH ADDITIONAL LEARNING NEEDS (ALN)**

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

**AGENDA ITEM:**

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### **Reason for this Report**

1. To enable the Cabinet to consider recommendations to hold public consultation on proposals to transfer, expand and redevelop The Court Special School in line with the Band B 21<sup>st</sup> Century Schools priority scheme, and on the proposed establishment of specialist learning resource base provision at Moorland Primary School.
2. It is proposed to:
  - Increase the capacity of The Court Special School from 42 to 72 places. The school would transfer to new build accommodation across two sites at Fairwater Primary School and the current St Mellons, CiW Primary School site in Llanrumney with 36 pupils on each site from September 2025.
  - Establish a Special Resource Base (SRB) for primary aged children with Complex Learning Needs (CLN) at Moorland Primary School from September 2022.

### **Background**

3. 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.

4. The Band B Programme seeks to address the most acute sufficiency and condition issues in Cardiff. Four special schools are identified for redevelopment: Riverbank Special School and Woodlands High School, for pupils with complex learning needs/ autism, and The Court School and Greenhill School, for pupils with emotional health and wellbeing needs.
5. Proposals in relation to Riverbank and Woodlands were agreed by the Welsh Minister on 21 July 2020. This paper sets out the proposals in relation to The Court School. Proposals regarding specialist provision for secondary age pupils with emotional health and wellbeing need and Greenhill School will be brought forward in later in the year. A copy of the 14 December 2017 Cabinet Report is included at Appendix 1.
6. Places for pupils with Complex Learning Needs are offered in a range of settings across Cardiff which support identified pupil needs. This includes supported placements at both primary and secondary level in mainstream school and places in Specialist Resource Bases and special schools.
7. At present, both primary and secondary schools in Cardiff host specialist resource base provision. Some are designated to support children with complex learning needs who require a specialist curriculum taught in a small class environment; some are designated for learners with autism or hearing impairments who require specialist support to access mainstream learning, with access to a nurturing base for some learning and unstructured time.
8. The purpose of a SRB designated for complex learning is to enable learners with severe learning difficulties to succeed in a mainstream school environment. Pupils are taught in a small class by specialist staff and benefit from a specialist curriculum, while benefiting from the full range of education opportunities available to all pupils at the school.
9. The number of children requiring specialist placement as a result of their complex learning disabilities has been increasing in Cardiff over the last 5 years, and steps were taken in 2018 to increase the number of specialist places available.
10. A review of cases of children aged 0-3 with ALN, known to the Council, confirms that the number of children with complex needs admitted to Reception year will continue to grow in coming years despite a fall in total school intakes.
11. Band B projects to expand special school places at Riverbank and Woodlands Special Schools are underway, but further work is needed to increase resource base provision in the short term to increase the range of options for learners with complex learning needs.
12. The majority of resource base places are currently located in the north and east of the city. To improve access to resource base places for

children living in the central south areas of the city, it is proposed to establish a base at Moorland Primary School.

## Issues

### Condition and Suitability

13. 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.
14. 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.
15. 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 £25m 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.
16. 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 for the following issues, with D being the worst category:
  - Sufficiency of places available;
  - Condition of the school buildings;
  - Suitability of the environment for teaching.
17. The Court Special School is rated D for condition and D for suitability, with 'unsuitable' learning environments, which seriously inhibit the school's capacity to deliver the curriculum.
18. Replacing and significantly expanding this school is therefore essential if the Council is to fulfil its statutory responsibility to provide appropriate education for children with Additional Learning Needs.

### Sufficiency in the Special Sector

19. The majority of learners with ALN attend a local mainstream school, and benefit from effective Additional Learning Provision (ALP), without the need for special school or Specialist Resource Base places. However, the number of pupils with severe and complex needs, requiring a place in a special school or specialist resource base has continued to grow due to:

- Pupil population changes, with the larger primary cohorts now moving through to secondary phase.
  - Improved survival rates for children born with significant disabilities, resulting in a higher incidence of severe and complex disabilities. Cardiff schools are highly inclusive, and the extent to which pupils' additional learning needs can be met in their local schools has increased steadily; however, the increased complexity of the population has meant that the need for specialist provision has continued to grow, and the range of expertise, specialist support and facilities required in special schools and SRBs has also increased.
  - Increased incidence and identification of specific needs such as autism, ADHD, physical disabilities and sensory impairments.
  - Higher incidence of children and young people with emotional health and wellbeing needs, a trend which pre-dates COVID 19, but has been exacerbated by school closures and other measures to manage the pandemic.
20. At the end of March 2021, Cardiff maintained 2265 statements. As the population grows, so will the number of children and young people with significant and complex Additional Learning Needs.
  21. Cardiff Council is committed to the principles of inclusion and recognises that the majority of children and young people with additional needs are best supported in their local mainstream schools. The Council will continue to provide support, training and resources to schools, promote the sharing of best inclusive practice and ensure that learners with ALN access effective support in their local school.
  22. However, it is recognised that in order to thrive and fulfil their potential, children and young people with the most complex Additional Learning Needs require access to the specialist environments and expertise of a special school or specialist resource base (SRB).
  23. In 2020-21, a total of 1,116 places were funded in Specialist Resource Bases or special schools, while the wellbeing and speech and language classes had capacity for up to 48 primary learners on temporary placements and 90 places in the Pupil Referral Unit (PRU).
  24. Whilst there are a number of existing specialist settings across Cardiff, there are currently insufficient places available. This insufficiency of places compared to need is projected to increase over coming years.
  25. Owing to insufficient places in Cardiff maintained special schools, the Council has also funded some places at special schools maintained by other LAs, or in independent schools. In addition, the Council is responsible for funding additional support or specialist placement provided by other local authorities for children looked after who are placed out of area. The total spend on all 'out of county' provision, was £6.3m in 2020-21. The budget for 2021-22 is currently set at £7.3m.

26. Spending on independent places and special school places in neighbouring local authorities has grown to c£3.8m in 2020/21, of which c£2.5m has funded places in specialist provision for those learners with Emotional Health & Wellbeing Needs. Some of these may have been able to be placed at The Court if a greater number of places were available. Without investment in additional places, this figure would be expected to grow significantly in future years. To address the shortfall of places in the primary phase, the replacement and expansion of the existing Court buildings in 21<sup>st</sup> Century facilities would provide the best opportunities for learners and would represent a more efficient use of resources.
27. The cost to the Council of school transport for learners with Emotional Health & Wellbeing Needs to these placements averaged c£6,000 per child in 2018/19 (the most recent year pre-Covid restrictions). It is anticipated that replacement and expansion of the existing Court school would significantly reduce average transport costs per learner, as average journey lengths would reduce for those currently transported over longer distances to schools outside/further from Cardiff.

#### **Primary Emotional Health and Wellbeing Needs provision (age 4-11)**

28. In 2020/ 2021 Cardiff maintains 42 primary special school places, and 40 places in primary Wellbeing classes, for children with emotional health and wellbeing needs. This will increase to a total of 90 in 2021/ 2022, as the Wellbeing Class at Lakeside Primary School is due to open 8 further places.
29. The primary Wellbeing Classes provide a temporary specialist placement for children at risk of exclusion or experiencing significant emotional difficulties. The pupils are dual registered, and are supported to reintegrate to their local school. This early intervention approach can help to prevent the escalation of needs, and reduce the risk that children will need placement in the special school. The Wellbeing Classes have reported good learning and wellbeing outcomes for pupils who have accessed the programme.
30. The Court Special School caters for children with more complex, long term needs who require a more permanent placement in a specialist setting.
31. Taking account of all children requiring such a placement, including those placed out of county, and in mainstream awaiting specialist placement, the demand for places is estimated to be circa 103 in 20/21, rising to 119 by 2025/ 2026. Allowing for a 10% surplus to support flexibility, capacity is required for 113 pupils in 20/21, and 131 pupils by 2025/ 2026.
32. In summary, there is an estimated provision gap of 31 places in 20/21, rising to 41 places in 2025/2026. The proposed expansion of The Court would provide 30 additional places, reducing this gap to 11 places.

33. This projection does not take account of a possible further increase in needs as an outcome of 'lockdown' measures during the COVID 19 pandemic. It is likely that further additional provision, focussed on early intervention in Wellbeing Classes, will be needed over the next few years to address this issue.

### **Primary Complex learning/ autism provision (age 4-11)**

34. In 2020/21 Cardiff maintains 445 primary special school and specialist resource base places for children with complex learning needs or autism. Projects previously agreed by Cabinet, to extend and rebuild Riverbank Special School and to establish a Specialist Resource Base at Ysgol Pwll Coch, will increase the total to 524 places by 2025.
35. Taking account of all children requiring such a placement, including those placed out of county, and in mainstream awaiting specialist placement, the true demand for places is estimated to be circa 500 in 2020/ 2021, rising to 547 by 2025/ 2026.
36. Allowing for a 10% surplus to support flexibility, capacity is required for 550 pupils in 2020/ 2021, and 602 pupils by 2025/ 2026.
37. In summary, there is an estimated provision gap of 89 in 2021/ 2022, rising to 108 by 2024/25. If there were no further growth beyond current plans in relation to Riverbank Special School and Ysgol Pwll Coch, a provision gap of circa 78 places will remain in 2025/ 2026.
38. Additional information, regarding projections and forecasts and the methodologies used to establish likely demand are set out in Appendix 2.

### **Geographical distribution of specialist provision**

39. The location of Specialist Resource Bases and Wellbeing Classes is not well-distributed across the city. A specialist provision map showing location of existing provision is attached at Appendix 3.
40. The lack of Specialist Resource Bases in some localities can disadvantage learners living in those areas. For example, many schools in the 'southern arc' of the city report that families are unwilling to take up the offer of a Specialist Resource Base or special school place because they are unfamiliar with the areas where provision is located and/ or may lack the means to travel easily to those areas.
41. Although free home to school transport is available for such children, sending a young child to school in an unfamiliar area is a difficult decision for parents/ carers. A better distribution of specialist resource bases across the city would improve access for pupils, and reduced travel times for many pupils, as well as increasing the number of places available.
42. The cost of transport for children with Additional Learning Needs has increased significantly in recent years. Further increases are expected given the growth in the ALN population. However, a better geographical

distribution of specialist provision would mitigate this increase through reduced journey times and distances.

### **Summary of provision**

43. The shortfall in provision has resulted in:
- Significant continued reliance on places in the independent sector.
  - Some learners remaining in mainstream school with support, contributing to the significant growth in the cost of mainstream statements.
  - A number of learners with highly complex needs who would be better placed in special schools, attending Specialist Resource Bases. While the bases have the expertise to meet the needs of these learners, the pupils themselves receive little benefit from placement in a mainstream environment and this over-reliance on specialist resource bases reduces the places available for learners who need and can benefit from a specialist resource base.
  - Increased risk of appeals to Tribunal.

### **The Court Special School**

44. The Court Special School is a 42 place school for city-wide learners aged 4-11 although the majority of placements are for children in Key Stage 2, aged 7-11. All of the children have significant emotional health and wellbeing needs (the PLASC designation is Behaviour Emotional and Social Difficulties – BESD although Cardiff avoids the use of this term as it tends to be shortened to ‘behaviour’ and can have a negative connotation).
45. All pupils enrolled at The Court School have a statement of special educational needs. The statutory assessment process for these young people has identified that their additional learning needs cannot be met in a less specialised environment.
46. The purpose of The Court School is to provide a specialist learning environment and curriculum, where learners can fulfil their potential.
47. Admission to the school is subject to a statement of Special Educational Need and is managed by the local authority, in line with the SEN Code of Practice for Wales, which will be replaced by the ALN Code from September 2021.

### **Land Matters related to The Court School**

48. The Council has identified the existing sites of Fairwater Primary School and St Mellons Church in Wales Primary School as the preferred sites for The Court, replacing the existing provision and operating over split sites.
49. Fairwater Primary School has a generous site of c4.8Ha and has been identified as of sufficient size to be shared with a new-build special school.

50. The current capacity of Fairwater Primary School is 239 places and the school had 210 children on roll in October 2020. The school has sufficient classroom space to accommodate a greater number of pupils and has re-designated these rooms for other purposes. Whilst the number of pupils in year groups fluctuates significantly between 19 and 41 pupils, the school has been able to accommodate all applicants for admission at the time of the greatest intakes to primary schools. The school also accommodates a Wellbeing Class.
51. Although Fairwater Primary School makes full use of its site and buildings, the size and configuration of the site would support the development of a new special school and would still enable Fairwater Primary School to retain a site which exceeds the site size requirements of a large community primary school.
52. In January 2020, The Council determined proposals for St Mellons Church in Wales Primary School to transfer from its existing site at Dunster Road, Llanrumney, to a new school site on the St Edeyrn's development.
53. The current capacity of St Mellons Church in Wales Primary School is 116 places and the school had 107 children on roll in October 2020. The school's site of c0.46Ha is adjacent to the 2.2Ha site of Pen Y Bryn Primary School. St Mellons Church in Wales Primary School will vacate its existing site in summer 2022 and the Council will take responsibility for the site and buildings.
54. Each of these sites, and local infrastructure off-site, would support the development of special school provision. If, following consultation and further feasibility work on preferred options, the Council decided not to proceed with establishing a school on the St Mellons Church in Wales Primary School site, the Council would consider alternative uses for the site or could dispose of the site for a capital receipt.
55. It is anticipated that the existing site of The Court School would be disposed of for capital receipt at the end of the build programme.

### **Complex Learning Needs Specialist Resource Base**

56. A Specialist Resource Base is a small class in a mainstream school, taught by specialist staff.
57. There are five Cardiff primary schools currently hosting Specialist Resource Bases for complex learning needs at present. These are hosted by Ysgol Gymraeg Pwll Coch, Bryn Hafod Primary School, Llanedeyrn Primary School, Llanishen Fach Primary School and Marlborough Primary School.
58. All Specialist Resource Bases are open to admission from across the authority, although as far as possible, pupils are offered places in the Specialist Resource Bases closest to their home.



59. In addition to complex learning needs bases, there are 2 primary specialist autism resource bases, at Springwood Primary School and Lakeside Primary School, a speech and language class at Allensbank Primary School and five primary Wellbeing Classes, hosted by Ysgol Gymraeg Pen y Groes, Fairwater Primary School, Springwood Primary School, Lakeside Primary School and Fitzalan High School.
60. The Specialist Resource Bases designated for complex learning provide two classes of up to 10 pupils; a class at Foundation Phase and a class at Key Stage 2. The pupils benefit from being taught in small classes with favourable pupil-staff ratios, taught by specialist staff. Pupils also benefit from opportunities to learn and socialise with their mainstream peers.
61. Admissions to the Specialist Resource Bases are managed by the Council, subject to a statement of Special Education Needs (SEN). Under the ALN Code, placement will be subject to an Individual Development Plan (IDP). The proposed capacity for 20 pupils would be in addition to the capacity of mainstream places in the school.
62. The opportunity to employ specialist staff and to work more closely with specialist services in Cardiff would enhance the school's capacity for inclusion and benefit all pupils in the school.
63. The provision of a Specialist Resource Base for complex learning at Moorland Primary School is proposed, to increase the number of places available to meet demand, and ensure that pupils living in the south central area of the city travel shorter distances to access specialist provision.

#### **Land matters relating to Moorland Primary School**

64. The Council is progressing works to replace early years accommodation at Moorland Primary School and to locate Flying Start provision on the site.
65. Early years provision for Moorland Primary School is located in a demountable unit at the rear of the school site. The unit has been rated as condition C. It currently accommodates 64 part-time Nursery places and 60 Reception class places.
66. This unit would be removed and a new building provided, accommodating the existing number of nursery class and Reception places.
67. Accommodation for the Specialist Resource Base would be provided as part of this planned work.
68. There is currently a boxing club located on part of the Moorland Primary School site. At present, the school redevelopment project is not reliant on the boxing club land. However, if this was to become available at a later date it would be beneficial to the school as it is a confined site.

69. The former Ysgol Glan Morfa school building is currently being appraised by the Council's housing department in relation to the delivery of Council housing on the site. The proposals will seek to deliver a replacement new boxing club facility on the former Ysgol Glan Morfa site as part of the residential scheme to free up the land currently occupied by the boxing club for use by Moorland Primary School.
70. The Caretaker's house sits within the school footprint. This will be demolished as part of the project. There is no capital receipt to be realised associated with this as the land will be reallocated for the school's use.

### **Health provision**

71. The proposals to expand specialist provision at the above school sites will have implications for health and other specialist services, working in partnership with schools to meet Additional Learning Needs. An additional factor is the ALN Reform Act 2018, which will introduce new responsibilities for health, education and social care to work together to coordinate assessment and provision. The Act 2018 will be implemented over a three-year period, beginning in September 2020.
72. In order to address these challenges together, the local authority and Cardiff and the Vale University Health Board are undertaking a joint review of health and specialist provision in Cardiff special schools and pupil referral units. The findings of the review, overseen by a project group of representatives from health, education, social services, schools, and parents, will inform the design of the specialist provision.

### **Admissions Arrangements**

73. The Council would manage admissions to The Court and the Specialist Resource Base provision at Moorland, in accordance with the ALN Code.

### **Impact of the proposal on the Welsh Language**

74. The level of special educational needs/ additional learning needs in the Welsh-medium sector has historically been lower than in the English medium sector. This has been changing over the last 4-5 years, with schools reporting an increased incidence of ALN, in all areas of need.
75. A review of ALN in the Welsh-medium sector was undertaken with Welsh medium schools in 2016 to inform the Welsh in Education Strategic Plan (WESP). Schools reported a small but significant number of examples of pupils with ALN leaving the Welsh-medium sector in order to access specialist resource bases or special schools.
76. There was also some anecdotal evidence to suggest that some families who would otherwise choose Welsh-medium education opt instead for English medium if their child has ALN, through concern that their child may need to transfer to the specialist sector at a later date.

77. Through the WESP, Cardiff has invested in specialist provision in the sector, including some capacity to respond to growing demand and to generate more confidence in the availability of specialist provision in the sector.
78. A new primary base was established at Ysgol Gymraeg Pwll Coch, within the catchment area of Ysgol Gyfun Gymraeg Glantaf, where the secondary base is established. The two bases cater for learners with severe learning difficulties, providing a specialist curriculum and supporting a range of secondary needs including physical and medical needs, speech and language difficulties and autism.
79. In 2021 there is growing demand for resource bases for pupils with autism, who are average to high achievers, and would need a more integrative model of support than that provided by the two existing bases. There are currently 8 secondary aged learners, and 15 primary aged learners who would benefit from placement in an ASD base. This is a short term priority, given the risk that if current placements fail, the only option would be to offer a transfer to an English medium setting.
80. A primary wellbeing class has been established, hosted at Ysgol Gynradd Pen y Groes. The wellbeing class works flexibly to address needs in different age phases, or to provide an outreach model, depending on current need.
81. To support emotional health and wellbeing needs in secondary phase, a 'virtual' base/ PRU has been piloted across the three secondary schools, starting in 2018. The pilot is due for further review in 2021.
82. The priority is to ensure the three schools have adequate facilities and accommodation to provide effective Step 3 and 4 provision, complemented by the virtual base/ PRU. Medium term, the virtual base/ PRU will eventually need a fixed location at one of the schools, with designated accommodation, to reduce the risk that young people with the most complex needs may need to leave the Welsh sector to access more specialist provision.
83. As the Welsh sector continues to grow it will be important to develop additional provision in anticipation of the need, to ensure Welsh-medium education is a genuine choice for learners with complex ALN.
84. The pool of ALN qualified and experienced teaching staff is limited in number, in comparison to the English sector. Any plan to develop Welsh medium specialist provision will need to be supported by an ALN Workforce Development Plan.
85. In accordance with the timetable set by Welsh Government, the Council is working closely with its partners on the Cardiff Welsh Education Forum to develop the new ten year WESP for the city. It is expected the plan will be available for public consultation in autumn 2021 before being submitted for approval to the Welsh Government in early 2022. The first

ten year Plan will commence on 1 September 2022 and expire on 31 August 2032.

86. Consultation on the draft WESP will seek views on how best to grow Welsh-medium education and on how to meet the local targets set by Welsh Government, in order to inform future proposals. The WESP will set out how the Council will increase the provision of Welsh-medium education for pupils with additional learning needs.

### **Learner Travel Arrangements**

87. There are no plans to change the Council's transport policy for school children.
88. 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.
89. The Council's transport policy for school children can be viewed on the Council's website [www.cardiff.gov.uk/schooltransport](http://www.cardiff.gov.uk/schooltransport).

### **Community Impact**

90. 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 proposals avoid negative impacts if possible.
91. The schools that might be affected by the proposals are existing schools. Some offer after school activities and some have community organisations offering services from the school. It is not thought that there would be a negative impact on any of these activities.
92. 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.
93. The development of a viable model for all schools across the city to be accessed by the communities which they serve is needed.

### **Wellbeing of Future Generations**

94. 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.
95. 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.
96. In order to maximise the long-term impact of this significant investment, any design taken forward for each school 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 populations 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.

### **Local Member consultation (where appropriate)**

97. Additional learning needs provision is city-wide and members will be consulted as part of the public consultation.

### **Reason for Recommendations**

98. To meet demand for special school places for primary age learners with emotional health and wellbeing needs and complex learning needs.

### **Financial Implications**

99. This report outlines the request to proceed to public consultation on changes to ALN provision and schools intake within The Court and Moorland Primary Schools. Proceeding to consultation does not, in itself commit the Authority to future expenditure so there are no capital financial implications directly arising from this report. However, once a final options paper is provided it will be necessary for a full financial evaluation to be undertaken. The aim of this will be to provide assurance that the scheme remains affordable once all relevant costs and

contingencies for potential changes in delivery timescales have been incorporated.

100. The outline 21st Century Schools Band B Programme was approved by Cabinet in December 2017. At that time the overall value of the programme amounted to £284m, including the Court Special School project. The Welsh Government (WG) have not formally approved individual project budgets, but have given their in principle support to each project within Cardiff Council's programme.
101. The overall projected costs of the Court are included in the current Band B cash-flow forecast, to be funded through Welsh Government Grant (75%) and 21<sup>st</sup> Century Schools Invest to Save borrowing (25%). Any revenue costs in relation to these schemes, including capital financing costs will be funded through the SOP Revenue Reserve.
102. A capital receipts target of £25m is expected to fund part of the overall Band B programme. The source of these receipts has yet to be identified, but any site disposals resulting from building schools on new sites should be prioritised to fund Band B.
103. Financial implications in relation to the acquisition of the Ty Glas site are detailed in a separate cabinet paper and these should be considered in conjunction with these proposals.
104. This report sets out proposals that create additional school places in the ALN setting that will need to be funded from the existing delegated schools budget. This report highlights the high cost provision currently being incurred for this population of pupils either through Out of County Placements or enhanced CNE payments to mainstream pupils. Further work is required to identify the extent to which the additional costs identified can be covered by the savings in other costs without there being a significant pressure on overall school budgets.
105. The Moorland Early Years Unit is to be funded from WG Flying start grant of £1.3m, with remainder to be funded from the Education Asset Renewal budget. In order to ensure sufficient budget there will be a need to prioritise this scheme within the current asset renewal programme, with additional funding to be made available through the invest to save allocation of the schools capital budget.

**Legal Implications (including Equality Impact Assessment where appropriate)**

106. 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, including appropriate provision for pupils with special educational needs (or additional learning needs). 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, but this does not provide a right to attend a certain school, as applications can still be refused where

this would prejudice the provision of efficient education or the efficient use of resources.

107. A local authority can make school organisation proposals, including making 'regulated alterations' to a community school or a community special school, under sections 42-44 of the Schools Standards and Organisation (Wales) Act 2013. The proposals set out in the report constitute 'regulated alterations' and must be considered having regard to the provisions of the 2013 Act and the School Organisation Code 2018, which sets out factors to be considered in respect of different proposals, the statutory procedures, legal requirements and guidance.
108. Where an increase in a school's capacity is proposed, the Council must have regard to evidence of current or future need/demand in the area for additional places, with reference to the school's language category (and religious character / gender intake if applicable). The Code also includes specific factors to be considered in relation to proposals for the reorganisation of provision for Special Educational Needs (or Additional Learning Needs). Cabinet will need to be satisfied that all relevant factors are properly considered in relation to the proposals.
109. The Council is required, prior to publishing its proposals, to undertake a consultation on its proposals in accordance with section 48 of that Act and the School Organisation Code 2018. The recommendations seek authority to carry out that statutory consultation. Case law has established that the consultation process should:
  - (i) be undertaken when proposals are still at a formative stage;
  - (ii) include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
  - (iii) provide adequate time for consideration and response; and
  - (iv) ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.
110. The Schools Organisation Code sets out further detailed requirements and guidance in relation to the statutory consultation, including the requirement for publication of a consultation document (and the contents of that document), a minimum 42 days consultation period including at least 20 school days, and a list of statutory consultees, including parents, pupils, governing bodies, religious bodies, the Welsh Ministers and Estyn.
111. The proposals in this report highlight the need to undertake property transactions should matters proceed following consultation. It is expected that the detail of those proposals will be provided in a future report where they can be considered in detail at that time.
112. If the proposals are taken forward, the 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.

113. In 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 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. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty. An Equalities Impact Assessment should be carried out to identify the equalities implications of the proposed decision, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
114. 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.
115. 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.
116. Following the public consultation, the Council is required to issue a consultation report, setting out the issues raised by consultees and its response to those issues. At that stage, a further report is to be submitted to the Cabinet to decide how to proceed.
117. Further legal advice will be provided as proposals are progressed.

## **HR Implications**

### **The Court Special School**

118. There are significant HR implications arising from the proposal. Firstly, the proposed increase in pupil numbers for the school will require the Governing Body to plan for the workforce requirements in readiness for the expansions. The Governing Body will be encouraged to undertake this work in line with the School Organisation Planning HR Framework. HR People Services will provide advice, support and guidance to the Governing Body for the workforce planning and consequential



recruitment processes. Where Governing Bodies have adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a consequence of an increase in the numbers on roll will provide opportunities for school based staff on the school redeployment register. Secondly, the proposal includes the relocation of the Court School with the school proposed to operate dual site arrangements. This 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.

### Moorland Primary School

119. HR People Services will work with the Governing Body to address the HR implications arising from the establishment of a Specialist Resource Base at the school and the resulting need for additional staffing. Where the Governing Body have adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a consequence of the establishment of the Specialist Resource Base will provide opportunities for school based staff on the school redeployment register.

### Transport Matters

#### Transport matters relating to The Court at the proposed Fairwater Primary School site

120. There are very good public transport links with several bus services a short walk from the school. Waun-gron Park rail station is approximately 0.75 miles (1.2km) from the school.
121. There is good walking route access to the school and good existing and proposed cycling links. Short term improvements due through the Ely Mill development with links via Cycleway 5 to the city centre. The Ely Trail runs along Bwlch Road immediately to the south of the site and continues to Cardiff Bay of varying standards: traffic-free/ on-road. Signed routes link through Canton to the centre with medium term improvements due for on-road light segregation cycle tracks.
122. A recent Transport Assessment for this site identified acceptable traffic impact due to a comparable (but larger) development.
123. Further various facilities for walking and cycling, including upgrading of the Bwlch Road crossing are proposed in the Fairwater area for another school project with provision due by late 2023. These would also improve walking and cycling access to/from Ely south of the railway line and river Ely and north east through Fairwater, Llandaff and the wider network.
124. The proposed location at the Fairwater Primary School site would give potential for a separate second access from the existing primary school access.

125. The development proposals may require a revised Transport Assessment which will confirm measures to be included as part of the application to maximise travel by sustainable modes and identify any further provision relating specifically to a proposal for The Court.
126. Learner Transport will need appropriate facilities for drop-off and pick-up.

#### Transport matters relating to The Court at the proposed St Mellons CiW Primary School site

127. There are good public transport links via Llanrumney & Countisbury Avenue and also from Newport Road which are within short walking distance for staff access. There is good walking route accessibility for local pupils and staff.
128. Cycleway 2 is planned along this section of Newport Road. A short-medium term future phase will replace the existing cycle lanes provision on this busy main road.
129. There are current parking issues outside the adjacent Pen Y Bryn Primary along Dunster Road. While the Transport team is monitoring the situation and reviewing the need for additional measures and parking controls outside all schools, the need for any additional measures outside the proposed site would be considered as part of that process.
130. The development proposals require a Transport Assessment which will identify measures to be included as part of the application to maximise travel by sustainable modes.
131. Learner Transport will need appropriate facilities for drop-off and pick-up.

#### Transport matters relating to Moorland School SRB

132. The proposed SRB on the site of Moorland Primary School would serve pupils in the south central area of Cardiff and so is well-placed given its relatively central location, proximity to public transport routes and facilities, and potential for active travel connections.
133. The development proposals require a Transport Statement which has already identified measures to be included as part of the application to maximise travel by sustainable modes.
134. Learner Transport will need appropriate facilities for drop-off and pick-up. As the site is very constrained, initial considerations suggest the use of the adjacent turning circle on the Singleton Road cul-de-sac along the western boundary of the site to provide a designated area. This is directly adjacent to the school building access and would provide suitable access from Learner Transport vehicles.
135. A review of parking and loading restrictions and the provision of a School Street on both the adjacent streets (including Moorland Road on the east

side of the site) would improve safety by deterring vehicle access, and reducing congestion and parking issues.

136. Further proposed school safety measures would include improvements to road crossings, and general improved facilities for pedestrians and cyclists, including along desire lines through Moorland Park.

### **Property Implications**

137. This report outlines a number of property actions with any decisions relating the development, acquisition or disposal of property in regards to these schemes to be undertaken in conjunction with Strategic Estates in accordance with the agreed asset management processes and delegated authorities.
138. With respect of St Mellons Church in Wales School, there will be the management of the handover and transfer of the asset to Education.
139. Strategic Estates are supporting Education on the funding of the Moorland School development through managing the disposal of the former Ysgol Glan Morfa site which adjoins the Moorland Primary site. This capital receipt is ring fenced towards the delivery of the Moorland School Nursery and we will ensure best value is achieved through the disposal process.

### **Equality Impact Assessment**

140. An initial Equality Impact Assessment has been carried out. It concluded that the proposed changes would not negatively affect a particular group in society. This assessment will be reviewed after consultation.
141. A Statutory Screening Tool including Equality Impact Assessment is attached as Appendix 4.

## **RECOMMENDATIONS**

The Cabinet is recommended to

- (i) authorise officers to consult on proposals to:
- Increase the capacity of The Court Special School from 42 to 72 places. The school would transfer to new build accommodation across two sites at Fairwater Primary School and the current St Mellons, CiW Primary School site in Llanrumney from September 2025.
  - Establish a Specialist Resource Base (specialist resource base) for up to 20 primary aged children with Complex Learning Needs (CLN) at Moorland Primary School from September 2022.
- (ii) Note that officers will bring a report on the outcome of the consultation to a future meeting to seek authorisation as to whether to proceed to

publish proposals in accordance with section 48 of The School Standards and Organisation (Wales) Act 2013.

<b>SENIOR RESPONSIBLE OFFICER</b> <b>Richard Portas</b>	<b>Director Name</b> <b>Melanie Godfrey</b>
	Date submitted to Cabinet office

*The following appendices are attached:*

### **Appendices**

Appendix 1: Cabinet Report, 14 December 2017

Appendix 2: Projections and Forecasts

Appendix 3: Specialist provision maps showing location of existing provision

Appendix 4: Equality Impact Assessment

*The following background papers have been taken into account*

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