

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

CABINET MEETING: 14 JULY 2022

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

EMOTIONAL HEALTH AND WELL BEING PROVISION FOR PRIMARY AND SECONDARY AGED PUPILS

EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)

AGENDA ITEM:

Reason for this Report

1. This report is to inform the Cabinet of any objections received to the published statutory notices 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 20-place Specialist Resource Base for emotional health and wellbeing at Cardiff West Community High School from September 2022.
 - establish a 20-place Specialist Resource Base for emotional health and wellbeing at Eastern High School from September 2023.

Background

2. At its meeting on 10 March 2022, the Cabinet, in accordance with the terms of the Schools Standards and Organisation (Wales) Act, approved a recommendation for the publication of a statutory notices relating to the

proposals as set out at paragraph 1. A copy of the Cabinet Report of 10 March 2022 is attached as Appendix 1

3. The statutory notices were published on 06 May 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 02 June 2022. A copy of the notices is attached at Appendix 2.
4. The notices were published on the Council website and posted at The Court Special School, Fairwater Primary School, St Mellons CiW Primary School, Cardiff West Community High School and Eastern High School.
5. Copies of the notices were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
6. Residents and businesses in the local area were notified of publication of the statutory notices by letter.

Issues

7. In accordance with the requirements of the School Organisation Code the Council Cabinet has responsibility for the determination of school organisation proposals including those which receive objections (save for those that are required to be considered by the Welsh Government).
8. In accordance with this the Cabinet must decide whether to approve, reject or approve with modifications, the proposals. The Council must not approach the decision with a closed mind and any objections must be conscientiously considered.

Objections Received

9. There were no objections to the proposal to increase the capacity of The Court Special School and to transfer the school to new build accommodation across two sites at Fairwater Primary School and the current St Mellons CiW Primary School site in Llanrumney.
10. There were no objections to the proposal to establish a 20 place Specialist Resource Base for emotional health and wellbeing at Cardiff West Community High School.
11. There were no objections to the establish a 20-place Specialist Resource Base for emotional health and wellbeing at Eastern High School.

Requirements of the School Organisation Code

12. As set out in the School Organisation Code, the following factors should be taken into account by relevant bodies when exercising their function of approving/determining proposals. The Council must at all times consider the interests of learners.

Section 1.3 Quality and Standards in Education

13. The Council works closely with the governing bodies of schools to make sure that standards in schools are high, that teaching is good, and that leadership and governance is strong.
14. The proposals are not expected to have any negative impact on the quality of standards of education at The Court Special School or Fairwater Primary School.
15. The new school facilities for The Court Special School would provide high quality learning environments which improve learning choices and opportunities for pupils.
16. The Court Special School would be fit for purpose 21st Century buildings, which could more easily support a range of evidence-based initiatives specific to ensuring an appropriate offer for pupils with high levels of Emotional Health and Wellbeing needs – a therapy focus, early intervention opportunities, and support nurture and wellbeing.
17. A dual site would allow for a wider range of resources for the school with more space to develop the curriculum offer, offering a wide range of experiences for pupils and support the delivery of the new 'Curriculum for Wales' for learners (3 – 16) which is being implemented in Welsh schools in September 2022.
18. The new curriculum will adopt an approach which is inclusive and designed to address the need to prepare children and young people in Wales to thrive and be successful in a rapidly changing world.
19. It is recognised that the new curriculum will provide breadth, enable greater depth of learning, ensure better progression, provide scope for more imaginative and creative use of time and place and a much greater emphasis on skills. The proposed 21st Century School will meet the need of this new, flexible curriculum along with providing facilities that allow for real-world practical learning with local organisations and employers context.
20. The co-location of specialist provision with mainstream primary school sites would provide enhanced opportunities for reintegration, allow for more effective transitions and greater ease for staff to share best practice, strengthen relationships with mainstream schools and support professional learning opportunities and multiagency working.
21. The proposals are not expected to have any negative impact on the quality of standards of education at Cardiff West Community High School or Eastern High.
22. An assessment of Cardiff West Community High school provided by the Central South Consortium in the 2021/ 2022 school year gave the following evaluation:

- The school is improving its track record in raising pupils' achievement including that of vulnerable learners over time.
 - The proportion of pupils making two or more levels of progress from Key Stage 2 to Key Stage 3, in comparison with local and regional averages, was lower in each of mathematics and much lower in English and in science.
 - There have been clear improvements in attitudes to learning.
 - The deputy headteacher operates a robust system for tracking the progress of every pupil when compared against their targets.
 - The school has constructive and well-planned use of PDG funds intended to improve outcomes for eFSM (Free School Meal) pupils whilst developing the core skills across the curriculum
23. Establishing a Specialist Recourse Base at Cardiff West Community High School would provide appropriate high quality school places for young people with emotional and wellbeing needs as well as providing enhanced opportunities for staff to upskill across the school in this growing area of need.
24. An assessment of Eastern High provided by the Central South Consortium in the 2021/ 2022 school year gave the following evaluation:
- The school has a very good track record in raising the achievement of nearly all pupils, including vulnerable learners over the previous three-year period.
 - The proportion of pupils making two or more levels of progress from Key Stage 2 to Key Stage 3, in comparison with local and regional averages, was much lower in each of English, mathematics and science.
 - Leaders throughout the school plan and implement change and sustain improvement successfully in most respects. The senior leadership team is setting the direction for the work of the staff team and this work is having a positive impact upon the learning experiences of all pupils.
25. Establishing a Specialist Resource Base at Eastern High would provide appropriate high quality school places for young people with emotional and wellbeing needs as well as providing the opportunities for staff development specific to these needs in the wider school.

Section 1.4 Need for places and the impact on accessibility of schools

26. The majority of learners with Additional Learning Needs (ALN) attend a local mainstream school and benefit from effective Additional Learning Needs Provision (ALP). These learners do not need to attend a special school or Specialist Resource Base.
27. However, the number of pupils with severe and complex needs, who need a place in a special school or specialist resource base has continued to grow.

28. This is due to a number of factors including:
- pupil population changes
 - improved survival rates for children born with significant disabilities,
 - increased complexity in needs
 - increased incidence and identification of specific needs such as autism, ADHD, physical disabilities and sensory impairments
29. The range of expertise, specialist support and facilities required in special schools and Specialist Resource Bases has also increased.
30. There are also more children and young people with emotional health and wellbeing needs. This was a trend before COVID 19 but has been exacerbated by school closures and other measures to manage the pandemic.
31. At the end of March 2021, there were 2,265 children in Cardiff with a statement of Special Education Needs. As the population grows, so will the number of children and young people with significant and complex Additional Learning Needs that will potentially need a specialist place.
32. In 2020/21 Cardiff Council funded 1,116 places in Specialist Resource Bases or special schools. In addition, 48 temporary places for learners were available in Wellbeing Classes and Speech and Language Classes, and 90 places were available in the Pupil Referral Unit (PRU).
33. Whilst there are a number of existing specialist settings across Cardiff, there are not enough places available. The number of children who would benefit from a place is projected to increase over coming years.
34. The proposals would also improve the overall distribution of specialist provision across Cardiff. At present a significant proportion of secondary age learners with Emotional Health and Wellbeing needs who require specialist placement, live within the catchment areas served by Cardiff West Community High School and Eastern High. These proposals would allow an increased number of learners to access specialist provision closer to home, reducing the time they spend travelling to and from specialist provision.

Section 1.5 Resourcing of education and other financial implications

35. The Council has a statutory duty to provide sufficient places appropriate to the needs of learners.
36. Currently, as there is insufficient specialist provision within Cardiff, the Council has funded some places at special schools in other Council areas or in independent schools. The total spend on such specialist provision was £7.3m in 2021/22. The budget for 2022/23 for these types of places is currently set at £7.6m. The proposals provide 30 additional places for primary age learners and 40 places for secondary age learners, which would offset the projected increase in spending on these

out of county or independent places. Without investment in additional places, the cost of placing learners in such provision would be expected to grow significantly in future years. The proposals therefore address the escalation in such costs.

The Court Special School

37. The capital costs of expanding The Court Special School are included within the Council's 21st Century Schools Band B programme.
38. The current differential in average per-pupil revenue costs between placements at the Court School, and in alternative independent provision, are estimated to be c£15,000 - £18,000 per year, per learner, plus transport costs. However, there are insufficient places available in the primary sector for the number of learners projected to require such support.
39. The annual cost to the Council of school transport for primary-age learners with Emotional Health & Wellbeing Needs to The Court averages c£7,000 per learner.
40. Taking account of the distribution of the proposed additional primary places in the East and the West of the city, it is anticipated that the average journey length for pupils would reduce.

Cardiff West Community High School and Eastern High

41. The capital cost of works to establish Specialist Resource Bases at Cardiff West Community High School and Eastern High would be met from the Council's Education asset renewal programme. This is a five year programme which prioritises works including ALN sufficiency, condition and suitability.
42. The differential in average per-pupil revenue costs between placements in secondary age Specialist Resource Bases, and in alternative independent provision, are estimated to be at least £25,000 per year, per learner, plus transport costs. However, there are insufficient places available in the secondary sector for the number of learners projected to require such support.
43. The annual cost to the Council of school transport for secondary-age learners with Emotional Health & Wellbeing Needs to within-County provision averages c£3,700 per learner. The annual cost to the Council of school transport for learners with Emotional Health & Wellbeing Needs to alternative independent provision is c£7,500 per learner.
44. Taking account of the distribution of the proposed additional places in the East and the West of the city, and the high concentration of learners resident in the catchment areas served by Cardiff West Community High School and Eastern High, it is anticipated that the average journey length for learners would reduce and that the average transport cost per learner would also reduce.

Section 1.6 Other General Factors

45. The delivery of 21st Century learning environments will ensure that there are appropriate, high quality school places for young people, which meet the needs of Cardiff's growing and changing population.
46. The Council does not expect the proposal to have any negative impact on the quality of standards of education for children from economically deprived backgrounds.

Section 1.14 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision

47. The lack of Specialist Resource Bases in some localities can disadvantage learners living in those areas. Some families are unfamiliar with the areas where provision is located. Parents or carers may lack the means to travel easily to those areas.
48. The proposed expansion of Emotional Health and Wellbeing provision would result in a better distribution of specialist resource bases across the city would improve access for pupils. It would reduce travel times for many pupils, as well as increasing the number of places available.
49. The current expertise and inclusive practice would be maintained and built upon.
50. The additional places would help to ensure that there are sufficient places to meet increased demand arising out of a growing pupil population and a growing incidence and identification of Emotional Health and Wellbeing needs in Cardiff.
51. It is not expected that the proposed expansion/establishment of Emotional Health and Wellbeing provision at The Court Special School, Cardiff West Community High School and Eastern High will impact negatively on existing Additional Learning Needs provision. It is expected to improve distribution and appropriate placements compared to the current position.

Section 1.15 Factors to be taken into account in approving/ determining school organisation proposals

52. There are no related school organisation proposals.
53. The consultation on the proposed changes was carried out in accordance with the requirements of the Welsh Government School Organisation Code (November 2018).
54. The consultation documents were sent to those it should have been sent to and pupils at local schools were consulted. The required amount of

time (42 days of which at least 20 are school days) was provided to respond to the consultation.

55. The consultation documents contained the prescribed information as set out in the Code.
56. The timescale and content required have been complied with in relation to the consultation report.
57. The publication of the statutory notices complied with the requirements of the Code and the notices contained all of the prescribed information.

Objections to the proposal

58. The Council did not receive any objections to the statutory notices by the closing date.

Admissions

59. There are no plans to change the Council's policy on the admission of children to schools, as a result of or associated with this proposal.
60. Admissions to specialist provision are managed by the local authority and subject to a statement of Special Educational Needs (SEN) or Individual Development Plan (IDP) as appropriate.

Partnerships

61. The [Cardiff Commitment](#) is a vision which the city of Cardiff is dedicated to realising and that seeks to ensure all children and young people have access to opportunities that deliver ambition and skills and supports them to progress into education, employment, and training.
62. The **Cardiff Commitment** through school, employer networks (in growth sectors of the economy in particular), community, further and higher education partnerships, delivers knowledge, skills and experiences for pupils to fulfil their potential and contribute to the economic growth of our capital city.
63. The **Cardiff Commitment** works with employers to support the development of learning pathways, careers and work related experiences and collaboration to co-construct authentic learning experiences with industry as per the requirements of the [Curriculum for Wales](#) with a focus on supporting children and young people who need it most.
64. Through the Cardiff Commitment, the Council has built a city-wide alliance to support educational achievement; in particular to raise the aspirations of learners, create opportunities, develop skills and support progression into the world of work. The number and breadth of partners involved has grown significantly since 2016, with over 300 partners now involved in various ways.

65. This approach enables both universal and targeted programmes to work together and stay focused upon the shared vision that any child growing up in Cardiff should have equal opportunity to realise their potential. And importantly that the journey to independence is a continuum that should be nurtured from primary school into secondary school, and through to Post 16 education, training and employment.
66. The breadth of companies now involved with the initiative is 300+ and the significance of the pledges they make opens up a variety of opportunities for children and young people as the Cardiff Commitment is utilised as a touch stone for all Council relationships with employers.
67. The Council's proposals for Band B of the Sustainable Communities for Learning Programme (formerly known as 21st Century Schools Programme) and the Cardiff 2030 strategy clearly state the link between improving the environment for learning and raising standards of achievement.
68. Accelerator projects led by the Core Team and undertaken with schools are informed by data held in relation to FSM, LACE, ALN and Wales Index of Multiple Deprivation areas. The Cardiff Commitment accelerator areas aim to get most benefit and value from partnerships and look to provide sustainable and scalable approaches for schools and employers. Six Priority Areas support the development of opportunities and include creating school/business partnerships to deliver experiences of work and target skills development in the key economic growth sectors of the Cardiff Capital Region across age continuum.
69. An example of this is the Business Forum approach which sees partners from across the Growth Sectors in the region working with schools to develop opportunities and skills which support ambition and progression into education, employment and training.
70. 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

71. The Council is committed to developing a Bilingual Cardiff.
72. Cardiff's Welsh in Education Strategic Plan (WESP) 2022-2031 sets out a series of ambitious commitments to build on the progress achieved to date. These will ensure that every child in the city can receive an education in the language of Welsh, the number receiving their education in Welsh-medium schools will increase, and through the significant use of Welsh in English medium education all will have the opportunity to become confident in speaking Welsh.

73. 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 however been changing over the last 4-5 years, with schools reporting an increased incidence of additional learning needs, in all areas of need.
74. A review of additional learning needs 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 additional learning needs leaving the Welsh-medium sector in order to access Specialist Resource Bases or special schools.
75. 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 additional learning needs, through concern that their child may need to transfer to the specialist sector at a later date.
76. 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.
77. 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.
78. 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 additional learning needs.
79. Following engagement sessions with members of Cardiff's Welsh Education Forum in summer 2021, the Council formally consulted on its draft Welsh in Education Strategic Plan (WESP) 2022-2032 between 15 October 2021 and 13 December 2021.
80. Links to the plan (including the full draft WESP, the easy read summary version and the Trajectory for Growth) and survey webpage were circulated to statutory stakeholders including Cardiff schools and Cardiff's Welsh Education Forum member organisations.
81. The draft WESP sets out the strategy for the development of Welsh-medium additional learning needs provision and proposals would be brought forward as part of the implementation of the Council's Welsh in Education Strategic Plan following agreement of the strategy by the Welsh Government and formal adoption by the Council later in 2022.

82. The Cabinet approved Cardiff's WESP 2022-2031 at its meeting of 24 February 2022, for submission to the Welsh Government Ministers.
83. The ongoing development of additional learning needs provision including new and existing provision will be kept under review to ensure proposals are brought forward in a strategic and holistic way that takes into account the needs of all of our learners and reflects the additionality required to ensure parity in the Welsh-medium sector as new places are delivered throughout the proposed WESP.

Wellbeing of Future Generations

84. In line with the Well-being of Future Generations Act Cardiff 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.
85. 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.
86. 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.
87. The project will consult with all statutory bodies when developing a planning application to ensure that environmental and biodiversity impacts are fully considered.

Local Member consultation

88. Local members were consulted during the consultation period. The consultation period for The Court Special School proposals ran from 11 October 2021 until 17 January 2022. The consultation period for the secondary Specialist Resource Base provision for learners with emotional health and wellbeing needs ran from 14 December 2021 until 1 February 2022.

Scrutiny Consideration

89. The Children & Young People's Scrutiny Committee will consider this report on 5 July 2022. Any comments received will be circulated at the Cabinet meeting.

Reason for Recommendations

90. To meet increasing demand for special school places for primary, secondary and post-16 age learners with emotional health and wellbeing needs.

Financial Implications

91. This report outlines changes to ALN provision and schools intakes at The Court Special School, alongside establishment of SRBs at Cardiff West Community High School and Eastern High. Whilst there are no capital financial implications directly arising from this report, once a final solution has been agreed for each site it will be necessary for a full financial evaluation to be undertaken. The aim of this will be to provide assurance that the scheme is allocated specific funding and remains affordable once all relevant costs and contingencies for potential changes in delivery timescales have been incorporated.
92. 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.
93. 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 21st Century Schools Invest to Save borrowing (25%). Any revenue costs in relation to these schemes, including capital financing costs will be funded through the School Organisation Programme Revenue Reserve.
94. 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.
95. This report sets out proposals and recommends additional SRB provision at Cardiff West Community High School and Eastern High that will need to be funded from the existing delegated schools' budgets. This is an area of high-cost provision through Out of County Placements or enhanced Complex Needs Enhancement (CNE) payments for mainstream pupils. Any capital works on these sites will be funded through the Asset Renewal Capital budget. These schemes will need to be prioritised against other schools investments required including roof and boiler replacements, health and safety works and other priority works arising from surveys. If approved these schemes will require tight budgetary control to ensure that other priority schemes are not adversely impacted or delayed.

96. There will need to be a review of the budget for each SRB or Special School which has an increase in the number of places. The due diligence undertaken must provide assurance that the additional places will be taken up and that the cost and numbers of Out of County placements and CNE will reduce in order to ensure no significant pressure ongoing on school budgets. Over the medium term, regular review and analysis needs to be undertaken comparing the projected number of places available to places taken up. This will ensure that the optimum benefits are achieved by the financial resources used.
97. The proposal for a better spread of provision at special schools and SRBs across the city means that the transport cost per individual learner is likely to decrease. However, projections within the transport implications indicate that the overall impact on home to school transport is likely to increase over the medium term. Schools transport budgets have seen increasing pressure over the last three years and there will be a need for more robust planning to identify increased price or provision alongside additional controls to ensure any changes are affordable within existing budget allocations where possible. The decision maker needs to consider the likelihood that savings on individual placements and a more effective management of Out of County placements will be able to cover the additional cost of transporting the increased SRB places.
98. The covering report sets out that the number of places will incrementally grow over the next four years and further work is required to establish the cost / saving for each financial year. For 2022/23, there is a risk that overall spend on, Out of County provision and enhanced CNE payments for children and young people with ALN would increase in September 2022, but this pressure will need to be managed within school delegated budgets. However, the need to ensure robust modelling is in place to ensure that any further pressures are identified and understood prior to implementation and are robustly modelled and factored into medium-term planning is of paramount importance.

Legal Implications

99. The school organisation proposals set out in the report must be considered having regard to the provisions of the School Standards and Organisation (Wales) Act 2013 ('the Act') and the School Organisation Code 2018 ('the Code'). The Code sets out the factors which should be considered in respect of different proposals, the statutory procedures, legal requirements and guidance.
100. The statutory procedures involve a public consultation, publication of a consultation report, statutory notice and a 28-day objection period, prior to determination of the proposals. The previous reports to Cabinet on these proposals are referred to in the body of the report. In March 2022, Cabinet considered the consultation report and resolved to proceed with the proposals and authorised publication of the statutory notice, with the required 28-day objection period (which ended on 2 June 2022).

101. The content of the statutory notice, manner of publication and persons to be notified are prescribed in the Code. Under section 49 of the Act, when objections have been received, the Council must publish a summary of the statutory objections and the Council's response to those objections ("the Objection Report") on its website and make this available to the interested parties listed in the Code. This Cabinet report constitutes the Objections Report.
102. The Council must decide whether or not to implement its proposals within 16 weeks from the end of the objection period (under section 53 of the 2013 Act). If the Council fails to determine the proposals within the 16-week period, it is taken to have withdrawn the proposals. When determining its proposals, the Council must be satisfied that the statutory consultation has been conducted and the proposals published in accordance with the Code; and it must conscientiously consider the Objections Report and any responses to the notice supporting the proposals, having regard to the relevant factors set out in the Code
103. The decision on whether or not to proceed with the proposals must be set out, with reasons having regard the factors set out in the Code, and issued in the form of a decision letter, published on the Council's website and notified to the Welsh Ministers, the school governing body and all interested parties listed in the Code.
104. If the proposals are taken forward, the admission arrangements for the school, 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.
105. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give 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.
106. 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 (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov.wales) and must be able to demonstrate how it has discharged its duty.

Well-Being of Future Generations (Wales) Act 2015

107. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
108. In discharging its duties under the Act, the Council has set, and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2021-24. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
109. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
110. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:
- <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

General

111. The decision maker should be satisfied that the decision is in accordance with the financial and budgetary policy.
112. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

HR Implications

The Court Special School

113. The proposed increase in pupil numbers for The Court Special School would require the Governing Body to plan for the workforce requirements in readiness for the expansion and proposal to operate across two sites. The Governing Body will be encouraged to undertake this work in line with the School Organisation Planning HR Framework.
114. 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 would provide opportunities for school-based staff on the school redeployment register.
115. The proposal to relocate the school and to operate across two sites 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 and staff involvement in the development of building specifications or designs.

Cardiff West Community High School and Eastern High

116. HR People Services will work with the Governing Body of each school to address any HR implications arising from the establishment of a Specialist Resource Base at their school and whether there is a need for staff resources.
117. Where the Governing Body has 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.

Property Implications

118. Strategic Estates continue to work with and support Education colleagues through the asset management process and any property matters relating and arising from the proposals.

Traffic and Transport Implications

119. As part of its overall strategy to affect modal shift away from car travel, the Council is seeking to reduce the proportion of school journeys made by car and to maximise opportunities for travel to school by sustainable modes including walking and cycling.

120. The Council is working to support all schools in the development and implementation of Active Travel Plans. Active Travel Plans identify actions by the school to support and encourage active travel to school – to develop a school active travel culture - and also any improvements to on-site and off-site infrastructure required to facilitate active journeys.
121. The individual needs of pupils at special schools and SRBs, together with the greater distances travelled, necessarily limit the scope for high rates of active travel compared with mainstream school pupils.
122. The Council applies the statutory qualifying walking distance criteria for pupil to qualify for free home to school transport to special schools and SRBs. Additionally, some learners who live within two / three miles of the school may be provided with free transport due to their individual learning needs and social issues.
123. Overall, the costs of home to school transport for the additional places would increase as the proposed changes increase the number of pupils transported from home to specialist provision.
124. The annual cost to the Council of school transport for primary-age learners with Emotional Health & Wellbeing Needs to The Court averages c£7,000 per learner. The annual cost to the Council of school transport for secondary-age learners with Emotional Health & Wellbeing Needs to within-County provision averages c£3,700 per learner.
125. The annual cost to the Council of school transport for learners with Emotional Health & Wellbeing Needs to alternative independent provision is c£7,500 per learner.
126. Taking account of the distribution of the proposed additional places in East and West of the city it is anticipated that the average journey length would reduce.
127. The projected costs of transporting the additional pupils to school, as a result of these proposals, would increase by c£32k in 2023/24 rising to c£135k by 2025/26 as pupils are enrolled to the expanded provision. However, should the proposals not proceed, transporting pupils to alternative provision is estimated at c75k in 2023/24 rising to c£285k by 2025/26.
128. It is anticipated that the continued increase in the number of pupils transported to specialist provision, including those arising from these proposals, will incur further costs of c£178k per year for supporting and managing transport. This includes compliance, administration and independent travel training (invest to save).
129. Transport Assessments or Transport Statements will be required as part of planning applications for new school accommodation. These will identify measures to be included as part of the applications to address any potentially adverse impacts, to facilitate access and maximise travel by sustainable modes.

130. A number of initiatives have successfully demonstrated support and encouragement for active and sustainable travel amongst the ALN cohort, including Independent Travel Training for older pupils, cycle maintenance and cycle training.
131. Some pupils are able to travel independently or with parent/carers and if resident within the two-mile qualifying distance may not be eligible for Learner Transport.
132. Provision of recommended improvements for active travel would benefit these pupils as well as any mainstream pupils, staff and visitors to the sites.
133. Numbers of pupils who continue to use Learner Transport for their journey to school will be likely to increase in line with the trend for increasing numbers of pupils requiring places at special schools or specialist resource bases. Each school location with new or increased demand for Learner Transport vehicles will require suitable new, improved and / or expanded facilities for drop-off and pick-up within the site. The areas required would need to accommodate appropriate vehicles. In some cases, minibuses may be suitable, but this is also dependent on individual pupil needs, home locations and co-ordination of routes.
134. Car parking provision at new schools or where accommodation at existing sites is to be expanded will need to be in line with the Council's parking standards. Allocations for special schools and specialist resource bases are agreed on a case-by-case basis but requirements are expected to generally correlate with 1 car space per typical number of pupils in a class.

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

135. There are 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.
136. Various facilities for walking and cycling, including upgrading of the Bwlch Road crossing are proposed to support the Fairwater Campus development over the next 3-4 years. These facilities will also support active journeys to the Fairwater Primary School site.
137. An initial Transport Assessment for this site has identified that traffic impacts would be acceptable and manageable. A revised Transport Assessment may be required to support necessary planning applications and requirements will be confirmed in further discussions between the project team and relevant transport officers.

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

138. There are current parking issues outside the adjacent Pen Y Bryn Primary along Dunster Road. The Transport team is monitoring the situation and will consider whether or not any parking restrictions may be required to ease the situation. This will help support access arrangements to the St Mellons CiW site.

Transport matters relating to Cardiff West Community High School

139. With the expected increased demand for Learner Transport at Cardiff West Community High School, suitable improved and / or expanded facilities for drop-off and pick-up may be required within the site to accommodate the appropriate numbers of vehicles. Additional parking restrictions along Penally Road around school start and finish times would reduce congestion and parking issues and improve safety for pupils. Traffic Regulation Orders will be required to introduce these restrictions. Details of these measures and programming for their introduction in conjunction with the delivery of the new SR facilities will require further discussions between the project team and relevant transport officers.

Transport matters relating to Eastern High

140. With the expected increased demand for Learner Transport at Eastern High School suitable facilities for drop-off and pick-up to accommodate the appropriate numbers of vehicles are required. There are existing issues with traffic and parking around the southern end of Trowbridge Road which the transport team are seeking to address as part of a Safe Routes in Communities project. Measures to improve traffic issues outside the school may include additional parking restrictions or consideration of a School Street around school start and finish times to reduce congestion and parking issues and improve safety for pupils. Such measures will help to provide ease of access to the SRB facility. Their implementation can be integrated with the timetable for delivery of the SRB.

Equality Impact Assessment

141. The EQIA prepared ahead of the consultation phase has been reviewed to take account of the responses received and any further information made available or secured since the original documents was prepared relevant to the proposal from the Council and/or its partners. No changes were found to be necessary to the document at this point.
142. In the event the proposals are able to proceed to implementation, proposal specific EQIAs will be kept under regular review as part do the planning and delivery process.
143. The Equality Impact Assessment is attached at Appendix 3.

RECOMMENDATIONS

Cabinet is recommended to

- (i) Approve the proposals in respect of changes to The Court Special School, Cardiff West Community High School and Eastern High as set out in paragraph 1 of this report, without modification.
- (ii) Authorise officers to take the appropriate actions to implement the proposals as set out in paragraph 1
- (iii) Authorise officers to publish the decision within 7 days of determination of the proposal
- (iv) 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).

SENIOR RESPONSIBLE OFFICER Richard Portas	Director Name Melanie Godfrey
	Date submitted to Cabinet office

The following appendices are attached:

Appendix 1: Cabinet Report 10 March 2022

Appendix 2: Statutory Notices

Appendix 3: Equality Impact Assessment