

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

**COMPLEX LEARNING NEEDS AND AUTISM SPECTRUM CONDITION PROVISION FOR PRIMARY AND SECONDARY AGED PUPILS**

**EDUCATION (COUNCILLOR SARAH MERRY)**

**AGENDA ITEM: 8**

---

**Reason for this Report**

1. This report is to inform the Cabinet of any objections received to the published statutory notices to:
  - establish a 20 place Specialist Resource Base for primary aged children with Complex Learning Needs at Moorland Primary School from September 2023
  - establish a 30 place Specialist Resource Base for learners with complex learning needs at Willows High School from September 2023
  - increase the designated number at the Llanishen High School Specialist Resource Base for learners with Autism Spectrum Condition from 20 to 45 places from September 2022
  - establish a 30 place Specialist Resource Base at Ysgol Gyfun Gymraeg Glantaf alongside the existing 30 place Specialist Resource Base for learners with Autism Spectrum Condition from September 2023
  - increase the designated number of Ty Gwyn Special School from 198 to 240 from September 2022
  - increase the designated number of The Hollies Special School from 90 to 119 from September 2022

- further increase the designated number of The Hollies Special School from 119 to 150 from September 2023
- increase the designated number at the Specialist Resource Base at Llanishen Fach Primary School for learners with complex learning needs from 20 to 30 places from September 2023
- increase the designated number at the Specialist Resource Base at Pentreban Primary School for learners with Autism Spectrum Condition from 20 to 24 spaces from September 2022

## **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 statutory notices relating to the schools 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 6 May for a period of 28 days to allow for objections. The statutory notice period expired on 2 June 2022. Copies of the notices are attached at Appendix 2.
4. The notices were published on the Council's website, and hard copies were posted at the relevant school sites.
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 areas to each school were notified of publication of the statutory notices by letter.
7. The Cabinet Report of 10 March 2022 also considered the outcome of consultations to increase the number of places at Meadowbank Special School, Marlborough Primary School and Springwood Primary School. As each of these schools had scheduled INSET days in the summer term, the publication of Statutory notices related to the proposed changes at Meadowbank Special School, Marlborough Primary School and Springwood Primary School were delayed in order to comply with the requirements of the School Organisation Code in relation to the number of school days that must be included within the objection period.
8. A further report will be provided to Cabinet in September 2022 providing details of any objections received, the proposed responses to those objections and recommendations for implementation or otherwise of these proposals.

## **Issues**

9. In accordance with the requirements of the School Organisation Code the Council's 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).

10. 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**

11. There were no objections to the published proposals for Moorland Primary School, Willows High School, Llanishen High School, Ysgol Gyfun Gymraeg Glantaf, The Hollies Special School, Llanishen Fach Primary School and Pentreban Primary School.
12. There were two objections to the published proposal for Ty Gwyn Special School.
13. A summary of the objections received, and the Council's response can be seen at paragraphs 49 – 60.
14. 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**

15. 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.
16. As set out in the consultation document, standards at the schools included in the proposals are all good. Increasing the number of specialist pupil places or establishing specialist resource base provisions at the schools would provide appropriate high quality school places for young people with complex learning needs and autism.
17. The proposals are not expected to have any negative impact on the quality of standards of education at the schools as a result of the proposed changes.
18. The proposals are not expected to have any negative impact on teaching and learning experiences at any of the schools involved in the proposals.
19. The opportunity to employ specialist staff and to work more closely with specialist services in Cardiff would have the potential to enhance the mainstream schools' capacity for inclusion and benefit all pupils in the schools.

20. Some pupils with ALN can find change difficult and may find moving to a new building on a new site unsettling. There would be sufficient time to plan and support their transition to adapt to their new settings.

#### **Section 1.4 Need for Places and the Impact on Accessibility of Schools**

21. The majority of learners with Additional Learning Needs (ALN) attend a local mainstream school and benefit from effective Additional Learning Needs Provision). These learners do not need to attend a special school or Specialist Resource Base.
22. 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.
23. 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
24. The range of expertise, specialist support and facilities required in special schools and specialist resource bases has also increased.
25. 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.
26. 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).
27. 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.
28. The proposals would increase the number of specialist resource places for primary, secondary and post-16 aged learners with complex learning needs and autism and would contribute towards meeting projected demand.
29. The proposals would also improve the overall distribution of specialist provision across Cardiff. This would mean that learners living in all areas of the city have the potential to access specialist provision closer to home, reducing the time they spend travelling to and from school.

## **Section 1.5 Resourcing of Education and Other Financial Implications**

30. The Council has a statutory duty to provide places appropriate to the needs of learners.
31. 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.
32. The proposals would provide 221 additional places in Cardiff schools for learners with Complex Learning Needs and/ or Autism Spectrum Condition, which would offset the projected increase in spending on places in other Council areas or in independent schools. Without investment in additional in-county places, such spending on places would be expected to grow significantly in future years.
33. The capital cost of works to expand special schools and to establish or expand specialist resource bases 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.
34. The differential in average per-pupil revenue costs between placements in Cardiff's special schools and specialist resource bases, and in alternative independent provision, vary greatly. The current differential in average per-pupil revenue costs between placements at a Cardiff special school, and in alternative independent provision, are greater than £50,000 per year, per learner, plus transport costs. However, there are not sufficient places available in other Council areas or in independent schools within a reasonable travel distance for the number of learners projected to require such support.
35. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to within-County provision averages c£5,000 per learner. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to alternative independent provision is c£10,000 per child.
36. The distribution of the proposed additional places throughout the city seeks to better match the provision to demand. Should the proposed changes not proceed, it is anticipated that the average journey lengths to alternative provision, and costs for home to school transport, would increase.

## **Section 1.6 Other General Factors**

37. 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**

38. 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.
39. The proposed expansion of specialist resource bases and wellbeing classes 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.
40. The current expertise and inclusive practice would be maintained and built upon.
41. The additional places would help to ensure that there are sufficient places to meet increased demand arising out of a changing pupil population and a growing incidence and identification of Complex Learning Needs and Autism Spectrum Condition needs in Cardiff.
42. It is not expected that the proposed expansion/establishment of Complex Learning Needs and Autism Spectrum Condition provision at the schools subject to these proposals will impact 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**

43. There are no related school organisation proposals.
44. The consultation on the proposed changes was carried out in accordance with the requirements of the Welsh Government School Organisation Code (November 2018).
45. The consultation documents were sent to those they 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.
46. The consultation documents contained the prescribed information as set out in the Code.
47. The timescale and content required have been complied with in relation to the consultation report.
48. 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**

49. The Council received two objections to the statutory notice to increase the designated number of Ty Gwyn Special School from 198 to 240 from September 2022 by the closing date. A summary of the objections and the Council's response can be seen below.
50. Both objections referenced possible increased traffic going to and from the school site. Each stated that traffic on Vincent Road is already at a standstill at the beginning and end of the school days, and that the proposal would further exacerbate traffic congestion in the area. A request was made for a traffic survey to take place and for an alternative route for vehicles entering and leaving the site be considered.
51. Concern was also expressed about staff parking in the car park of the nearby park rather than the school grounds.
52. One objector expressed concern that the Ty Gwyn building is not of a sufficient size to accommodate the increased number of pupils.

## **Appraisal of views expressed**

53. Ty Gwyn School provides places for learners aged 3-19 with Complex Learning Disabilities and Autism Spectrum Condition, including those with multiple or profound disabilities who require high levels of support.
54. Each of Ty Gwyn's learners qualify for free home to school transport, although some parents choose to make their own arrangements as this works for their child's individual needs and family circumstances.
55. The proposal to increase the number of Additional Learning Needs places at Ty Gwyn Special School may require a Transport Statement which will identify measures to be included as part of the application to maximise travel by sustainable modes. Staff and school visitors would benefit from any required improvements in facilities for active travel to school or public transport facilities.
56. The Council's current Corporate Plan includes a commitment to every school in Cardiff developing an Active Travel Plan. Such a plan will identify actions by the school to support and encourage active travel to school and also any improvements to on-site and off-site infrastructure required to facilitate active journeys.
57. Increasing travel to school by active modes (walking, cycling and scooting where possible and appropriate in line with individuals needs) by ensuring safe facilities are provided will have a positive impact on health and wellbeing.
58. With the expected increased demand for Learner Transport, the site would be reviewed to ensure suitable and sufficient facilities for drop-off and pick-up are provided within the site to accommodate the appropriate numbers of vehicles and improvements made if necessary. Modifications

may be required to the arrangement of spaces with additional lighting within the drop-off and pick-up area to better accommodate increases in numbers of vehicles.

59. The Council continues to work with the Governing Body to ensure that suitable accommodation is provided for the increase in the number of pupils including the provision of additional classrooms, offices and Adult Services areas at the old Trelai Youth Centre.
60. An audit of current provision will be carried out with the school which will include consideration of class sizes. There are no plans to increase capacity beyond the current proposal. Admissions to the school by the Council would be phased, to support the sustainable growth of the school.

### **Admissions**

61. There are no plans to change the Council's policy on the admission of children to schools as a result of or associated with these proposals.
62. 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**

63. 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.
64. 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.
65. 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.
66. 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.
67. 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.

68. 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.
69. The Council's proposals for Band B of the Sustainable Communities for Learning Programme (formerly 21st Century Schools Programme) and the Cardiff 2030 strategy clearly state the link between improving the environment for learning and raising standards of achievement.
70. Accelerator projects led by the Core Team and undertaken with schools are informed by data held in relation to Free School Meals, Looked After Children in Education, 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.
71. 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.
72. 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**

73. The Council is committed to developing a Bilingual Cardiff.
74. 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.
75. 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.

76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
81. 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.
82. 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.
83. 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.
84. The Cabinet approved Cardiff's WESP 2022-2031 at its meeting of 24 February 2022, for submission to the Welsh Government Ministers.

85. 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**

86. 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.
87. 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.
88. 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.
89. 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**

90. Local members were consulted during the consultation period. The consultation period for Moorland Primary School proposals ran from 11 October 2021 until 17 January 2022. The consultation period for the Complex Learning Needs and Autism Spectrum Condition Provision for learners aged 3-19 ran from 14 December 2021 until 1 February 2022.

### **Scrutiny Consideration**

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

## **Reason for Recommendations**

92. To meet increasing demand for specialist resource base and special school places for primary, secondary and post-16 age learners with Complex Learning Needs and autism.

## **Financial Implications**

93. This report outlines changes to ALN provision and schools intakes within the eight schools identified. Publication of the recommended proposals does not, in itself commit the Authority to future expenditure. 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.
94. The report sets out that future schemes 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.
95. Additional places will need to be funded from the existing delegated school's budget. Previous pre consultation reports have highlighted the high-cost provision currently being incurred for this population of pupils either through out of county placements or enhanced Complex Needs Enhancement (CNE) payments for mainstream pupils. Further work is required to establish whether or not the savings on out of county placements or enhanced CNE payments will cover the additional costs of additional places and any associated transport costs.
96. Regarding revenue, 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 enhancements 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 can 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.
99. Regarding capital implications, any further work required to accommodate increased pupil numbers will require full financial evaluation and an identified funding source. Should the Council be required to make a contribution towards these costs, these will need to be funded from within existing approved resources or factored into future iterations of the Council's Capital Programme. As part of the further evaluation that is required, it will be necessary to consider VAT implications arising from land and property ownership arrangements in relation to Voluntary Aided and Foundation schools. Should there be any cost associated with the required VAT treatment, these will need to be included within the overall financial envelope of the scheme.
100. The Moorland Early Years Unit is to be funded from a WG Flying Start grant of £1.3m, with the 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**

101. 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.
102. 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).
103. 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.

104. 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
105. 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.
106. 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.
107. 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.
108. 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

109. 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.

110. 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.
111. 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
112. 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

113. The decision maker should be satisfied that the decision is in accordance with the financial and budgetary policy.
114. 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**

### **HR implications relevant to the proposals for the establishment of Specialist Resource Base provision**

115. The implications below apply to the proposals to establish Specialist Resource Base provision at Moorland Primary School, Willows High School and Ysgol Gyfun Gymraeg Glantaf.
116. 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.
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.

### **HR implications relevant to the proposals for the expansion of existing Special School Provision**

118. The implications below apply to the proposals to increase the capacity of Ty Gwyn Special School and The Hollies Special School.
119. The proposed increase in pupil numbers for the school will require the Governing Body to plan for the workforce requirements in readiness for the expansion. 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.
120. Where the Governing Body has 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.

### **HR implications relevant to the proposals for the expansion of existing Specialist Resource Base Provision**

121. The implications below apply to the proposals to increase the capacity of the specialist resource bases at Llanishen High School, Llanishen Fach Primary School and Pentreban Primary School.
122. HR People Services will work with the Governing Body to address any HR implications arising from the increase in the designated number of the Autism Spectrum Condition Specialist Resource Base at the school and whether there is a need for staff resources.
123. Where the Governing Body has adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a



consequence of the increase in the designated number of the Autism Spectrum Condition Specialist Resource Base will provide opportunities for school-based staff on the school redeployment.

### **Property Implications**

124. Strategic Estates continue to work with and support Education colleagues through the asset management process and any property matters relating and arising from proposals. There are numerous options in this paper which will in time require input as and when the consultation period completes, and we move towards business cases.

### **Traffic & Transport Implications**

125. 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.
126. 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.
127. 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.
128. 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.
129. The increased provision of places at special schools and SRBs across the city means out-of-county transport spending per learner may reduce or be offset as a result of these proposals. The transport cost per individual learner accessing provision within the city is anticipated to be lower compared to accessing alternative provision some of which may be in other local authority areas.
130. 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.
131. The annual cost to the Council of school transport for learners with Emotional Complex Learning Needs/ Autism Spectrum Condition averages c£5,000 per learner. The annual cost to the Council of school transport for learners with Complex Learning Needs/ Autism Spectrum Condition to alternative independent provision is c£10,000 per learner.

132. Taking account of the distribution of the proposed additional places city-wide it is anticipated that the average journey length would reduce.
133. The projected costs of transporting the additional pupils to school, as a result of these proposals, would increase by c£302k in 2023/24 rising to c£1.381m by 2025/26 as pupils are enrolled to the expanded provision, based on average annual costs for learners travelling to the current provision. However, should the proposals not proceed, transporting pupils to alternative provision would be significantly higher as the current average costs for learners travelling to this provision is approximately double.
134. 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).
135. 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.
136. 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.
137. Transport Assessments or Transport Statements will be required as part of planning applications for new school accommodation (depending on scale of development). 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.

### **Equality Impact Assessment**

138. 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.

139. 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.

140. The Equality Impact Assessment is attached at Appendix 3.

## **RECOMMENDATIONS**

Cabinet is recommended to

- (i) Approve the proposals in respect of changes to Additional Learning Needs provision as set out in a 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 Member Education and Cabinet Member 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).

|                                   |   |
|-----------------------------------|---|
| <b>SENIOR RESPONSIBLE OFFICER</b> | <b>Melanie Godfrey</b><br>Director of Education & Lifelong Learning |
|                                   | 8 July 2022   |

*The following appendices are attached:*

*Appendix 1: Cabinet Report, 10 March 2022*

*Appendix 2: Statutory Notices*

*Appendix 3: Statutory Screening tool and Equality Impact Assessments*