

**CABINET MEETING: 28 SEPTEMBER 2022**

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**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: 5**

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**Reason for this Report**

1. This report is to inform the Cabinet of any objections received to the published statutory notices to:
  - Increase the designated number of Meadowbank Special School from 40 to 98 from September 2022.
  - Increase the designated number of the Specialist Resource Base for children with severe and complex learning needs at Marlborough Primary School from 20 to 30 places from September 2022.
  - Increase the designated number of the Specialist Resource Base for children with Autism Spectrum Condition at Springwood Primary School from 20 to 28 places from September 2022.
2. To enable the Cabinet to consider the proposal by the Governing Body of the Bishop of Llandaff Church in Wales (CiW) High School to:
  - Increase the designated number at The Marion Centre Specialist Resource Base from 42 to 66 places from September 2022.
3. To note the publication of a statutory notice in respect of proposals published by the Governing Body of Whitchurch High School to expand its Specialist Resource Base from 70 places to 100 places from September 2022, and future determination of the proposal.

## Background

4. At its meeting on 14 October 2021 the Cabinet authorised officers to consult on proposals to increase the designated number of places at a number of schools, including Meadowbank Special School, Marlborough Primary School and Springwood Primary School. A copy of the Cabinet Report of 14 October 2021 is attached as Appendix 1.
5. The Cabinet also noted the proposal to increase the designated number of places at The Marion Centre Specialist Resource Base at The Bishop of Llandaff Church in Wales High School, and at Whitchurch High School Specialist Resource Base, and instructed officers to provide all reasonable assistance to the Governing Bodies of each school who would be consulting on the proposal.
6. The report outlined that, while the 21st Century Schools Band B Programme will provide opportunities to address special school sufficiency issues, there will also be a need to take steps to extend provision to meet demand for places beyond this. The principles of achieving an effective, inclusive approach to supporting ALN in Cardiff were identified in the report as:
  - Schools and settings that deliver an innovative curriculum with effective whole school approaches to teaching and learning; emotional health and wellbeing.
  - Excellent specialist services to enhance the capacity of schools and other settings to include children and young people with a range of ALN
  - Effective early identification and research-based intervention to prevent the escalation of ALN wherever possible
  - High levels of accessibility in every school building with sufficient flexible accommodation in every school appropriate to the age and stage of learning
  - Strong partnerships to ensure a holistic, collaborative response to a child or young person's ALN (including health, children and adult services, early years and FE providers)
  - Effective multi-agency transition planning at every stage, from early years through to primary, secondary
7. The proposed expansion of special school and Specialist Resource Base provision provides a strategic solution that focuses on sustainable growth of established and successful specialist provision and reduces the Council's reliance on out of county and independent placements in coming years.
8. The consultation period for proposals to expand Complex Learning Needs and Autism Spectrum Condition Specialist Resource Base provision ran from 14 December 2021 until 01 February 2022. The consultation process for each of the proposals was detailed in a report considered by Cabinet on 10 March 2022. A copy of the Cabinet Report of 10 March 2022 is attached as Appendix 2.

### Marlborough Primary School, Meadowbank Special School and Springwood Primary School Proposals

9. 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.
10. Statutory notices for a number of proposals were published on 6 May 2022 and were subsequently determined by the Cabinet at its meeting on 14 July 2022.
11. The statutory notices for Meadowbank Special School, Marlborough Primary School and Springwood Primary School were published on 08 June 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 05 July 2022. Copies of the notices are attached at Appendix 3.
12. The notices were published on the Council's website, and hard copies were posted at the relevant school sites.
13. Copies of the notices were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
14. Residents and businesses in the areas local to each school were notified of publication of the statutory notices by letter.
15. 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).
16. 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.

### The Proposed Expansion of The Marion Centre Specialist Resource Base at The Bishop of Llandaff Church in Wales High School

17. At its meeting on 14 October 2021 the Cabinet noted that a statutory consultation on the proposed increase to the designated number at The Marion Centre Specialist Resource Base from 42 to 66 places from September 2022 was to be undertaken and authorised officers to provide all reasonable assistance to the Governing Body of The Bishop of Llandaff Church in Wales High School.
18. The consultation ran from 14 December 2021 to 01 February 2022 and was supported by Cardiff Council. A copy of the consultation document can be seen at Appendix 4.

19. Following the consultation, a consultation report setting out details of the consultation, responses received, and The Bishop of Llandaff CiW High School Governing Body's response was published by the Governing Body on 10 June 2022. A copy of the consultation report can be seen at Appendix 5.
20. At its meeting on 14 June 2022, The Bishop of Llandaff CiW High School Governing Body agreed the publication of a statutory notice to:
  - Increase the designated number at The Marion Centre Specialist Resource Base from 42 to 66 places from September 2022.
21. A copy of the minutes from The Bishop of Llandaff CiW High School Governing Body meeting on 14 June 2022 can be seen at Appendix 6.
22. The statutory notice was published on 30 June 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 27 July 2022. A copy of the notice can be seen at Appendix 7.
23. The notice was published on The Bishop of Llandaff CiW High School website, on the Council's website, and hard copies were posted at the relevant school sites.
24. Copies of the notice were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
25. Residents and businesses in the local area were notified of publication of the statutory notices by letter.
26. The Governing Body received one objection by the statutory notice closing date.
27. An objection report setting out details of the objection and the Governing Body's response was published by The Bishop of Llandaff CiW High School Governing Body on 23 August 2022. A copy of the Objection Report can be seen at Appendix 8.
28. Proposals published under section 48 of the School Standards and Organisation (Wales) Act require approval by the local authority if they have been made by a proposer other than the local authority and an objection to the proposals has been made and not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
29. Where proposals require approval by the local authority, the proposer must notify the local authority of a proposal requiring approval and forward to them the documents listed below within 35 days of the end of the objection period:
  - A copy of the consultation document;
  - A copy of the consultation report;
  - A copy of the published notice;

- A copy of the objection report;
  - Copies of the statutory objections;
  - Copies of all the above in relation to any proposals which are related to the proposal requiring approval.
30. Local authorities must decide whether to approve, reject or approve with modifications, the proposals.

#### The Proposed Expansion of the Whitchurch High School Specialist Resource Base

31. At its meeting on 14 October 2021 the Cabinet noted that a statutory consultation on the proposed increase to the designated number of the Specialist Resource Base at Whitchurch High School from 70 to 100 places from September 2022 was to be undertaken and authorised officers to provide all reasonable assistance to the Governing Body of Whitchurch High School.
32. The consultation ran from 14 December 2021 to 01 February 2022 and was supported by Cardiff Council. A copy of the consultation document can be seen at Appendix 4.
33. Following the consultation, a consultation report setting out details of the consultation, responses received, and The Whitchurch High School Governing Body's response was published by the Governing Body on 14 June 2022. A copy of the consultation report can be seen at Appendix 9.
34. At its meeting on 20 June 2022, The Whitchurch High School Governing Body agreed the publication of a statutory notice to:
- Increase the designated number at the Whitchurch High School Specialist Resource Base from 70 to 100 places from September 2022.
35. The statutory notice was published on 30 June 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 27 July 2022. A copy of the notice can be seen at Appendix 10.
36. The notice was published on the Whitchurch High School website, on the Council's website, and hard copies were posted at the relevant school sites.
37. Copies of the notice were distributed via e-mail to organisations and consultees required under the School Organisation Code 2018.
38. Residents and businesses in the local area were notified of publication of the statutory notices by letter.
39. The Governing Body of Whitchurch High School received no objections by the published statutory notice closing date. In accordance with the requirements of the School Organisation Code, the Governing Body will determine the proposal in autumn 2022.

## **Issues**

40. Parts 1.3 to 1.14 of the Code set out the factors that should be taken into account by the relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) when exercising their functions of preparing and publishing school organisation proposals, and or approving/determining them.

## **Objections Received**

41. There were no objections to the proposal to increase the designated number of Meadowbank Special School from 40 to 98 places from September 2022.
42. There were no objections to the proposal to increase the designated number of the Specialist Resource Base for children with severe and complex learning needs at Marlborough Primary School from 20 to 30 places from September 2022.
43. There were no objections to the proposal to increase the designated number of the Specialist Resource Base for children with Autism Spectrum Condition at Springwood Primary School from 20 to 28 places from September 2022.
44. There was one objection to the published proposal for The Marion Centre Specialist Resource Base at The Bishop of Llandaff Church in Wales High School.
45. A summary of the objection received, and the Governing Body's response, is included in the Objection Report attached as Appendix 8.

## **Requirements of the School Organisation Code**

46. 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**

47. 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.
48. As set out in the consultation document, standards at the Marlborough Primary School, Meadowbank Special School and Springwood Primary School are 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.

49. The proposals are not expected to have any negative impact on the quality of standards of education at these schools as a result of the proposed changes.
50. The proposals are not expected to have any negative impact on teaching and learning experiences at any of these schools.
51. 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. The relevant arrangements and staffing structures are already in place at Marlborough Primary School and Springwood Primary School.
52. Some pupils with Additional Learning Needs can find change difficult and may find moving to a new building on a new site unsettling. The Council has worked, and is continuing to work, closely with Meadowbank Special School to plan and support their transition to adapt to their new accommodation.
53. The Bishop of Llandaff Church in Wales High School is recognised as a high performing school. In its most recent Estyn and Diocesan inspections, it was rated as 'excellent' in all categories. Copies of these reports are available via the school website [www.bishopofllandaff.org](http://www.bishopofllandaff.org)
54. The school continues to work with all stakeholders, including the Diocese of Llandaff and the Council, to sustain the high-quality education offered at the school for all its students.
55. Standards at the school, which includes The Marion Centre, are consistently outstanding, as seen over a sustained period of time. Increasing the number of places in the Specialist Resource Base provision would provide appropriate high-quality school places for young people with autism.
56. Existing students within The Marion Centre receive a bespoke and high-quality educational experience that enables them to make strong progress in their learning and development, relative to their individual need. Since the creation of The Marion Centre, every student has successfully transferred to an appropriate onward destination, aged between 16 to 19 years.
57. The Governing Body does not expect the proposal to impact on standards at the school. It is not expected to have any negative impact on the quality and/or standards of education at the school, or the centre, as a result of the proposed change.
58. The proposal is not expected to have any negative impact on teaching and learning experiences at the school. The school has an appropriate range of policies and provision in place to promote students' health and wellbeing; the school is committed to providing an environment in which learning is valued; and students achieve their potential in a happy, safe environment in which they show respect and tolerance for each other.

59. The school continues to work to make sure everyone understands their responsibility for helping to improve and sustain high performance. The school, including The Marion Centre, has excellent relationships with parents and other partners and, as a result, students receive a high-quality education.
60. The proposed changes were planned carefully so that leadership and governance is not disrupted, which could have a negative impact on educational standards.

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

61. 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.
62. 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.
63. 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
64. The range of expertise, specialist support and facilities required in special schools and Specialist Resource Bases has also increased.
65. 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.
66. 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).
67. 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.
68. 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.



69. 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**

70. The Council has a statutory duty to provide places appropriate to the needs of learners.
71. 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.
72. The four proposals that require determination by the Cabinet would provide 100 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. These are in addition to the 221 additional places determined by the Cabinet at its meeting on 14 July 2022. Without investment in additional in-county places, such spending on places would be expected to grow significantly in future years.
73. It should be noted that the designated number of specialist places at each of the schools has already been exceeded on a temporary basis. Marlborough Primary School, Springwood Primary School and The Marion Centre Specialist Resource Base are each operating at their full planned capacity in 2021/ 2022 and are expected to continue to operate at full capacity in coming years.
74. 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. The capital cost of works total circa £4.2m to implement the proposed changes and are subject to a competitive tender process to ensure best value for the Council.
75. 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.
76. In summer 2022, the number of pupils enrolled at Meadowbank Special School totalled 50. The additional costs per place at Meadowbank

Special School have been calculated at £18,500 per learner based on 2022/23 Category A funding levels. The admission of 48 additional learners to the school would be phased over coming years.

77. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to within-County provision averaged c£5,000 per learner in 2021/ 2022. The annual cost to the Council of school transport for learners with Complex Learning Needs / Autism Spectrum Condition to alternative independent provision is c10,000 per child. However, transport costs can fluctuate considerably depending on the home address of the pupils attending a special school.
78. The implementation of the proposed changes would incur increased home to school transport costs for the Council. It is anticipated that the number of learners provided with free home to school transport to Marlborough Primary School, Springwood Primary School and The Marion Centre will be at a similar level to that in 2021/2022.
79. The number of learners provided with free home to school transport to Meadowbank Special School would increase. The annual cost to the Council of school transport to Meadowbank Special School averaged £4,226 per learner in 2021/ 2022.
80. 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 substantially increase.
81. When compared to the approximate cost of a Complex Learning Needs / Autism Spectrum Condition placement in alternative provision, the additional revenue costs of 48 additional places at Meadowbank Special School would total c£888,000 based on the current average of c£18,500 per learner. When compared to placements in alternative independent provision at c£50,000 per learner, the expansion of Meadowbank to meet these learners' needs would reduce the Council's cost liability by c£1,512,000 for placements alone. Overall, the proposed changes would result in a more efficient use of financial resources compared with spending on placements in, and transport to, other Council areas or independent schools.
82. A summary of the financial modelling of the additional placements outlined in paragraphs 1-3, and of the additional specialist placements determined by the Cabinet at its meeting on 14 July 2022, is attached at Appendix 11. A summary of the financial modelling of the home to school transport costs for these additional specialist placements is attached at Appendix 12.

## **Section 1.6 Other General Factors**

83. The Council does not expect the proposal to have any negative impact on the quality and 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**

84. 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.
85. The proposed expansion of Specialist Resource Bases provision would result in a better distribution of specialist resource bases across the city and would improve access for pupils. It would reduce travel times for many pupils, as well as increasing the number of places available.
86. The current expertise and inclusive practice would be maintained and built upon.
87. 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 Complex Learning Needs and Autism Spectrum Condition needs in Cardiff.
88. It is not expected that the proposed expansion 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**

89. There are no related school organisation proposals.
90. The consultations on the proposed changes were carried out in accordance with the requirements of the Welsh Government School Organisation Code (November 2018).
91. The consultation documents were sent to those identified in the Code, 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.
92. The consultation documents contained the prescribed information as set out in the Code.

93. The timescale and content required have been complied with in relation to the consultation report.
94. The publication of the statutory notices complied with the requirements of the Code and the notices contained all of the prescribed information.

### **The Bishop Of Llandaff Church in Wales High School Objection Report**

95. The Governing Body of The Bishop of Llandaff Church in Wales High School received one objection by the statutory notice closing date to the proposed expansion of The Marion Centre Specialist Resource Base.
96. In accordance with the requirements of the School Organisation Code, the Governing Body published an Objection Report.
97. There were a number of points raised in the objection. The Governing Body has considered the merits of the objection and has appraised these in its objection report, attached as Appendix 8.

### **Admissions**

98. 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.
99. 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**

100. 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.
101. 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.
102. 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.
103. 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.

104. 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.
105. 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.
106. 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.
107. 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.
108. 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.
109. 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 proposals on the Welsh Language**

110. The Council is committed to developing a Bilingual Cardiff.
111. 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.

112. 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.
113. 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.
114. 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.
115. 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.
116. 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.
117. 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.
118. 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.
119. 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.
120. 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.

121. The Cabinet approved Cardiff's WESP 2022-2031 at its meeting of 24 February 2022, for submission to the Welsh Government Ministers.
122. 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.
123. Cardiff's Welsh Education Forum has established a number of working groups to support the drafting and agreement of detailed WESP action plans for implementation by the end of December 2022. This will support timely progress on the commitments set out in Cardiff's WESP.

### **Wellbeing of Future Generations**

124. 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.
125. 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.
126. 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.
127. 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**

128. Local members were consulted during the consultation period. 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.

## **Reason for Recommendations**

129. 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**

130. This report outlines changes to ALN provision and intakes within the schools and SRBs identified. Determination 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 prior to contractual arrangements being made.
131. 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.
132. Additional places will need to be funded from the existing delegated school's budget. Previous pre and post 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. Projected revenue expenditure on these additional places and associated transport costs is lower than that of Out of County Placements.
133. Regarding delegated revenue budgets, there will need to be a review 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.
134. 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.

135. 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 from 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.
136. Regarding capital implications, any further work required to accommodate increased pupil numbers will require full financial evaluation and an identified funding source. These costs 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.

### **Legal Implications**

137. 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.
138. 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 5 July 2022).
139. 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.

140. In respect of proposals for Voluntary Aided and Foundation schools, if no objections are received during the statutory objection period (28 days following publication of the proposals), the governing body may implement its proposals. If, however, objections are received, the governing body must publish a summary of the objections and their responses to those objections (an Objection Report), within 28 days from the end of the statutory objection period, and refer the proposals to the Council for approval under section 51 of the SSOW Act. The Bishop of Llandaff Church in Wales High School has published an Objection Report and has referred its proposals to the Council for determination within the required timescales.
141. 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.
142. The decision on whether or not to proceed with the proposals must be set out, with reasons having regard to 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.
143. 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.
144. 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.
145. 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

146. 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.
147. 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.
148. 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
149. 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

150. The decision maker should be satisfied that the decision is in accordance and within the financial and budgetary policy.
151. 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 expansion of Meadowbank Special School**

152. 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 would be responsible for amending their staffing structures and for recruitment to reflect the additional places, supported by the Council's HR People Services.
153. 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.
154. 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 at Marlborough Primary School, Springwood Primary School and The Marion Centre.**

155. HR People Services will work with each 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. Each of the bases is operating at full capacity at present and is staffed accordingly.
156. 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**

157. Strategic Estates continue to work with and support Education colleagues through the asset management process and any property matters relating and arising from proposals. Where there are any property transactions or valuations required to deliver any proposals, they should be done so in accordance with the Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

## **Traffic & Transport Implications**

158. The Council's Local Development Plan (2006-2026) includes a target of 50% of all journeys to be made by sustainable transport. Minimising the proportion of school journeys made by car and maximising opportunities

for travel to school by active and sustainable modes can make an important contribution to achieving this target and reducing pressures on the transport network at peak times.

159. 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.
160. Increasing travel to school by active modes will have a positive impact on children's health and wellbeing and will support the delivery of key actions and outcomes under Goal 5 the Council's Child Friendly City Strategy (2018), which relates to ensuring access to safe outdoor environments for formal and informal play, walking, cycling and scooting and active travel to school.
161. 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.
162. Provision of recommended improvements for active travel would benefit these pupils as well as staff and visitors to the sites.
163. The individual needs of pupils at special schools and SRBs, together with greater distances travelled, necessarily limit the scope for high rates of active travel compared with mainstream schools.
164. Transport Assessments or Transport Statements may 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.
165. As outlined in The Bishop Of Llandaff CiW High School Objection Report attached at Appendix 8, the Council is working closely with the school and a number of potential mitigation measures for existing congestion issues on Rookwood Close and Pwllmelin Road are being considered. These include:
  - Management of the school transport arrival times to avoid unduly long waiting periods;
  - A review of the access gate location and barrier arrangement;
  - A review of the design and layout of the drop-off and pick-up area;
  - A review of coach parking arrangements on Pwllmelin Road to improve visibility; and
  - Consideration of traffic restrictions including parking, loading and unauthorised access restrictions at specific times.
166. The number of pupils who use Learner Transport for their journey to school is likely to increase in line with increasing numbers of pupils

requiring places at special schools or SRBs. Schools with increased demand for Learner Transport vehicles may require suitable improved and / or expanded facilities for drop-off and pick up within the site. The areas required would need to accommodate appropriate numbers of vehicles which may approximate to one taxi for a typical average of 3 pupils. In some cases, minibuses may be suitable, but this is also dependent on individual pupil needs, home locations and co-ordination of routes.

167. Car parking provision would be in line with the Council's parking standards. Allocations for special schools and SRBs 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. This is in line with the standard 1 space per 30 pupils in mainstream schools, but results in a higher ratio of spaces due to the much smaller class sizes.
168. 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.
169. The existing high numbers of pupils eligible for Learner Transport are not generally expected to change significantly, however a proportion are able to, and may already, travel to school independently. These pupils as well as staff and school visitors would benefit from any required improvements in facilities for active travel to school or public transport facilities.
170. 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.
171. 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.
172. The annual cost to the Council of school transport for learners with 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.
173. Taking account of the distribution of the proposed additional places city-wide it is anticipated that the average journey length would reduce.
174. The projected costs of transporting the additional pupils to school, as a result of the proposals in this report, would increase by c£91k per year in 2022/23, by c£78k in 2023/24 and by c£92 in 2024/25 as pupils are

enrolled to the expanded provision, based on average annual costs for learners travelling to the current provision. These costs are based on transporting the additional pupils to Meadowbank School.

175. The number of pupils being transported to Marlborough Primary School, Springwood Primary School and The Marion Centre is not expected to change and transport arrangements are already included within the relevant budget.
176. 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.
177. It is anticipated that the continued increase in the number of pupils transported to specialist provision, including those arising from these proposals and proposals determined by the Cabinet in July 2022, 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).
178. The Council ensures that home to school transport provides an effective and efficient use of the Council's financial resources, in proactive planning for additional transport requirements and reactive adaptation to changing needs where necessary. The following measures ensure that costs are effectively controlled:
  - Routes are continually optimised to make sure that the most appropriate mix and maximum number of pupils are on a route and the route is as short as possible to cut down on any unnecessary costs.
  - Routes are tendered to the open market to make sure that contract rates are as low as possible.
  - Transport Officers work closely with Education colleagues on provision location, projected demand and phasing of provision, as well as working with school staff to ensure all routes have the appropriate mix of pupils on them.
  - Transport staff are involved in the annual review process to identify pupils who can be trained to travel independently to school or identify where Transport Support Allowances are the best option for the pupils needs.

### **Equality Impact Assessment (EqIA)**

179. The EqIA prepared ahead of consultation on proposals has been reviewed to take account of the responses received and any further information made available or secured since the original documents were prepared relevant to the proposal from the Council and/or its partners. No changes were found to be necessary to the document.
180. In the event the proposals proceed to implementation, proposal specific EqIAs will be kept under regular review as part of the planning and delivery process.

181. The Equality Impact Assessment is attached at Appendix 13.

## 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) Approve the proposal as set out in paragraph 2 without modification
- (iv) Authorise officers to take the appropriate actions to implement the proposal as set out in paragraph 2
- (v) Authorise officers to publish the decisions within 7 days of determination of the proposal
- (vi) Delegate authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education 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).
- (vii) To note the publication of a statutory notice in respect of proposals published by the Governing Body of Whitchurch High School to expand its Specialist Resource Base from 70 places to 100 places from September 2022 and future determination of the proposal

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Melanie Godfrey</b> Director of Education & Lifelong Learning
	22 September 2022

*The following appendices are attached:*

Appendix 1: Cabinet Report of 14 October 2021

Appendix 2: Cabinet Report of 10 March 2022

Appendix 3: Statutory Notices (Meadowbank Special School, Marlborough Primary School and Springwood Primary School)

Appendix 4: Consultation document

Appendix 5: The Bishop of Llandaff CiW High School Consultation Report

Appendix 6: Minutes of The Bishop of Llandaff CiW High School Governing Body meeting on 14 June 2022



Appendix 7: Statutory Notice (The Marion Centre, The Bishop of Llandaff Church in Wales High School)  
Appendix 8: The Bishop of Llandaff CiW High School Objection Report  
Appendix 9: Whitchurch High School Consultation Report  
Appendix 10: Statutory Notice (Whitchurch High School)  
Confidential Appendix 11: Summary Financial Modelling – placements costs  
Confidential Appendix 12: Summary Financial Modelling – transport costs  
Appendix 13: Equality Impact Assessment