
FAIRWATER CAMPUS BAND B REDEVELOPMENT

Purpose of the Report

1. To provide Members with the opportunity to carry out pre-decision scrutiny of proposals, attached at **Appendix A**, prior to its consideration by Cabinet at its meeting on the 19 October 2023.
2. *Members are requested to note that Appendix 2 and 4 to this report is exempt from publication on the basis that it contains information of the description set out in paragraphs 14 and 21 of Part 4 of schedule 12 A of the Local Government Act 1972 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information and is exempt from disclosure as it contains information pursuant to paragraph 16 of the Local Government Act 1972*

Structure of Papers

3. Attached to this report are the following:
 - **Appendix A** – the Report to Cabinet – 19 October 2023. This in turn has a number appendices, namely;
 - Appendix 1** – WG approval letter 2020
 - Appendix 2** – **Confidential** Commercial Report and Legal Advice
 - Appendix 3** – Equalities Impact Analysis
 - Appendix 4** – **Confidential** Legal Advice

Background to the Proposal

4. At its meeting on 12 October 2017, the Cabinet received a report on the development of the education estate in Cardiff. The report set out the Council's proposed vision for its Band B 21st Century School (now named Sustainable Communities for Learning Programme) strategy to address the most acute sufficiency and condition issues in Cardiff. All properties across the school estate were given a rating from A to D for the following issues, with D being the worst category:

- Sufficiency of places available;
- Condition of the school buildings; and
- Suitability of the environment for teaching.

5. To address the eight form of entry sufficiency requirement that was estimated to be required, schemes affecting five English medium schools were proposed. In addition, priority schemes for Band B included an approach to the development of provision for learners with Additional Learning Needs (ALN) through the development and expansion of provision in Cardiff schools. At its meeting on 14 December 2017 Cabinet approved the prioritised schemes under Band B.

6. One of the flagship capital projects for the Council is Fairwater Community Campus that brings together Cantonian High School, Woodlands School and Riverbank School. At its meeting on 13 June 2019 the Cabinet agreed the publication of statutory notices to:

- Increase the capacity of Cantonian High School from 6 forms of entry (6FE) to eight forms of entry (8FE) with sixth form provision for up to 250 pupils in new build accommodation;
- Expand the Specialist Resource Base (SRB) for learners with an Autism Spectrum Condition (ASC), hosted at Cantonian High School from 20 to 30 places in purpose-built accommodation in the new school buildings;

- Transfer Woodlands Special School to Cantonian's existing site and increase the capacity from 140 places to 240 places in new build accommodation; and
 - Transfer Riverbank Special School to Cantonian's existing site and increase the capacity from 70 to 112 places in new build accommodation.
7. The statutory notices were published on 28 June 2019 with one objection received by the statutory notices closing date. The Council published the objection report on 21 August 2019.
8. As the proposals affected sixth form provision, they required the approval of the Welsh Ministers. A copy of the statutory objection and the objection report were submitted to the Welsh Ministers for determination of the proposal on 28 August 2019.
9. In a letter dated 21 July 2020, the Welsh Government advised that the Minister for Education, Kirsty Williams had decided to approval the proposals (a copy of the letter can be seen at **Appendix 1**).
10. The Minister has approved the proposal on the basis that it was likely to maintain at least equivalent outcomes and offer provisions at least equivalent to that which is currently available to learners at the schools. In addition, she stated the proposal would:
- Provide new school buildings, removing reliance on temporary classrooms, offering an improved learning environment and accommodation with 21st Century facilities;
 - Contribute to the effective funding of education;
 - Increase the number of English medium secondary school places and contribute towards meeting projected demand for places; and
 - Increase the number of places in special schools for learners aged 4-19 with complex additional learning needs and autistic spectrum conditions and contribute towards meeting projected demand for places.

11. The Minister noted that the local authority proposed to implement these proposals on 1 September 2023. The Council must inform the Schools Management and Effectiveness Division, Education and Public Services Groups within the Welsh Government when the proposal has been implemented.

12. At its meeting of 17 September 2020 Cabinet noted the approval of the proposal by the Welsh Minister and delegated authority to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education, Employment & Skills and Finance, Modernisation & Performance, the Director of Governance and Legal Services, and the Corporate Director for Resources) to determine all aspects of the procurement process (including for the avoidance of doubt development of all procurement documentation and selection and award criteria, commencement of procurement through to award of contracts) for the new build schools.

13. At a further Cabinet meeting on 17 November 2022 Cabinet approved recommendations to authorise the total funds required from the Council's Sustainable Communities for Learning Band B Programme, subject to Ministerial approval of the Final Business Case, to enable commencement of the enabling works required to progress the Fairwater Community Campus.

Further Information Highlighted in the Cabinet Report

14. The Cabinet Report attached at **Appendix A** is set out as follows:
 - Proposed New Build Campus – paragraphs 13 - 15
 - Progress to Date – paragraphs 15 - 17
 - Issues – paragraphs 18 – 21 and **Confidential Appendix 2**
 - Sufficiency of mainstream secondary school places city-wide - paragraphs 22 – 29
 - Cantonian High School – mainstream places – paragraphs 29 - 41
 - Sufficiency of Complex Learning Needs (CLN) and Autism Spectrum Condition (ASC) – paragraphs 42 - 43

- Riverbank Special School – sufficiency of places for primary age learners with Complex Learning Needs and/ or Autism Spectrum Condition – paragraphs 43 - 48
- Woodlands High School – sufficiency of places for primary age learners with Complex Learning Needs and/ or Autism Spectrum Condition – paragraphs 48 - 53
- Suitability and Condition – paragraphs 54 - 56
- Interim Arrangements – paragraphs 57 - 62 plus **Appendix 3**.

15. The draft Cabinet report also provides details on the following areas:

- Impact Assessment – paragraphs 63 – 64 and **Appendix 3 to the Cabinet Report**
- Financial Implications – paragraphs 65 - 69
- Legal Implications – paragraphs 70 - 80 and **Confidential Appendix 4**
- Human Resources Implications – paragraphs 81 - 88
- Property Implications - paragraphs 89 - 91
- Highways and Transport Implications - paragraphs 92 - 104

Reason for Recommendations

16. The Cabinet Report states that this proposal provides good value for money as it addresses the long-term sufficiency, condition and suitability needs. The project would deliver a flagship education campus that will transform the education opportunities in the local area.

Recommendations set out in the Cabinet Proposals

17. Cabinet is recommended to:

- (i) Authorise the funds outlined in the **Confidential Appendix 2** from the Council's Sustainable Communities for Learning Band B Programme, subject to Ministerial approval of the Final Business Case, to enable commencement of the main works required to progress the Fairwater Community Campus.

- (ii) Note the commitment made for the early works orders to progress the project at risk ahead of entering into contract for the main works.

Scope of Scrutiny

18. The scope of this scrutiny is for Members to consider and provide comments on the draft report to Cabinet, prior to its consideration of the report on the 19 October 2023.

Previous Scrutiny

19. Members previously considered this item on the following occasions:

- **14th November 2022.** [Agenda for Children and Young People Scrutiny Committee on Monday, 14th November, 2022, 5.00 pm : Cardiff Council \(moderngov.co.uk\)](#)
- **11 June 2019** [Agenda for Children and Young People Scrutiny Committee on Tuesday, 11th June, 2019, 4.30 pm : Cardiff Council \(moderngov.co.uk\)](#)
- **11 December 2018** [Agenda for Children and Young People Scrutiny Committee on Tuesday, 11th December, 2018, 4.30 pm : Cardiff Council \(moderngov.co.uk\)](#)

Way Forward

20. At this meeting, the following have been invited to attend. A verbal introduction will be given at the beginning of the Item, with a Q&A session afterwards.

- Councillor Sarah Merry (Deputy Leader and Cabinet Member for Education);
- Melanie Godfrey (Director of Education and Lifelong learning),
- Richard Portas (Programme Director for the School Organisation Programme)

- Brett Andrewartha (School Organisation Programme Planning Manager)

21. This report will also enable Members to provide any comments, concerns or recommendations to the Cabinet Member prior to its consideration by Cabinet.

Legal Implications

22. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

23. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

RECOMMENDATIONS

The Committee is recommended to:

1. Review and assess the information contained in the draft Cabinet Report and appendices, attached at **Appendix A**, together with any information provided at the meeting;
2. Provide any recommendations, comments or advice to the Cabinet Member and senior officers prior to the report's consideration by Cabinet.

Davina Fiore

Director of Governance and Legal Services

11 October 2023