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REPORT AUTHORISATION FORM 4.C.214***

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING: 13 June 2019

**21ST CENTURY SCHOOLS, BAND B: REDEVELOPMENT OF
CANTONIAN HIGH SCHOOL, RIVERBANK SPECIAL SCHOOL
AND WOODLANDS HIGH SCHOOL**

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

AGENDA ITEM:

PORTFOLIO:

Reason for this Report

1. The purpose of this report is to inform Cabinet of the responses received following consultation on proposals regarding the redevelopment of Cantonian High School, Riverbank Special School and Woodlands High School and to seek authorisation to proceed, where appropriate to publish proposals in accordance with section 48 of The Schools Standards and Organisation (Wales) Act 2013.

Background

2. As part of the Band B 21st Century Schools Programme, the need for additional secondary school places and ALN places for children with complex learning needs has been identified.
3. At its meeting on 13 December 2018, the Council's Cabinet agreed a recommendation to hold public consultation on the proposals to:
 - Replace the Cantonian High School buildings with new build accommodation on the same site expanding the school from six forms of entry (6FE) to eight forms of entry (8FE) with sixth form provision for up to 250 pupils;
 - 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 the Doyle Avenue site and increase the capacity from 140 places to 240 places in new build accommodation;
- Transfer Riverbank Special School to the Doyle Avenue site and increase the capacity from 70 to 140 places in new build accommodation.

Issues

4. The consultation period ran from 4 February until 26 April 2019.
5. The consultation process involved:
 - Publication of a consultation document outlining background, rationale and implications to parents, local childcare providers, Headteachers and Chairs of Governors of nearby schools, all Members of local wards and other stakeholders (a copy of the consultation document can be seen at Appendix 1);
 - Publication of a summary document setting out the main points of the consultation document which was distributed to parents at Fairwater Primary School, Pentrebane Primary School, Peter Lea Primary School, Cantonian High School, Riverbank Special School and Woodlands High School (a copy of the summary document can be seen at Appendix 2);
 - Meetings with Staff and Governors at Cantonian High School and the Western Learning Federation (Riverbank Special School, Ty Gwyn Special School and Woodlands High School);
 - Meetings with pupil representatives from Cantonian High School, Riverbank Special School and Woodlands High School;
 - Public meetings at Cantonian High School and at Ty Gwyn Special School at which the proposal was explained and questions answered (notes from the meetings can be seen at Appendix 3);
 - Drop-in sessions at Fairwater Library Hub, Central Library Hub, Ely and Caerau Community Hub and Fairwater Library Hub, where officers were available to answer questions (notes from the drop in sessions can be seen at Appendix 4);
 - Meetings with pupil representatives from Cantonian High School, Riverbank Special School and Woodlands High School
 - Presentations to whole school assemblies at Fairwater Primary School, Pentrebane Primary School and Peter Lea Primary School;
 - Online pupil surveys for pupils at Cantonian High School, Fairwater Primary School, Pentrebane Primary School and Peter Lea Primary School (details of the exercises and responses can be seen at Appendix 5);
 - A consultation response slip for return by post or e-mail, attached to the consultation document;
 - An online response form at www.cardiff.gov.uk/DoyleAvenueProposals

6. The views expressed at Council organised meetings, and on paper or electronically through the appropriate channels, have been recorded.

Responses received regarding the proposal during the consultation period

8. In total 759 responses were received.
9. Formal responses were received from:
 - Local Members for Fairwater – Cllrs Ford, McEvoy and Parry
 - Local Member for Llandaff – Cllr Driscoll
 - Estyn
 - Cantonian High School Governing Body
 - Western Learning Federation Governing Body
 - Future Generations Commissioner for Wales
 - Headteacher, The Bishop of Llandaff Church in Wales High School
 - Chair of Governing Body, Cardiff West Community High School
 - Fitzalan High School
 - Cardiff and Vale UHB – Child Health
10. The response from Estyn set out its view that the proposal is likely to maintain at least the current standards of education and provision in the area.
11. Full copies of the formal responses can be seen at Appendix 6.
12. Views were sought from interested stakeholders via an online survey and a hard copy version of the survey within the consultation document. Separate online surveys were carried out to specifically gain the views of the pupils from Cantonian High School and the three community primary schools within its catchment area.
13. A number of Cantonian High School pupils responded to the wider stakeholder consultation survey, instead of responding via the pupil survey.
14. In addition to seeking views on the proposed changes to the schools, the pupil surveys also sought additional information in respect of how pupils currently travel to school, and how they may wish to travel to the new school provision by active means.
15. In total, 759 responses were received in total across the 3 forms of survey:
 - Wider stakeholder survey - 423
 - Cantonian High school Pupils survey - 175
 - Primary Age Learners survey (Fairwater, Pentrebanne and Peter Lea Primary) – 161

16. Of the 423 responses to the wider stakeholder survey, two thirds were responses from pupils. Seventeen responses were received from stakeholders who identified themselves as local residents. The remaining responses were from a range of stakeholders including staff, parents, governors, local members and other interested parties.

Wider stakeholder survey

17. 94% of the respondents supported the replacement and expansion of Cantonian High School with a similar level of support between pupils and non-pupils. However local residents were less positive with only 71% (12 of 17 who responded) in favour with some raising concerns related to the ability of the road network to sustain increased traffic as a consequence of school expansion.
18. There was large support for the proposal to increase the Specialist Resource Base (SRB) for pupils with an Autism Spectrum Condition (ASC). Notably, Cantonian High School pupils who responded to this survey were 97% in favour of this. The group least in favour of this expansion were local residents indicating 65% support; some suggesting it may be more beneficial to support children with ASC in smaller units and that separation of children with ASC from the mainstream school was beneficial for both sets of pupils.
19. The proposals to move an expanded Woodlands Special School and an expanded Riverbank Special school to the Cantonian site was met with approximately 80% support across all respondents. Pupils were more supportive of the proposals than non-pupils. The most common responses reasons for supporting or opposing the proposal were give as:
- beneficial to have all facilities in one location to allow for shared best practice
 - potential problems of overcrowding on the site
20. Ten local residents (58% of 17 residents who responded) were against this specific part of the proposal.
21. Three main themes arose from asking the respondents to leave alternative suggestions or additional comments:
- Concerns over traffic congestion in the area
 - Respondents felt the proposals were exciting / positive for the community
 - Limited / not enough information for informed decisions.

Cantonian High School Pupil Survey

22. This survey sought the engagement of pupils on the likes and dislikes of their current school, what they would wish to be within a new school, and travel to school.

23. The most popular school feature was its ICT facilities, with 25% of pupils mentioning this, however 5% cited it as a negative; 64% of pupils mentioned that they would like to see improved ICT in the new school.
24. Outside space was also deemed an asset of the current school and was considered the second most important feature. The main negatives of the school included the condition and layout of the school buildings.
25. Features of a new school that they would like to see included new equipment and facilities, sports facilities including 3G pitches and Multi-Use Games Areas (MUGAs), and new learning environments.
26. Whilst the pupils were very positive about the proposal, they did have some concerns. The main topics that were mentioned were:
 - Potential overcrowding
 - Construction work may disrupt education
 - Potential for increased bullying
27. The survey also sought information on how current Cantonian pupil currently travel to school, and on improvements that would encourage pupils to take part in active journeys to the replacement school. Over four fifths currently walk to school for some of their journeys, with only 11% cycling. The most common requests to encourage active travel were having designated locker provision, closely followed by bike shelters.
28. Additional comments by the pupils included the possible introduction of a school bus and a general desire to have better/more equipment and facilities.

Primary Age Learners Survey – Fairwater, Pentrebanne and Peter Lea Primary Schools

29. The main views and concerns of pupils raised by pupils in relation to attending secondary school included making new friends and learning new and interesting things. Concerns included being bullied and the work being too hard. Similarly to the pupils from Cantonian High School, new equipment and facilities was the highest ranked entity that they would like to see in their new school.
30. The current mode of transport to and from school for these children was also surveyed. Those for whom some journeys to school were by walking was at a similar level to the high school pupils. The proportion cycling was slightly less than those that cycle to secondary school, at 9%. Bike shelters were cited as the most likely thing to encourage them to actively travel to school.
31. Additional comments from primary age learner included the main topics included concerns around bullying, requests for locker provision and additional facilities such as a swimming pool.

Pupil representation – Woodlands High School and Riverbank Special School

32. Officers met with members of the Woodlands High School Council to engage with the pupils and to gather their opinions about the proposal. Pupils gave clear feedback on how school facilities could better help learners, their likes and dislikes about their current school facilities, and what they would wish to see in a new school that would better suit their needs.
33. The members of the School Council commented on classroom and teaching facilities, the importance of outdoor space, toilets, benefits and concerns of sharing of spaces and facilities, transport matters, and on facilities which would prepare learners for enabling learners to prepare for life beyond school.
34. Officers also met with a group of pupils of Riverbank Special School. The pupils explained how some facilities in the current school were unsuitable and/ or too small, and what was important to pupils in a school.
35. The Riverbank pupils were excited at the prospect of a new school and gave feedback on accommodation, facilities, equipment and support that they would wish to see in a new Riverbank school.

Summary

36. A summary of the responses received from all stakeholders, and appraisal of views expressed, can be seen at Appendix 7.
37. A summary analysis of the responses received are included in Appendix 8.
38. The consultation on the proposed redevelopment of the Cantonian High School site invited comments on proposals, which included the expansion and rebuild of Cantonian High School, the expansion of SRB provision transfer for learners with an Autism Spectrum Condition (ASC), hosted at Cantonian High School, the expansion and transfer of Riverbank Special School and the expansion and transfer of Woodlands High School.
39. A majority of stakeholders who responded to the consultation were of the view that the Cantonian High School buildings are in need of replacement, that new build facilities would support teaching and learning and welcomed the proposed increase in ALN provision, however a number of concerns were raised:
 - The proposal would increase the volume of traffic in and around the Cantonian High School site resulting in gridlock at peak times;
 - There are particular concerns amongst residents around increased traffic congestion, parking, noise levels, increased anti-social

behaviour and littering, loss of privacy related to the siting of any new build accommodation and disruption during the construction phase.

- The potential for the transfer of Riverbank Special School and Woodlands Special School to an alternative site to have a negative impact upon the Western Learning Campus Federation
- Whether the Cantonian High School site sufficiently large to accommodate the requirements of all three schools;
- Potential disruption for those pupils who would be at Cantonian High School during the construction phase;
- Concerns around safeguarding during the construction period;
- Concerns that the transfer of two special schools onto the Cantonian High School site could result in a public perception that Cantonian High School is also a special school, if all three schools are accommodated in one building and whether this may impact on the number children wanting to take up places at Cantonian High School.
- There was insufficient information available regarding the site layout, access routes and how construction traffic would be managed during the consultation period.

Response to views expressed

40. The Council welcomes the expressions of support for the proposals.
41. It is however acknowledged that there are a number of concerns particularly around the potential for increased traffic congestion, disruption during the construction phase, the ability of the site to accommodate all three schools and the requests for additional information around site layout and building design.
42. A number of responses during the consultation raised concerns around locating three schools on a single school site. It is the case that a greater number of pupils on the school site would mean that the overall provision of outdoor space would likely be reduced. The number of vehicles accessing the school site would likely be increased as the majority of children attending Riverbank Special School and Woodlands High School would receive free home to school transport.
43. As set out in the detailed response to the points raised at Appendix 7, transport mitigation for the development will be identified through the Transport Assessment process, which will inform the proposals submitted for planning permission (subject to approval to progress to implementation).
44. A reduction in the number of places planned on the shared site would increase the outdoor space available to learners and would mitigate the impact of increased traffic on the school and its community.
45. It is therefore proposed that Riverbank Special School is expanded from 70 places to 112 places, a reduction of 38 places compared to the overall number of places initially proposed.

46. Sufficient places must be made available for those pupils who would otherwise have accessed Riverbank Special School if the proposal was implemented as consulted upon. Further proposals will therefore be brought forward, identifying alternative options to appropriately meet the needs of these pupils.
47. In respect of concerns raised around disruption on and around the Cantonian High School site during the construction period, the Council has significant experience of delivery building projects on the sites of occupied schools and any work carried out on the site would be managed effectively to ensure the continued delivery of high education standards and that safety and safeguarding standards are maintained.
48. The proposals are at the formative stage and any site layout and design taken forward will be developed in partnership with all three schools and will be subject to statutory planning processes which will allow for all interested parties to comment and inform what is delivered.

Local Member consultation

49. Local members were consulted as part of the consultation. A copy of their responses can be seen at Appendix 6.

Reason for Recommendations

50. To meet demand for mainstream and ALN primary and secondary school places in line with 21st Century Schools Band B priorities.

Financial Implications

51. As per the report approved by Cabinet in December 2017, this scheme forms part of the Council's outline 21st Century Schools Band B Programme. At that point in time, it was anticipated that the total cost of the five-year programme would be in the region of £284 million, with this particular scheme being met from within that envelope, at an estimated cost of £67.3 million. Since the initial estimates were undertaken, there have been a number of changes to financial factors underpinning the programme, particularly the favourable changes to Welsh Government funding intervention rates and the Council's decision to consider participation in the Mutual Investment Model for two of its Band B schemes. As a consequence, the potential cost of the capital funded element of the Council's programme should reduce, as would the Council's funding requirement. However, due to changes in the financial context over the last year, particularly in relation to construction cost inflation, and changes in scope, there is a strong possibility that the potential cost of the scheme will increase. Therefore, it will be essential that firm assurances and cost control measures are in place to ensure that any increases in the overall cost of the scheme are justifiable, as a significant increase could present a risk to the overall affordability of the programme. On that basis, it will be necessary to continually review the

financial model and, potentially, the components of the overall programme should affordability challenges emerge.

52. As per the Council's 2018/19 Budget Report, the funding required for the Council to meet its share of Band B Programme has been identified. This funding will take the form of external borrowing and capital receipts, with the funding for the eventual repayment of the external borrowing having also been confirmed as part of the Budget Report. As well as the capital expenditure commitments, there would also be significant revenue expenditure implications, both connected to the project delivery and on an ongoing basis, once the new facility is operational. Any revenue expenditure implications connected to the project itself would need to be funded from within the SOP Revenue Reserve, including any costs that will be incurred in advance of the scheme commencing. Any additional operational costs would be met from within the delegated school budget, including those relating to the projected increase in pupil numbers. Any additional revenue funding required as a result of increased pupil and place numbers would need to be considered as part of the Council's annual budget setting process. Similar consideration would need to be given to the impact upon school transport budgets, particularly in light of the proposed changes to ALN provision as part of this scheme.

Legal Implications

53. Under the Education Act 1996, the Council has a general statutory obligation to promote high standards of education and to provide sufficient school places for pupils of compulsory school age.
54. Parents have a right to express a preference for the school they wish their child to attend under section 86 of the School Standards and Framework Act 1998. This does not provide a right to attend a certain school, as applications can still be refused for admission where this would prejudice the provision of efficient education or the efficient use of resources.
55. A local authority can make school organisation proposals, including regulated alterations to a maintained school, including a community special school, under sections 42-44 of the Schools Standards and Organisation (Wales) Act 2013.
56. The proposals set out in the report must be considered having regard to the provisions of the 2013 Act and the School Organisation Code 2018, which sets out factors to be considered in respect of different proposals, the statutory procedures, legal requirements and guidance.
57. The Council is required, prior to publishing its proposals, to undertake a consultation on its proposals in accordance with section 48 of that Act and the School Organisation Code 2018. Following the public consultation, the Council is required to publish and circulate to all interested parties (listed in the Code) a consultation report:

- (i) summarising each of the issues raised by consultees;
 - (ii) responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons;
 - (iii) setting out Estyn's response to the consultation in full; and
 - (iv) responding to Estyn's response by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons.
58. The consultation report may also make recommendations to the Cabinet about how to proceed, ie. to publish the proposals as consulted on with any appropriate modifications, to abandon the proposals and retain the status quo or to significantly recast the proposals and re-consult.
59. This Cabinet report, together with the appendices, constitutes the required consultation report and seeks the Cabinet's approval to proceed to publish the proposals, with the modifications set out. In considering this matter, the Cabinet is required to review the proposals, having regard to all further relevant information put forward during the consultation period (and otherwise).
60. Proposals affecting sixth form provision require the approval of the Welsh Ministers in accordance with section 50 of the Schools Standards and Organisation (Wales) Act 2013 and paragraph 5.2 of the School Organisation Code 2018.
61. If the Cabinet decides to proceed, the proposals must be published within 26 weeks from the end of the consultation period (unless an extension of time is obtained from the Welsh Ministers). Proposals must be published by way of a statutory notice, allowing a minimum of 28 days for objections ('the Objection Period'). The content of the statutory notice, manner of publication and persons to be notified are prescribed in the Code. If any objections are received during the Objection Period, the Council is required to publish an Objections Report within 28 days from the end of the Objection Period.
62. In order to proceed with the proposals, the Council would then need to notify the Welsh Ministers within 35 days of the end of the Objection Period and send them the Objection Report with a copy of the objections. Any related proposals (related to the proposals affecting sixth form provision) would also need to be sent to the Welsh Ministers for them to decide whether or not the other proposals also require determination by them. The Code states that a proposal is regarded as "related" if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. The Welsh Ministers may decide to approve, reject or approve the proposals with modifications.
63. If the proposals are taken forward, the admission arrangements, including admission numbers and catchment areas, will need to be determined, following consultation, in accordance with the School Admission Code and the Education (Determination of Admission Arrangements) (Wales) Regulations 2006.

64. In considering the proposals, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. An Equalities Impact Assessment should be carried out to identify the equalities implications and due regard should be given to the outcomes of the Equalities Impact Assessment.
65. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its proposals upon the Welsh language.
66. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how the proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

HR Implications

67. There are significant HR implications arising from the proposals. Firstly, the proposed increase in pupil numbers for each of the three schools will require the Governing Bodies of Cantonian High School and the Western Learning Federation to plan for the workforce requirements in readiness for their respective expansions. The Governing Bodies will be encouraged to undertake this work in line with the SOP HR Framework.
68. HR People Services will provide advice, support and guidance for to the Governing Bodies for the workforce planning and consequential recruitment processes. Where the Governing Bodies have adopted the Council's School Redeployment and Redundancy Policy, any new vacancies arising as a consequence of an increase in numbers on the role will provide opportunities for school based staff on the school redeployment register.
69. Secondly, the proposals include the relocation of Riverbank and Woodlands special schools which will require high levels of staff and trade union consultation; clear communication plans regarding the arrangements for the transition from one school site to another; in addition to staff involvement in the development of building specifications or designs.
70. There may also be HR implications arising from the potential for the three schools to be co-located on one school site, for example, governance arrangements for shared service contracts such as cleaning and estates

management arrangements. The full implications of this will need to be assessed as the proposal progresses, and the Governing Bodies will need to ensure full consultation with staff and trade union colleagues.

Traffic and Transport implications

71. The significant increase in the numbers of people who would be travelling to the site requires a range of measures to offset the potential for increased impact on the local highway network.
72. Council policy means that a primary target for new developments is to make a positive contribution to city-wide improvements in the use of sustainable modes of transport (by foot, cycle and/or use of public transport). This will be achieved by ensuring that the development is fully integrated with infrastructure to mitigate potential transport impact.
73. The Council is also committed to ensuring all schools in Cardiff have an Active Travel Plan by 2020. This will set out actions identified by the school to reduce car use and encourage active travel. There are a range of measures available which would help support pupils, parents and staff to travel more actively for the journey to school.
74. The transport assessment work (incorporating a travel plan for the site) will progress to include recommended highway measures to reduce the overall proportion of vehicular traffic to the site. Increased levels of active travel will be encouraged through the improvements to key walking and cycling routes, including appropriate crossing facilities. The school site will have direct and convenient walking and cycling accesses and secure storage facilities for cycles and scooters.
75. The transport assessment work will also include information on construction traffic for the site.
76. Existing volumes of traffic and congestion in the local centres will be considered through measures designed to accommodate efficient access and egress of authorised vehicles to the site. Measures will also be identified to reduce existing issues with parking on local roads, to supplement the measures which encourage a modal shift towards active travel.
77. As further transport assessment work is progressed in conjunction with the detailed design of the layout, access and buildings, emerging options for transport proposals would be a matter for further informal engagement with stakeholders including local residents and at planning application stage.

Equality Impact Assessment

78. The initial Equality Impact Assessment has been updated following consultation and concludes that the proposed change would not negatively affect a particular group in society. This assessment would be

reviewed as part of the design process. Further equality impact assessments would also be carried out if the proposal is progressed.

RECOMMENDATIONS

The Cabinet is recommended to:

1. Issue statutory notices to:
 - Increase the capacity of Cantonian High 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 the Doyle Avenue site and increase the capacity from 140 places to 240 places in new build accommodation;
 - Transfer Riverbank Special School to the Doyle Avenue site and increase the capacity from 70 to 112 places in new build accommodation.
2. Note that if objections to the published statutory notice are received, the Council would publish a summary of these objections and the Council's response to those objections.
3. Note that within 35 days of the end of the objection period the Council will forward copies of the statutory objections in addition to the objection report to the Welsh Ministers for determination of the proposal.
4. Note that the Cabinet will receive a subsequent report on further proposals to increase the number of special school places for primary age children with complex learning needs.

SENIOR RESPONSIBLE OFFICER	NICK BATCHELAR Director of Education & Lifelong

The following appendices are attached:

Appendix 1: Consultation document

Appendix 2: Summary document

Appendix 3: Notes of public consultation meetings

Appendix 4: Notes of drop-in sessions

Appendix 5: Pupil responses to consultation

Appendix 6: Formal response to consultation

Appendix 7: Summary of consultation responses

Appendix 8: Summary analysis of responses

Appendix 9: Statutory Screening Tool and Equality Impact Assessments

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