

Report

Cabinet



Part 1

Date: 17th July 2015

Item No:

Subject **Proposal to establish a new Welsh-medium Secondary School**

Purpose To note the conclusion of the full statutory consultation process, the contents of the "Objection Report" and the final Fairness & Equality Impact Assessment (FEIA) in order to take a final determination on this school reorganisation proposal.

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Ward All

Summary This report seeks to fully appraise full Cabinet of the findings of the statutory consultation process on the school reorganisation proposal to establish a new Welsh-medium secondary school in Newport:

- To note that the full statutory consultation process has now concluded.
- To note that the findings include two objections set within the statutory notice stage – detailed within the "Objection Report" attached at Appendix One – that the detail of the objections are considered against the 21CS programme education case and the regional planning of school places case.
- To note the Final FEIA assessment attached at Appendix Two.
- To note that full Cabinet have the delegated responsibility to take this decision.
- To note that when considering the final decision on this proposal, Cabinet are invited to review sections 4, 5 and 6 and the Objection Report before taking the determination on the proposal for whether this new school should be established.

Proposal **To note the contents of the report and to take a final determination on the proposal to establish a new Welsh-medium secondary school in Newport**

Action by Chief Education Officer

Timetable Immediate

This report was prepared after consultation with:

- Cabinet Member for Education & Young People
- Strategic Director – People
- Strategic Director – Place
- Head of Finance
- Group Accountant
- Capital Finance Accountant
- Senior HR Business Partner

Signed

1. Background

Welsh-medium secondary school provision is currently available across the South East Wales Consortium area at Ysgol Gyfun Gwynllyw in Torfaen and Ysgol Gyfun Cwm Rhymni in Caerphilly.

However pupil forecasts show that from September 2016 there will be insufficient places to accommodate Welsh-medium secondary learners across the region, with additional pressures emerging by September 2019.

The four authorities of Blaenau Gwent, Monmouthshire, Newport and Torfaen have all included a commitment within their 21st Century Schools Strategic Outline Programme (SOP) to work together to secure additional and sufficient Welsh-medium secondary provision within the region in the medium to longer term.

Newport City Council submitted a Strategic Outline Case, an Outline Business Case and a Full Business Case to develop a new Welsh-medium secondary school in Newport. Welsh Government has approved all levels of this business case process and the sum of £17m has been allocated for regional Welsh-medium secondary education funded by Newport City Council, Monmouthshire County Council and Welsh Government.

The next step was to secure the legal permission to establish the new school – this was taken through the full statutory consultation process as a school reorganisation proposal by the Cabinet Member for Education & Young People – first through Formal Consultation and then through the published Statutory Notice stage. The findings of the statutory consultation process are set out in a later section of this report.

In the case of a school reorganisation proposal not receiving any objections, the final determination can be taken by the Cabinet Member for Education & Young People. The outcome of this consultation was the receipt of two formal objections. Where objections against proposals are received a local determination panel must take the final decision. The basis for this follows within the next section explaining the statutory school organisation code.

2. Welsh Government Statutory Code: School Organisation Code, July 2013

The statutory code on School Organisation is clear that when a local authority is in the position of taking a determination on a proposal the decision makers should be cognisant of the code when taking that decision.

The code states:

“Where a local authority’s proposals have received objections, and require determination under section 53 of the 2013 Act, the local authority must not approach the determination of these proposals with a closed mind. Objections must be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code. In these cases the objection report must be published at the same time as the decision is issued rather than 28 days beginning with the end of the objection period.

Where local authorities are required to approve or determine proposals which have received objections, a proposed amendment to Schedule 2 of the Local Authority (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) will permit the local authority’s executive to exercise this function. Executives and/or Cabinet are already responsible for overseeing school organisation proposals and will have a well-developed understanding of school organisation issues. This understanding, combined with their more general experience of decision making and the fact that they are democratically accountable to the local electorate, makes executives well placed to decide whether or not contested school organisation proposals should be approved”.

With this in mind, in February 2014 the Council took the decision to delegate responsibility for the final decision of such school reorganisation proposals to full Cabinet.

3. Statutory Consultation Process

The findings of the statutory consultation process are set out below:

3.1. Formal Consultation – The formal consultation stage of the statutory consultation process was carried out from the 1st March to the 14th April 2015. A full ‘Consultation Report’ as required by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, July 2013 was published on the Council web site and issued to all stakeholders. The ‘Consultation Report’ was also translated into Welsh to be available for wider publication as a standalone document.

A summary of the findings at formal consultation stage were:

- A total of 214 consultation responses were received
- 171 supporting the proposal – including the response from Estyn – issued to Cabinet
- 39 did not support the proposal
- 4 asked questions but neither supported nor objected to the proposal.

A copy of the consultation pack and the consultation report (including the supporting response from Estyn) has been made available under separate cover for members of full Cabinet to note when considering this decision.

3.2. Statutory Notice – The next stage of the statutory consultation process was carried out with the publication of the statutory notice for 28 days ending 1st July 2015. This was issued in accordance with the School Organisation Code, July 2013 and a copy has been made available under separate cover for members of full Cabinet to note when considering this decision.

A summary of the findings at statutory notice stage were:

- A total of 5 responses were received
- 2 formal objections
- 1 supporting the proposal and seeking job opportunities
- 1 questioning if the school is able to accept older siblings
- 1 positive response supporting the proposal

As 2 formal objections have now been received against the proposal to establish a Welsh-medium secondary school in Newport a final decision must be taken on this proposal by full Cabinet.

A summary of the statutory objections and the response to those objections has been developed into an “**Objection Report**” attached as **Appendix One to this Report**. The Objection Report will also be separately published on the Newport City Council website. Hard copies will be available on request.

When considering the final decision on this proposal, Cabinet are invited to review sections 4, 5 and 6 below and the Objection Report before taking the determination on the proposal for whether this new school should be established.

4. 21st Century Schools Programme education case (as published in the consultation documentation)

This project is being funded via the 21st Century Schools Programme as a joint enterprise through Welsh Government, Newport City Council and Monmouthshire County Council. The establishment of a new Welsh-medium secondary school in Newport from September 2016 will deliver against the 21st Century School Programme investment priorities and:

- Achieve greater economy and efficiency through appropriate sized schools, collaboration and better use of resources to improve the cost effectiveness of the education system, and in doing so will ensure that the South East Wales Consortium has Welsh-medium secondary schools of the right type and right size in the right place to support regional demand;
- Develop a sustainable education system progressing towards a position where schools meet national building standards and by reducing the recurrent costs and carbon footprint;
- Create safe learning environments for school and communities that will enable the successful implementation of strategies for school improvement and better educational outcomes and life chances for children and young people that are aligned to the Council's key strategies;
- Achieve inspirational settings appropriate for new educational developments, new technologies, adaptable to cater for the changing needs of the future;
- Secure places for Welsh-medium learners across the region through security of admission, and;
- Achieve inclusive settings, providing for the individual learning needs for all pupils, providing pleasant and appropriate spaces for all school users, and spaces in which pupils including those with additional learning needs and disabilities feel that their needs are respected.

Summary of factors to take into account for the education case:

In taking the decision on this proposal Cabinet should take into account the following factors when exercising their function or determining this proposal – taken from 1.3 to 1.14 (where applicable) of the Code:

Quality and standards in education – does this proposal place the interests of learners above all others; will the school have the ability to deliver the full curriculum

5. Regional Planning of Welsh-medium School Places Case (as published in the consultation documentation)

Newport City Council's Welsh in Education Strategic Plan has been developed in conjunction with Blaenau Gwent, Caerphilly, Monmouthshire and Torfaen Local Authorities (LAs) and the South East Wales Education Achievement Service (EAS). The five LAs and the EAS work together in partnership to plan and deliver Welsh-medium education across the region and the plan details how the Council and its consortia colleagues will aim to achieve the Welsh Government's outcomes and targets as outlined in the national Welsh Medium Education Strategy at a local and regional level.

The vision and aim is that the South East Wales consortia will lead the development of Welsh standards in education to equip a bilingual Wales with a skilled bilingual workforce supporting the Welsh Government's vision for Welsh in Education. The region will work together to equip schools and education providers across age ranges and linguistic sectors, with the capacity and sustainability to increase standards in Welsh and promote the use of the Welsh language within families, communities and workplaces. The Council will also aim to stimulate and provide local accessible and sustainable community-focussed provision to meet the growing demand for Welsh-medium education.

As part of the Welsh in Education Strategic Plan, Newport City Council is committed to working with colleagues across the South East Wales LAs to ensure sufficient Welsh-medium secondary provision by September 2016 when Ysgol Gyfun Gwynllyw is expected to reach its full capacity.

Welsh-medium secondary school provision is currently available across the South East Wales Consortium area at Ysgol Gyfun Gwynllyw in Torfaen and Ysgol Gyfun Cwm Rhymni in Caerphilly. However pupil forecasts show that from September 2016 there will be insufficient places to accommodate Welsh-medium secondary learners across the region.

The development of regional Welsh-medium secondary education provision in Newport will deliver up to 900 school places in future years. It will consolidate and expand provision within the region and allow sustainable education provision at both Ysgol Gyfun Gwynllyw and Ysgol Cwm Rhymni to continue, and meet the demand that exists across the region.

Pupils will benefit from a local provision with reduced travelling times, therefore allowing energy to be focussed on learning. Community cohesion will quickly be established on a site that allows for integration between two schools. The expansion of Welsh-medium provision will also cater for linguistic continuity across the region.

The proposal to develop a new regional Welsh-medium secondary school will not de-stabilise Ysgol Gyfun Gwynllyw or Ysgol Gyfun Cwm Rhymni, neither is it intended to have a detrimental impact on local English-medium schools. It will underpin the delivery of the regional approach to Welsh-medium education as a whole.

The Council is continuing to carry out the statutory parental surveys every two years and to assess demand for secondary places, working with SEW regional partners it carried out a regional forecast of pupils with a trend analysis balanced against regional provision in order to determine need.

Summary of factors to take into account for the planning of school places case:

In taking the decision on this proposal Cabinet should take into account the following factors when exercising their function or determining this proposal – taken from 1.3 to 1.14 (where applicable) of the Code:

Need for places and the impact on accessibility of schools – local authorities must ensure there is a sufficiency of school places; has planning taken place; has there been a demonstration of engagement with relevant partners serving the area; is there evidence of future need / demand in the area for additional places, with reference to the proposed school's language category

Resourcing of education and other financial implications – in the delivery of much needed places, does this proposal have any detrimental impact on other regional Welsh-medium secondary schools; does the proposal form part of the 21CS programme and better strategic management of the school estate; does this proposal remedy the very small surplus demonstrated in Duffryn High over recent years; revenue implications; the transport impact would need to be considered against the same pupils travelling to YGG; capital implications;

Other general factors – deprivation; equality of access;

6. Factors to be taken into account in determining school organisation proposals

The Statutory Code for School Organisation asks when approving or determining proposals, relevant bodies should take into the account the following relevant factors and the qualifying comment against each:

- **Must** consider whether there are any other related proposals – there are none
- **Must** ensure that the statutory consultation has been conducted in accordance with this Code – the full statutory consultation process has been carried out according to the requirements of the School Organisation Code, July 2013
- **Must** consider the consultation document and the consultation report – both have been made available to Cabinet Members under separate cover during the process and before the date of determination

- **Must** consider the objections and the objection report and any responses to the notice supporting the proposal – Objection Report attached at Appendix One, Cabinet advised of the two supporting responses

7. Financial Summary

7.1 Capital – the regional Welsh Education financing to deliver this school has been secured via the submission of the five case business models to WG – Strategic Outline Case; Outline Business Case; Full Business Case all approved by the WG Capital Panel. This provides for a total of £17m to be financed by Newport City Council; Monmouthshire County Council including match funding by Welsh Government.

7.2 Revenue – the establishment of this new Welsh-medium secondary school would require a school budget through the Scheme of Financing Schools. The council has a policy of attributing the sum of £35,000 to all new schools in order to facilitate operational set up of any new school. At the same time, this new secondary school is likely to require revenue support in advance of the date of the new school opening, in order to fully organise the new secondary school to accept circa 90 pupils in September 2016.

8. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not to approve the establishment of this new school	H	L	<p>The 21CS education case and the regional planning of school places case have been previously detailed within the WG business case submissions and throughout the statutory consultation process.</p> <p>Consideration of the objections is being given alongside the education case and the planning of schools places case for the region before taking this decision.</p>	Chief Education Officer

* Taking account of proposed mitigation measures

9. Links to Council Policies and Priorities

Newport City Council Improvement Plan
Education Service Plan

Welsh Government Statutory Code: School Organisation Code, July 2013
21st Century Schools Strategic Programme

10. Options Available

10.1 Option 1: To note the contents of this report and in particular to note the contents of the Objection Report attached as an appendix to this report. Whilst so doing to recognise that the objections to this proposal have been made and to confirm the responses set out by this Council are appropriate.

In taking this decision Members of the Cabinet have had sight of the consultation pack and the report and the Objection Report and have reviewed sections 4, 5 and 6 above.

On balance, this option is to support the school reorganisation proposal and to move to establish a new Welsh-medium secondary school in Newport.

10.2 Option 2: To note the contents of this report and in particular to note the contents of the Objection Report attached as an appendix to this report. When doing so, take the view that the Objections outweigh both the education case and the regional planning of school places case set out in the proposal and therefore, not to support this proposal.

10.3 Preferred Option and Why

Option 1 is the preferred option as it provides regional Welsh-medium school places to meet increased demand for Welsh-medium secondary education. The objections are noted, however, on balance the education case and the regional planning of school places case are both sound and this proposal should be approved.

11. Comments of Chief Financial Officer

The proposal to establish a new Welsh-medium secondary school in Newport will require significant Capital expenditure from the Council, which is match funded by Welsh Government. This is detailed in the business cases that have been approved by Welsh Government and are included in the approved Capital Programme. The business case assesses, along with other factors, whether the option is affordable, provides good value for money and an appraisal of the costs and benefits.

On-going revenue costs will be funded through the Scheme of Financing Schools – ISB overall budget. Education will need to identify the allocation of these budgets in year to cover the revenue support required.

12. Comments of Monitoring Officer

In accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code, Cabinet are required to take the decision as to whether or not to proceed with the proposal to establish this new Welsh Medium education secondary school, in the light of the unresolved objections. In accordance with the requirements of the Code, these proposals have been the subject of both formal and statutory consultation and the attached Objection Report sets out the basis of the two unresolved objections received. Because of these objections, the matter cannot be determined by the Cabinet Member and has to be decided by a Local Determination Panel. In accordance with the Functions and Responsibilities Regulations (as amended) this is a “local-choice” issue that can either be treated as an executive function or devolved to a non-executive Panel or Committee of the Council. In February 2014, Council determined that this should be an executive function delegated to Cabinet.

If Cabinet are satisfied that the educational benefits of the proposed new school outweigh the objections received, then a decision can properly be taken to proceed with the proposal.

13. Staffing Implications: Comments of Head of People and Business Change

There are no HR implications arising from this report. Recruitment to the new school will take place at the appropriate time that approval is given. The Head teacher designate will work with the Temporary Governing Body to establish a staffing structure that is suitable to deliver the curriculum.

14. Comments of Cabinet Member

I have monitored this proposal closely throughout the statutory consultation and am confident that the 21st century schools education case and the regional planning of school places case are sound. To the extent where I cannot detect any unanswered point or issue within the two objections set against this proposal. There has not been anything new or different to challenge our justified approach. This is a sound solution to meeting the immediate demand for regional Welsh-medium education.

15. Local issues

None

16. Scrutiny Committees

None to report

17. Equalities Impact Assessment

A final assessment has been carried out and is available for members of full Cabinet to note before taking their final decision on this proposal. **The Final FEIA is attached as Appendix Two to this report.**

18. Children and Families (Wales) Measure

As part of the statutory consultation process a full consultation was carried out with Children & Young People, with a separate “everyday summary version” of the document produced and meetings held with pupil councils at the affected schools. There were no adverse comments or formal objections received from Children or Young People.

19. Consultation

Statutory consultation has been carried out in accordance with the requirements of the WG School Organisation Code, July 2013.

20. Background Papers

Distributed in hard copy to all Members:

Consultation Pack
CYP Consultation Pack
Consultation Report
Statutory Notice

Dated: 17th July 2015

Attached:

Appendix One: “Objection Report” in accordance with School Organisation Code, July 2013
Appendix Two: Final FEIA Assessment for the proposal to establish this new school