

# PRIMARY RECONFIGURATION OF THE WESTERN VALE

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# (a) School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013

- The Council has a number of general duties under Part 1 of the Education Act 1996, in particular those duties under Section 13 and 14 of the 1996 Act. However, in respect of the proposal, the Council must exercise its functions in accordance with Part 3 of the School Standards and Organisation (Wales) Act 2013 which is concerned with school organisation. The Council must also have regard to relevant guidelines contained in the School Organisation Code published on the 1<sup>st</sup> October 2013. Chapter 2 of Part 3 of the 2013 Act deals with school organisation proposals. An alteration which is a “regulated alteration” in relation to the type of school in question may be made to a maintained school only in accordance with Part 3 of the 2013 Act. The term “regulated alteration” is defined in Schedule 2 to the 2013 Act.
- The following changes are “regulated alterations”:
  - The transfer of a school to a new site is a regulated alteration (unless a main entrance of the school on its new site would be within one mile of a main entrance of the school on its current site) (paragraph 2 of Schedule 2 to the 2013 Act).
  - The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school is also a regulated alteration (paragraph 5 of Schedule 2 to the 2013 Act); and
  - The enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school’s capacity on the appropriate date is also a regulated alteration (paragraph 10 of Schedule 2 to the 2013 Act)
- Under section 42(1)(a) of the 2013 Act, a local authority has the power to make proposals to make a regulated alteration to a community school.
- Section 48(2) of the 2013 Act provides that before publishing such proposals, a proposer must consult on its proposals in accordance with the requirements of the Code.
- If a local authority decides to proceed with a proposal to make regulated alterations to a maintained school, it must publish proposals to that effect in accordance with the Code. Any person wishing to object to the proposals published under section 48 must do so within the objection period of 28 days. The Council must then publish a summary of all objections made to the proposal and its response to those objections before the end of 7 days beginning with the day of the Council’s determination. The local authority proposer must then determine whether the proposals should be implemented. Where a local authority’s proposals have received objections, and require determination, those objections will be carefully considered before a final determination is made. Any determination must take place before the end of 16 weeks beginning with the end of the objection period.

# (a) School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013

- The Code contains a number of requirements which local authorities in Wales must act in accordance with.
- Paragraph 1.1 of the Code sets out the key background principles and policies, which should be taken into account by the Council in developing school organisation proposals and in addition when developing school organisation proposals, the local plans to which Council should have regard include the following:
  - Local plans for economic or housing development;
  - Welsh in Education Strategic Plans (made under part 4 of the 2013 Act);
  - Children and Young People's Plans (or successor plans)
  - 21st Century Schools – Capital Investment Programme and the relevant wave of investment.
  - The Council should also have regard to Welsh Government Guidance on related matters such as:
    - Learner Travel Operational Guidance.
    - Measuring the capacity of schools in Wales, Circular 09/2006.
- Local authorities must also consider whether proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010.
- In considering the Public Sector Equality Duty, the Council is required, in carrying out their functions, to have due regard to the equality needs set out under s149 of the Equality Act 2010, as set out in the Cabinet Report.

## (b) The Public Sector Equality Duty

- In respect of the Public Sector Equality Duty, the equality duty arises where the Council is deciding how to exercise its statutory powers and duties under the 1996 Act and the 2013 Act. The Council's duty under Section 149 of the Equality Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions in relation to its statutory duties under those Acts. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. The Council must have an adequate evidence base for its decision making.
- The duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the functions relating to school reorganisations). "Due regard" means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, the Council must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. The weight of these countervailing factors in the decision making process is a matter for the Council's Executive in the first instance.
- The duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. However, section 149, so far as relating to age, does not apply to the exercise of a function relating to the provision of education to pupils in schools (paragraph 1 of Schedule 18 to the 2010 Act).
- The Council must also comply with the specific equality duties imposed by the Equality Act 2010 (Statutory Duties)(Wales) Regulations 2011, particularly regulation 8 (imposing specific duties to make arrangements for assessing the impact of its policies/practices and monitoring of the same).

# (c) Reasons for the proposal, Options Considered and Consultation Process

## School Organisation Code (2013) – Highlights relevant to this proposal

### Section 1.3: Quality and standards in education

- Relevant bodies should place the interests of learners above all others.
- Relevant bodies should also consider the ability of the school or schools which are the subject of the proposals to deliver the full curriculum at the foundation phase and each key stage of education. This consideration should include the quality of curriculum delivery and the extent to which the structure or size of the school is impacting on this
- Where proposals involve the transfer of learners to alternative provision there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners (including learners with SEN). Proposers should ensure that the disruption to learners is minimised.

### Section 1.4: Need for places and the impact on accessibility of schools

- Local authorities must ensure that there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education

### Section 1.5: Resourcing of education and other financial implications

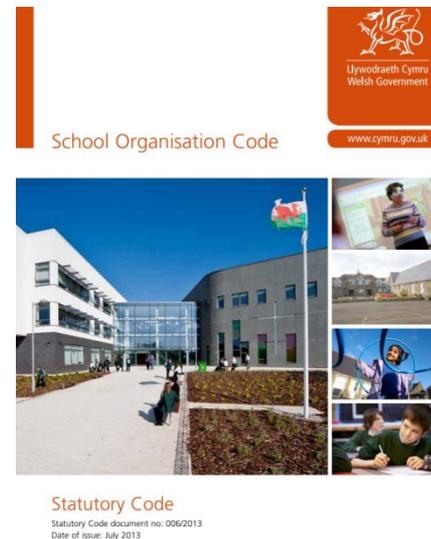
- It is important that funding for education is cost effective. Relevant bodies should take into account the following factors in relation to the resourcing of education:
  - Whether proposals will ensure a fairer and more equitable distribution of funding between mainstream schools within the local authority's area.
  - what effect proposals will have on surplus provision in the area;
  - whether proposals form part of the local authority's 21st Century Schools Investment Programme and contributes to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate through the removal of maintenance backlogs and school buildings which are in efficient or in poor condition.

### Section 1.8: Specific factors to be taken into account for proposals to add/remove nursery class

- the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;

### Section 2.2: Regulated Alterations

- The transfer of a school to a new site is a regulated alteration (unless a main entrance of the school on its new site would be within one mile of a main entrance of the school on its current site) (see paragraph 2 of Schedule 2 to the Act).
- The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school is also a regulated alteration (see paragraph 5 of Schedule 2 to the Act); and
- The enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date is also a regulated alteration (see paragraph 10 of Schedule 2 to the Act)



Llywodraeth Cymru  
Welsh Government

# (c) Reasons for the proposal, Options Considered and Consultation Process

**Section 1.3: Quality and standards in education**

**Section 1.4: Need for places and the impact on accessibility of schools**

**Section 1.5: Resourcing of education and other financial implications**

**Section 1.6: Other general factors**

- Not enough places in Rhose to meet demand. Statutory duty to meet need
- Llancarfan Primary has a catchment area population of 55 primary age children set against a capacity of 126 places
- Only 29 of the 55 primary aged children living in the catchment area attend the school
- Half of those living outside the Llancarfan Primary School catchment area reside in the Rhws Primary School catchment area
- Trend of declining pupil numbers and revenue implications
- Projected surplus places in 2023 at 22%, over double the target agreed by Welsh Government
- No nursery provision available at Llancarfan Primary
- Site constraints at both Rhws Primary and Llancarfan Primary limit investment opportunities to expand

# Facts & Figures - Llancarfan

Llancarfan Primary School – Standards and Improvement Categories			
Publication Date	Standards Grade	Improvement Capacity	Overall Category
January 2018	N/A	B	Yellow
January 2017	2	C	Amber
January 2016	3	B	Yellow
January 2015	3	B	Amber

Table 10 - Standards and improvement categories - January 2015 – January 2018

## Estyn

- Key Question 1: How good are the outcomes? Good
- Key Question 2: How good is provision? Good
- Key Question 3: How good are leadership and management? Good
- 50% of primary schools in the Vale are categorised as Green
- 5th highest primary school in terms of revenue cost per pupil

Llancarfan Primary School	2014	2015	2016	2017	2018
Reception Intake	17	12	10	17	3
No In Catchment	9	1	3	2	0
Percentage in Catchment	53%	8%	30%	12%	0%

# Facts & Figures - Rhoose

Pupil Projections and available school places at Rhws Primary School						
	School capacity	2018/19	2019/20	2020/21	2021/22	2022/23
Rhws Primary School pupil projections	375	376	373	405	451	465
Rhws Primary School Surplus capacity/ available school places		-1	2	-30	-76	-90

**Population: ~7,000**

## **Methodology validation:**

The Council's projections for pupil yield at Rhoose Point across nursery, primary and secondary sectors was 398.

Compared against the actual pupil yield to date of 410, this represents a difference of only **3%**.

# Options Considered

## Extending Llancarfan Primary

- The site is a constrained site and too small to expand to meet Building Bulletin requirements
- Business case for 21<sup>st</sup> Century Funding would not meet criteria for satisfying Building Bulletin regulations
- Site is sloped which limits development
- The school is not in the right place to serve the additional increase in numbers emanating from Rhoose
- Transportation issues would arise given the narrow country lanes providing the only access to the school
- There is insufficient space to do any construction on site while the school is occupied

## Extending Rhws Primary

- The site is a constrained site and too small to expand to meet Building Bulletin requirements
- Business case for 21<sup>st</sup> Century Funding would not meet criteria for satisfying Building Bulletin regulations
- Any additional structures onsite would need to be built on existing playing fields
- School is one of only two Grade 2 listed buildings in the Vale, limiting the scope for change
- There is no opportunity to address half form entry challenges at Llancarfan
- No investment for pupils at Llancarfan Primary School
- The extended school would be too large causing a situation of surplus capacity in 2021 of 19%.

# Options Considered

## New 210 School in Rhoose Retain Llanccarfan Primary in situ

- A 210 place school would introduce significant surplus places, against an agreed target of only 10% per Welsh Government
- There is no opportunity to address half form entry challenges at Llanccarfan Primary School
- No opportunity for investment in pupils at Llanccarfan Primary School
- Federation could be considered with Rhws Primary however this requires excellent leadership and experience. New headteacher for Rhws Primary starting in January 2018.
- Additional annual revenue funding required from Mainstream School Funding Formula of approximately £725k

## New 210 School in Rhoose Reduce Rhws Primary to 255 Retain Llanccarfan Primary in situ

- A reduction to 255 pupils at Rhws Primary can only be achieved through a phased reduction from the reception intake which would not be realised until 2026. Additional capacity needed by 2023.
- The current admission number of Rhws Primary is 53. A reduction to 255 places would yield a new admission number of 36. Educationally this is difficult to manage class organisation, school structure, curriculum planning, and would necessitate mixed age teaching when considering statutory class size limits of 30 children.
- Additional annual revenue funding required from Mainstream School Funding Formula of approximately £500k
- Additional funding would be required for the Band B programme to offset the loss of any capital receipt from the current Llanccarfan Primary School site
- New catchment areas would need to be drawn to divide the existing Rhws Primary pupil population to correlate with the new capacities in both schools, or both schools share the catchment area, with prioritisation given to the new school for newcomers to the catchment area.

# Options Considered

## Do Nothing

- Based on current projections, by 2023 there is an anticipated shortfall of 90 primary school places in the Rhoose area
- The trend of falling numbers at Llanccarfan continue to challenge the efficiency and sustainability of Llanccarfan Primary
- Under the law, the Council is required to ensure adequate provision for school places within its borders to meet demand



# Consultation Process

- **Consultation** is generally considered a **process** of helping to understand problems as part of larger systems, and to seek views. It is not a referendum or a method for obtaining permission.



# Consultation Process

- Section 48 of the School Standards and Organisation (Wales) Act 2013 requires that before school organisation proposals are published they must first be subject to consultation.
- Consultation processes must follow Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013.
- Consultation is on a specific proposal
- This consultation exceeded the statutory duty
- Developed based on feedback
- Technical challenges
- Issues and themes outlined in Consultation Report

# Consultation Process

- 2 Consultation exercises: 5 March 2018 & 21 May 2018
- 2 meetings with Governing Body & Staff
- 2 sessions with pupils at Llancarfan Primary School
- 4 Public drop-in sessions
- 1,136 pieces of correspondence
  - 1046 opposed
  - 82 in support
  - 8 no opinion
- All correspondence available to Members



what people think  
it looks like



what it really  
looks like

## (d) Community Impact Assessment

- The School Organisation Code (2013) recommends that a Community Impact Assessment should be included as part of school organisation consultations, however, this is not a mandatory requirement. In relation to this proposal the Council nevertheless thought it would be prudent to produce a thorough Community Impact Assessment.
- Developed over the lifespan of the consultation
- Developed within the context of education provision
- Scoring matrix introduced against 8 key measures
- School Organisation Code refers to community impact within the context of community use of the buildings.
- CIA did not identify the school buildings as being used to provide community services or as a base for community activities

Ref.	Local Community	Wider Community
CI1	2	3
CI2	0	2
CI3	-1	1
CI4	0	2
CI5	-1	1
CI6	-1	2
CI7	2	-1
CI8	-0.5	2
Average Score	+0.0625	+1.5

# (e) Educational Validity and Quality and Standards in Education

## Section 1.3: Quality and standards in education

- Relevant bodies should place the interests of learners above all others.
- Relevant bodies should also consider the ability of the school or schools which are the subject of the proposals to deliver the full curriculum at the foundation phase and each key stage of education. This consideration should include the quality of curriculum delivery and the extent to which the structure or size of the school is impacting on this
- Where proposals involve the transfer of learners to alternative provision there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners (including learners with SEN). Proposers should ensure that the disruption to learners is minimised.
  
- The admission number at Llancafarn Primary School is 18 pupils per year group. The school has only 5 classroom available for teaching seven year groups, therefore mixed age group teaching is necessary.
- Over the last three years, an average of 4 children have been born in the Llancafarn Primary School catchment area.
- The existing site does not meet 21<sup>st</sup> Century School standards, and does not meet the requirements of the school given the site's restricted nature.
- The majority of pupils attending the school reside outside the catchment area, with over half of those living in Rhose.
- Forecasted demand emanating from Rhose given housing developments demonstrate a need to increase capacity to accommodate demand.
- The Local Authority is required to rationalise school places and is committed to meeting Welsh Governments surplus places targets.
- The opportunities afforded through Welsh Government's 21<sup>st</sup> Century Schools Programme would allow for a new purpose built school, reflective of an evolving and increasingly digital national curriculum to support and enhance learning provision.

# (f) Next Steps

