

The Vale of Glamorgan Council

Cabinet Meeting: 26 September, 2016

Report of the Cabinet Member for Regeneration and Education

Proposal to Increase Welsh Medium Secondary School Places

Purpose of the Report

1. To advise Cabinet of the outcome of the consultation exercise undertaken on proposals to increase Welsh medium secondary school places by expanding Ysgol Gymraeg Bro Morgannwg from 1361 to 1660 places on its current site.
2. To enable Cabinet to decide whether or not to publish a statutory public notice to this effect.

Recommendations

1. That Cabinet considers the findings of the consultation exercise and the equality impact assessment of the proposal.
2. Cabinet approves the publication of the consultation report on the proposal.
3. Cabinet approves the publication of a statutory public notice to increase Welsh medium school places at Ysgol Gymraeg Bro Morgannwg and that progress would be subject to the availability of capital funding from Welsh Government.

Reasons for the Recommendations

1. To ensure the views of prescribed consultees are taken into account in the decision making process and that the Council complies with its public sector equality duty.
2. To ensure the Local Authority meets the requirements of the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013.
3. To progress the proposed increase in Welsh medium secondary school places at Ysgol Gymraeg Bro Morgannwg.

Background

3. The Council has a duty to review the number and type of schools in the area and to make the best use of resources to continue raising standards in schools.
4. The Council has a statutory obligation to meet the demand for Welsh medium education.

5. Pupil demand for Welsh medium secondary education is forecast to increase significantly from September 2018 as pupils from two new Welsh medium primary schools established in Llantwit Major and Barry in September 2011 begin to feed into the secondary sector.
6. The capacity of Ysgol Gymraeg Gwaun y Nant was increased in September 2015 from a one form entry to two forms of entry. The additional pupils from this school are likely to require a Welsh medium secondary school place from 2022 onwards.
7. Welsh medium secondary education is currently provided at Ysgol Gymraeg Bro Morgannwg, a 3-19 all through school located in Barry. The school provides the only Welsh medium secondary school provision for the authority and accommodates pupils from six Welsh medium primary schools located across the Vale of Glamorgan.
8. Ysgol Gymraeg Bro Morgannwg is forecast to be at full capacity by 2020. Additional places will be required to accommodate those seeking Welsh medium secondary education in the Vale of Glamorgan.
9. In order to provide sufficient capacity to meet the demand for additional Welsh medium places for children of secondary school age, it is estimated that Ysgol Gymraeg Bro Morgannwg would need to increase its secondary phase capacity from 1,151 places to 1,450 places.
10. The overall size of the school in the primary and secondary phase will increase from 1361 places to 1660 places (210 places in primary phase and 1450 places in the secondary phase) in September 2020. This is an overall increase in school capacity of 299 places or 22 per cent.
11. Cabinet met on the 6 June 2016 where a report on the proposal to increase Welsh medium secondary school places was presented. Cabinet agreed at that meeting to undertake a consultation on the proposal from 20 June 2016 for a period of 6 weeks.
12. In line with the requirements of the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013, a consultation exercise with prescribed consultees was undertaken between 20 June and 1 August 2016. The consultation document is attached at [Appendix A](#) along with the Community Impact Assessment which is attached at [Appendix B](#). Individual responses to the consultation have been made available in the Members' Room.
13. A consultation report must be published within 13 weeks of the end of the period allowed for responses to the consultation. The publication of a consultation report must take place to support Cabinet's decision as to whether there is suitable evidence to justify the publication of a statutory notice. The publication of the aforementioned consultation report must take place before a statutory notice is published on the proposal. The consultation report is attached at [Appendix C](#).

Relevant Issues and Options

14. The Welsh Government issued a School Organisation Code in 2013 that came into effect from the 1 October 2013. The Local Authority must "act in accordance with the Code" as determined by the School Standards and Organisation (Wales) Act 2013.
15. Section 48 of the Act requires that before school organisation proposals are published they must first be subject to consultation. Consultees were either issued with a hard copy of the document or were e-mailed a copy as well as being provided with a link to the Council's website. The document was published on the Council's

website on 20 June 2016. The document could also be found on the website of Ysgol Gymraeg Bro Morgannwg.

16. Consultation has taken place with prescribed consultees and a range of individuals, the details of which are attached in the consultation document at [Appendix A](#).
17. Separate consultation meetings were held with the staff and governors of Ysgol Gymraeg Bro Morgannwg on 6 July 2016. Drop in sessions for parents were held on 13 July and 14 July 2016.
18. Consultation has also been undertaken with the School Council of Ysgol Gymraeg Bro Morgannwg together with workshops for children in the feeder primary schools of the school.
19. The Council received 232 individual responses by the closing date through the medium of English and Welsh. Of the 232 individual responses, 213 (92%) consultees were in support of the proposal, 12 (5%) were opposed and 7 (3%) offered no opinion either way. The Council received a response from Estyn and a response from the school's governing body, which can be found in the consultation report at [Appendix C](#). There was no response from any of the trade unions consulted as part of the exercise.
20. A small number of concerns relating to the proposal were raised by respondents. These are:
 - Two new mixed sex English medium secondary schools will see demand for Welsh medium secondary education decrease over time;
 - Demand for Welsh medium secondary education should be catered for elsewhere in the Vale,
 - Construction work will impact on pupils, especially those undertaking their GCSE`S and A levels.
 - There is a need to take a much longer term approach; the extra 299 places would soon be taken up.
21. For those in favour of the proposal, the key supporting themes identified are:
 - An expanded school will support the increased demand for Welsh medium secondary education in the Vale of Glamorgan
 - The proposal provides choice for pupils to be taught through the medium of Welsh
 - The proposal provides an opportunity for improved facilities at the school
 - The proposal will have a positive effect on furthering Welsh medium in the Vale for future generations. Projected increased demand will be met by these proposals.
22. A summary of the key themes and issues raised by the respondents, including that of the governing bodies and Estyn, as well as the Council's responses are contained within the consultation report at [Appendix C](#).
23. On balance, the benefits of this proposal to increase Welsh medium places by expanding Ysgol Gymraeg Bro Morgannwg on its current site outweigh any disadvantages. The proposal satisfies the Council's statutory obligation to meet the

demand for Welsh medium education and as such warrants Cabinet's consideration as to whether to publish a statutory notice to expand Ysgol Gymraeg Bro Morgannwg on its current site.

24. To progress the proposal a statutory notice must be published providing 28 days for objections. The notice must be published on a school day and with 15 school days included within the notice period. It is proposed to issue a statutory notice for the amalgamation to run during October 2016 and into November 2016 if approval to proceed is granted by Cabinet.
25. Following the publication of a statutory notice and objection period, a further report to Cabinet will be issued on the outcome of the statutory notice period.

Resource Implications (Financial and Employment)

26. It is estimated that the total cost of the Ysgol Gymraeg Bro Morgannwg scheme is circa £19.3M which anticipates part-funding by the Welsh Government under Band B of its 21st Century Schools Programme. The remainder of the capital funding would be contributed by the Council.
27. Band B of 21st Century Schools funding starts in 2019/20 and extends up to 2024/25. Welsh Government is actively encouraging local authorities which have schemes scheduled to start in 2019/20 to submit a business case a year in advance. This would enable the funding to be agreed and work to commence on site early in 2019/20.
28. A grant intervention rate of 50% is available under Band A of the 21st Century Schools Programme which means that Welsh Government contributes 50% of the cost of approved capital schemes that meet published criteria. Welsh Government has acknowledged formal feedback from local authorities on the need to increase the intervention rate for Band B but has yet to publicise its plans. It is expected that more information on the Programme will be available in 2017.
29. Additional revenue support grant funding would be received from the Welsh Government for any overall increase in pupil numbers in the Vale of Glamorgan. Ysgol Gymraeg Bro Morgannwg would be funded for its actual number of pupils via the Council's schools funding formula.
30. Whilst the decision regarding re-organisation of schools can be made by Cabinet, the future capital funding for schemes must be approved by Full Council.

Sustainability and Climate Change Implications

31. By addressing the projected shortage of places in the Welsh medium secondary sector we will be meeting parental demand for Welsh medium places.
32. The option to expand will ensure that new and refurbished buildings will meet modern building standards to reduce carbon emissions and the new building will achieve the highest rating of A for the Energy Performance Certificate (EPC).

Legal Implications (to Include Human Rights Implications)

33. Powers for Councils to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2013, Statutory Code Document no. 006/2013. If approved, the statutory notice on the proposal to increase Welsh medium places by expanding Ysgol Gymraeg Bro Morgannwg on its current site will comply with the requirements of the School

Standards and Organisation (Wales) Act 2013 and the School Organisation Code, Statutory Code Document no. 006/2013.

34. These proposals will lead to other implications which will include, for example, contract law and property law. Advice in relation to these matters will continue to be taken from the Council's legal advisors as appropriate.

Crime and Disorder Implications

35. There are no direct crime and disorder implications as a result of this report.

Equal Opportunities Implications (to include Welsh Language issues)

36. The extended premises for Ysgol Gymraeg Bro Morgannwg will increase opportunities for learning through the medium of Welsh and ensure accessibility of education through the medium of Welsh.
37. As part of the proposal all new buildings will be fully DDA compliant.
38. The Council must comply with the public sector equality duty (section 149) of the Equality Act 2010 when coming to a decision on whether to publish a statutory notice on the proposal to increase Welsh medium secondary school places by expanding Ysgol Gymraeg Bro Morgannwg on its current site. Section 149 requires the Council to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s149 (1).
39. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149 (7) of the Equality Act.
40. Section 149 (3) of the Equality Act states that having due regard to the need to advance equality of opportunity involves due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low; and
 - the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

41. Section 149 (5) of the Equalities Act states that having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in this section may involve treating some persons more favourably than others.
42. To discharge the public sector equality duty the decision maker must analyse all the relevant material with the specific statutory consideration in mind. This includes considering whether the proposed decision is capable of having an adverse impact on persons who have any of the relevant protected characteristics. If it is, consideration must be given to whether there are any steps that could be taken (by way of modification of the proposed decision) to avoid or mitigate that impact. If there are such steps, consideration must be given to whether or not to adopt any of them as part of the final decision.
43. In this particular case, an Equality Impact Assessment on the proposal to increase Welsh medium secondary school places by expanding Ysgol Gymraeg Bro Morgannwg on its current site is attached at [Appendix D](#). The Equality Impact Assessment did not identify any potential for adverse impacts as a result of implementing the proposal and as a result, it has not been necessary to identify mitigating actions to address any negative impact. The impact assessment identified a potential positive impact in relation to provision for pupils with a disability. The proposal, if implemented, would result in additional specialist provision for children and young people with ALN through the medium of Welsh. There will also be enhanced disability access and investment in existing buildings will ensure that all school facilities are compliant.

Corporate/Service Objectives

44. Increasing Welsh medium secondary school places by expanding Ysgol Gymraeg Bro Morgannwg on its current site contributes to wellbeing outcome 3: An Aspirational and Culturally Vibrant Vale and Objective 5: 'Raising Overall Standards of Achievement' within the Corporate Plan 2016-2020.
45. The proposal detailed in this report progresses service objective AC8: 'Consult on proposals to expand Welsh medium secondary school places and the establishment of mixed-sex English medium secondary schools' in the Learning & Skills Directorate Service Plan 2016-2020.

Policy Framework and Budget

46. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

47. Public consultation with all prescribed consultees and interested parties in accordance with legislation has been carried out on the proposal to expand Welsh medium secondary school places by expanding Ysgol Gymraeg Bro Morgannwg on its current site.
48. Ward members have been consulted on this proposal. The matter was also considered by the Learning and Culture Scrutiny Committee on 18 July 2016 when the Committee resolved to support the proposals.

Relevant Scrutiny Committee

49. Learning and Culture.

Background Papers

Individual responses to the consultation have been made available in the Members' Room.

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