

The Vale of Glamorgan Council

Cabinet Meeting: 12 December, 2016

Report of the Cabinet Member for Regeneration and Education

Proposal to Establish New Mixed-Sex Secondary Schools in Barry

Purpose of the Report

1. To advise Cabinet of the outcome of the consultation exercise undertaken on proposals to transform English medium secondary education in Barry by:
 - Establishing two new mixed sex 11 - 18 English medium comprehensive schools on the current sites of Barry Comprehensive and Bryn Hafren Comprehensive schools;
 - Establishing a joint sixth form, provided across both schools; and
 - Closing the existing single sex English medium Barry Comprehensive and Bryn Hafren Comprehensive schools in Barry.

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 establish two new mixed-sex English medium secondary schools in Barry.
4. That Cabinet note that the major investment in the school buildings set out in the consultation document is subject to the necessary funding being approved by 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 legal requirements of the School Standards and Organisation (Wales) Act 2013 and School Organisation Code 2013.
3. To progress the establishment of two new mixed-sex English medium secondary schools in Barry.

4. To ensure Cabinet is aware that the full investment in the school buildings described in the consultation document is dependent on Welsh Government funding.

Background

2. Secondary school education in Barry is presently provided by four schools:
 - Barry Comprehensive for boys aged 11-18 years, with a partially mixed 6th form.
 - Bryn Hafren Comprehensive for girls aged 11-18 years, with a partially mixed 6th form.
 - St Richard Gwyn Roman Catholic Comprehensive for boys and girls aged 11-16 years.
 - Ysgol Gymraeg Bro Morgannwg for boys and girls aged 3-18 years.
3. During 2015 the Council consulted on a proposal to transform secondary schools in Barry by:
 - i) establishing a new mixed English-medium comprehensive school
 - ii) expanding Ysgol Gymraeg Bro Morgannwg; and
 - iii) relocation to create two distinct campuses for Welsh medium and English medium education.
4. This proposal if it had been implemented would have resulted in Ysgol Gymraeg Bro Morgannwg moving to the Bryn Hafren site and the English medium mixed sex school being established on the site currently occupied by Barry Comprehensive School and Ysgol Gymraeg Bro Morgannwg.
5. Following consideration of responses to the consultation, Cabinet decided at its meeting of 5 October 2015 not to progress further with this proposal but to establish an Advisory Board to review options, with particular regard to the option of establishing two mixed sex English medium secondary schools as well as addressing the need to expand Welsh medium secondary school places.
6. An extensive programme of engagement was conducted involving the public, staff, pupils, parents, carers & guardians and trade unions to identify a shared vision of the future of secondary education in Barry and to input into the development of a new proposal.
7. The Advisory Board considered options for the future of the three schools and agreed that the preferred option was to:
 - i) Expand Ysgol Gymraeg Bro Morgannwg on its current site with the provision of new entrance from Port Road
 - ii) Build a new 11-18 mixed sex school on the site of Barry Comprehensive School
 - iii) Create a modern, 11-18 mixed sex school by refurbishing and modernising the Bryn Hafren buildings.
8. Unlike the initial re-organisation proposal, the two proposals for mixed sex schooling and Welsh medium expansion are not interlinked and have progressed separately. Consulting on two separate proposals was deemed to be more straightforward than consulting on a single, more complex proposal and would result in groups of stakeholders being consulted on those issues which are most relevant to them.

9. Cabinet met on the 4 July 2016 where a report on the proposal to establish two new mixed schools was presented. Cabinet agreed at the meeting to undertake consultation on the proposal from 5 September 2016 for a period of 6 weeks.
10. 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 5 September and 17 October 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.
11. 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

12. 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.
13. Section 48 of the Act requires that before school organisation proposals are published they must first be subject to consultation. The consultation document was published on the Council's website on 5 September 2016. 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.
14. 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](#).
15. Separate consultation meetings were held with the staff and governors of Barry Comprehensive and Bryn Hafren Comprehensive schools on the 14 September and 15 September 2016. Drop in sessions for parents were held on 20 September and 21 September 2016.
16. Consultation has also been undertaken with the School Parliaments of Barry Comprehensive and Bryn Hafren Comprehensive schools together with workshops for children in the feeder primary schools of the secondary schools.
17. The Council received 236 individual responses by the closing date. Of the 236 individual responses, 171 (72%) consultees were in support of the proposal, 59 (25%) were opposed and 6 (3%) offered no opinion either way.
18. A number of key concerns relating to the proposal were raised by respondents and are outlined below. Full details and responses to all identified themes can be found in the consultation report at [Appendix C](#).

Funding:

19. Concerns were raised regarding the availability of funding for the proposal as it is subject to Welsh Government intervention. Whilst the Council has a strong track record on securing 21st Century Schools funding, it is acknowledged that this cannot be guaranteed. If funding is not available from the Welsh Government, it may not be possible to deliver the scale of change to both sites as described in the consultation document. In these circumstances, it would be necessary to review the investment

options for delivering improvements to the schools or providing new school buildings. This will not alter the Council's commitment to establishing mixed secondary education in Barry.

Staffing:

20. Implications on job security for staff resulting from the proposal have been a key concern for stakeholders. The Council has been clear that it will strongly recommend ring fencing posts (both teaching and non-teaching) to both schools, seeking expressions of interest from current staff, and will not support plans to dismiss and re-engage staff or to advertise externally. The Council would be limited in its ability to support governing bodies should they choose not to follow the recommendation. Full support to governors, headteachers and staff at all schools will be provided. A copy of the frequently asked questions from staff and the Council's responses are included as part of the consultation report in [Appendix C](#).

Standards:

21. In light of the recent achievements at both schools, particularly at Barry Comprehensive School, concerns were expressed regarding the potential impact of the proposal on the capacity of the schools to sustain their performance and improve further. The Council recognises the improvements made to date as well as the need for the schools to sustain their performance in areas where they are doing well. However, there remains scope for improvement at both schools which this proposal will support by enabling learning environments which are fit for purpose and meet 21st century school standards, as well as meeting the demand for secondary mixed-sex education in Barry.

Transition/Impact on GCSEs and A levels:

22. Transitional arrangements were identified as a key element for improvement from the previous proposal in 2015. The current proposal outlines specific details on staff and pupil arrangements to address this, with a specific programme of work having been undertaken by the Advisory Board to inform the proposal put forward. If the proposal is approved the aim is to open the two new schools in September 2018. Parents of pupils in years 7 to 10 will be asked to express a preference for a place at one of the new schools. Places will be allocated through the Council's admissions process. To avoid disruption in preparation for GCSE examinations pupils in year 11 will remain in their existing classes and will be registered at the school opening on the site of their existing school. Pupils entering the sixth form in year 12 will be registered to the school on their current site, although sixth form courses will be offered across both sites, with each school specialising in specific subject areas. Year 13 pupils will remain in their current classes for 2018-19 to enable consistency and minimise disruption during their A level examination year.

School Closures:

23. Queries were raised with regard to the need to close both schools in order to establish mixed sex education. In order to achieve the desired outcomes for secondary school transformational change in Barry, it is considered necessary for the schools to be rebranded which can be achieved by opening new mixed sex secondary schools. This approach will ensure that there is the opportunity to strengthen leadership where necessary and will help dissociate any negative historical perceptions which may currently exist, with the aim to improving the learning environment and securing the future of both schools. Changes to leadership and governance will fall to the new schools providing an opportunity to reflect the

needs of the new learning environments, joint sixth form and each schools' operational requirements.

School Location/Catchment Area:

24. Changes to catchment will be required as both schools currently share the same catchment area. Concerns were expressed regarding an 'east/west' divide in Barry with one school favoured over another. It is important to recognise that catchment areas only play a part in determining destination schools as part of the Council's admissions policy when schools are fully subscribed. Where capacity exists, parental choice will always be the determining factor. The Advisory Board considered a number of permutations with regard to catchment areas, with the preferred option providing as much parity as possible in relation to the number of pupils residing in each catchment area, relative levels of deprivation and the distance pupils would have to travel to school. The preferred catchment area option also follows logical geographical boundaries.

Curriculum:

25. Timescales relating to the transition and how they relate to parental decisions when considering the curriculum needs of children were raised, as parents need to ability to make informed choices for their children's education. The Council's expectation is that Barry Comprehensive and Bryn Hafren Comprehensive will ensure curriculum alignment across the two schools. The curricula of the two new schools will therefore be aligned once the schools are established. This will require careful planning and will be undertaken well before the opening of the new schools. The two new schools will provide greater opportunities for curriculum development enabling the provision of a broad and relevant curriculum.

Centre of Behavioural Excellence:

26. The establishment of a Centre of Behavioural Excellence raised concerns regarding security and safeguarding for all pupils on the Barry Comprehensive site. The aim of the Council is to develop the capacity of schools individually and collectively, which includes high quality provision for learners with additional learning needs (ALN). The centre would be joined to the school but with separate and controlled access to and from the centre. The centre would also have some separate facilities including general teaching areas and an outdoor area. The proposal allows flexibility and facilitates inclusion for pupils. The Council is confident this would not have an adverse effect on mainstream schooling at the school located on the Barry Comprehensive school site.
27. A number of key elements were highlighted in favour of the proposal. These included recognition from respondents that the current proposal is less disruptive and more agreeable with stakeholders and that English medium mixed sex secondary education in Barry is long overdue. Maintaining two mixed schools, of a similar size to the existing schools would be the best way to introduce mixed sex education, providing a better learning environment which would help improve the outcomes for pupils. Respondents also identified the benefits of a mixed sex learning environment for children's social development, maintaining consistency with other levels of education. The scale of transformation proposed for secondary education in Barry also enables a broader range of subjects to be offered to pupils, with the transitional arrangements identified by respondents as being sensible without disadvantaging pupils education.

28. 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](#).
29. The proposal will provide much needed investment in both schools. It will help deliver the transformational change necessary for all students to achieve their full potential and as a result contribute to the regeneration of Barry.
30. 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 from the 03 January 2016 to 31 January 2016 if approval to proceed is granted by Cabinet.
31. 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)

32. The estimated cost of the scheme is £44M. This comprises £11.5M for the scheme on the Bryn Hafren site and £32.5M for the new school building and behaviour centre on the Barry Comprehensive School site. It is anticipated that part-funding would be provided by Welsh Government under Band B of its 21st Century Schools Programme. The remainder of the capital funding would be contributed by the Council.
33. 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 from 2019/20.
34. 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 the 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 funding plans.
35. There is a risk that the Council will not be able to secure the funding necessary to deliver the scheme as described. If this were to be the case, the establishment of the mixed sex schools would still be progressed although the amount and nature of the investment in the school buildings would need to be reassessed.
36. Funding has been included in the Council's Capital Programme for the refurbishment of toilets and changing rooms to enable the schools to operate as mixed sex schools pending the significant building work which would commence from 2019/20.
37. Whilst the decision regarding re-organisation of the schools can be made by Cabinet, capital funding for schemes must be approved by Full Council.
38. With the establishment of two new mixed sex English medium secondary schools the first role of the temporary governing bodies will be to appoint Headteachers. They have the option of ring fencing to the Headteachers in post at the time or advertising externally in accordance with The Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009. After appointing the Headteachers for the new schools, the governing body will then need to consider the staffing structures at each school. The above Regulations also apply to Deputy Headteacher posts.

Changes to staffing would be subject to full consultation with staff and the relevant trade unions.

39. It is recognised that this proposal will create a great deal of uncertainty for the current staff of the schools. It is clear that the ambition to transform educational outcomes needs the very best staff to remain working in the schools. The Council has sought to reassure teachers and other employees that the aim of the proposal is not to reduce the amount of staff or to save costs, but rather to improve secondary provision within Barry. A programme of training and development will be, where appropriate, provided to support staff throughout the transition and in working within the new schools.

Sustainability and Climate Change Implications

40. The proposals will ensure that new and refurbished buildings will meet modern building standards to reduce carbon emissions and will achieve the highest rating of A for the Energy Performance Certificate (EPC).
41. It is not anticipated that travel to school journeys by car or bus will increase as a result of this proposal. Pupils will be encouraged to travel to school by environmentally sustainable methods of transportation.

Legal Implications (to Include Human Rights Implications)

42. Powers for Councils to develop school organisation proposals derive from the School Standards and Organisation (Wales) Act 2013 which was enacted on 1 October 2013.
43. If approved the statutory notice on the proposal to establish two new mixed sex 11 - 18 English medium comprehensive schools 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.
44. These proposals will lead to other implications which will include, for example, employment law, contract law and property law. Advice in relation to these matters is being taken and will continue to be taken from the Council's legal advisors as appropriate.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

46. A key driver to all school reorganisation proposals is to improve educational outcomes for children and young people in all phases and help to narrow the inequalities in achievement between advantaged and disadvantaged groups and individuals. The scheme has the potential to ensure that pupils of both sexes have access to a broad curriculum and that some of our most vulnerable young people are supported to achieve their full potential through the provision of inspirational learning environments and specialist support.
47. The new and refurbished buildings will be fully DDA compliant.
48. 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 establish mixed-sex secondary schools in Barry. 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).
49. 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 2010. And in Wales we also have to treat Welsh and English on an equal basis as well as promoting and facilitating the use of the Welsh language.
50. 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.
51. 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.
52. 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.
53. An Equality Impact Assessment on the proposal to establish mixed-sex secondary schools in Barry 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. It has been identified that the proposal would provide a neutral impact, and in the case of Gender reassignment and disability, a positive impact to the current and future children and staff of the school.

Corporate/Service Objectives

54. The development of proposals for secondary school provision in Barry is a corporate priority for the Council. Consultation on the establishment of two new mixed sex English medium schools is a key component of this work and features in the Strategy, Community Learning and Resources Service Plan 2016 - 2020.

Policy Framework and Budget

55. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

56. Public consultation with all interested parties has been carried out, in accordance with legislation.

Relevant Scrutiny Committee

57. Learning and Culture.

Background Papers

None.

Contact Officer

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Officers Consulted

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Lisa Lewis: School Organisation and Access Manager
Nicola Monckton: School Finance Manager
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