

The Vale of Glamorgan Council

Cabinet Meeting: 12 December, 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 statutory notice to increase Welsh medium secondary school places and the process to be followed to allow a determination to be made.

Recommendations

1. That Cabinet notes that no objections have been received to the published Statutory Notice to increase Welsh medium school places by expanding Ysgol Gymraeg Bro Morgannwg on its current site to accommodate future demand.
2. That Cabinet approve implementation of the proposal to increase Welsh medium secondary school places from 1 September 2020 subject to the required funding being provided by the Welsh Government.

Reasons for the Recommendations

1. The Local Authority is required to determine its own proposals under the School Standards and Organisation (Wales) Act 2013 and subsequent School Organisation Code 2013.
2. Following the completion of a period of statutory notice, a decision is required on whether to implement the proposal to increase Welsh medium secondary school places from 1 September 2020.

Background

2. A Cabinet report recommending that the Council consult on a proposal to increase Welsh medium secondary school places was presented to Cabinet on 6 June 2016.
3. The proposal was to increase the number of Welsh medium school places in the Vale of Glamorgan by expanding Ysgol Gymraeg Bro Morgannwg on its current site from 1361 to 1660 places from September 2020 to meet the increased demand for places.
4. Cabinet approved the recommendation to carry out a consultation exercise for a period of 6 weeks (minute ref C3204) to take place between 20 June 2016 and 1 August 2016. The consultation document is attached as [Appendix A](#).

5. A consultation report ([Appendix B](#)) was presented to Cabinet on 26 September 2016 and published on 12 October 2016 in accordance with the statutory requirement to publish within 13 weeks after the end of the consultation period.
6. Cabinet approved the recommendation to proceed to issue a statutory notice on the proposal (ref Cabinet Minute C3303).
7. A statutory notice was published on 17 October 2016. The statutory notice period of 28 days (including 20 school days), closed on 14 November 2016. A copy of the notice is attached at [Appendix C](#).

Relevant Issues and Options

8. Welsh Government issued a School Organisation Code in 2013 that came into effect on 1 October 2013. The Local Authority must “act in accordance with the Code” as determined by the School Standards and Organisation (Wales) Act 2013.
9. In line with the School Organisation Code (2013) requirements the statutory notice was published in English and Welsh on the Council's website and posted on the main entrances of Ysgol Gymraeg Bro Morgannwg. The school was provided with copies of the Notice to distribute to pupils, parents and staff members (schools may distribute the notice by e-mail). The statutory notice was distributed to parents and staff via parent mail and e-mail, hard copies were distributed to those with no access to e-mail.
10. On the day of the statutory notice being published, the following stakeholders received either a hard copy or were e-mailed a link to the Council's website:
 - Cardiff City Council, Bridgend County Borough Council and Rhondda Cynon Taf County Borough Council;
 - the Church in Wales and Roman Catholic Diocesan Authorities for the area;
 - the Governing Body of Ysgol Gymraeg Bro Morgannwg and other Vale of Glamorgan secondary schools;
 - the Welsh Ministers;
 - Assembly Members (AMs) and Members of Parliament (MPs) representing the area
 - Estyn;
 - the relevant teaching and staff trade unions;
 - Central South Consortium (Joint Education Service) - the relevant Regional Education consortium;
 - the Council's Transportation Department;
 - the Police and Crime Commissioner for South Wales;
 - Vale of Glamorgan Town Councils;
 - Vale of Glamorgan Community Councils;
 - Vale Councillors;
 - Cardiff and Vale College CAVAC
 - the Vale of Glamorgan Communities First Partnership;
 - the Vale of Glamorgan Early Years Development and Childcare Partnership (EYDCP) and Young Peoples Partnership;

- Welsh Language Commissioner and RHAG.
11. Any objections submitted during the notice period had to be made in writing or by email.
 12. Under section 49 of the School Standards and Organisation (Wales) Act 2013, the Council must publish a summary of the statutory objections and a response to those objections - the objection report.
 13. At the end of the statutory notice period on 14 October 2016, the council received no objections to the proposal. There is therefore no requirement to publish an objection report as part of the proposal.
 14. In accordance with the School Standards and Organisation (Wales) Act 2013 and subsequent School Organisation Code 2013, the Vale of Glamorgan Council is required to determine the proposal within 16 weeks of the end of the objection period.

Process:

15. In determining the proposal, as decision maker, Cabinet:
 - **must** consider whether are any other related proposals;
 - **must** ensure that the statutory consultation has been conducted in accordance with the Code; <http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
 - **must** ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
 - **must** consider the consultation document and consultation report;
 - **must** consider the objections and the objection report and any response to the notice supporting the proposals.
16. The Council received no objections or comments about the statutory notice for Cabinet to consider.
17. In considering the proposal Cabinet should take into account factors highlighted within the Code which include quality and standards in education, need for places and the impact and accessibility of schools, resourcing of education and other financial implications.
18. The proposal will ensure that the Council meets its statutory obligation to provide sufficient Welsh medium secondary school places to meet future demand.

Resource Implications (Financial and Employment)

19. It is estimated that the total cost of the Ysgol Gymraeg Bro Morgannwg scheme is £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.
20. 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.
21. 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. More information on the programme will be available in March 2017.

22. 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.
23. Whilst the decision regarding re-organisation of schools can be made by Cabinet, the capital funding for schemes must be approved by Full Council.

Sustainability and Climate Change Implications

24. By addressing the projected shortage of places in the Welsh medium secondary sector we will be meeting parental demand for Welsh medium places.
25. 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). Establishment of a single phase primary school offers a more efficient and sustainable model of delivery.

Legal Implications (to Include Human Rights Implications)

26. 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.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

28. 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.
29. As part of the proposal all new buildings will be fully DDA compliant.
30. 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 increase Welsh medium secondary school provision 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).
31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. 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

37. 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.
38. 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

39. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

40. 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.

41. Ward members have been consulted on this proposal.

Relevant Scrutiny Committee

42. Learning and Culture.

Background Papers

None.

Contact Officers

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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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Responsible Officer:

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