

Meeting of:	Cabinet
Date of Meeting:	Monday, 08 February 2021
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Update on the proposal to increase the capacity of Ysgol Y Deri to meet future demand for special education in the Vale of Glamorgan.
Purpose of Report:	To advise Cabinet of the outcome of the consultation exercise undertaken on the proposal to increase the capacity of Ysgol Y Deri to meet future demand for special education in the Vale of Glamorgan.
Report Owner:	Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p>Lisa Lewis: Operational Manager, Strategy & Resources Jane O'Leary: 21st Century Schools Programme Manager Carolyn Michael: Operational Manager, Accountancy David Davies: Head of Additional Learning Needs and Wellbeing</p> <p>Committee Reports</p> <p>Public consultation with all required consultees and interested parties has been carried out, in accordance with the relevant legislation and statutory guidance</p> <p>The proposal was referred to the Council's Scrutiny Committee (Learning and Culture) on 10 December 2020.</p> <p>Local Ward Members have been consulted.</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.

Executive Summary:

- The purpose of this report is to advise Cabinet of the outcome of the statutory consultation on the proposal to;
 - Increase the capacity of Ysgol Y Deri (YYD) to accommodate an additional 150 pupils; and
 - Construct a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of YYD.
- The Council received 102 responses by the closing date of 20 December 2020. Consultees were asked to indicate whether they 'support', 'do not support' or have 'no opinion' on the proposal. Of the total 102 individual responses received, 90 were in favour of the proposal, 11 were opposed, and 1 stated no opinion either way.
- A summary of key themes and issues raised during the consultation exercise is included in the consultation report attached at Appendix B.
- Following the completion of the consultation period, a decision is now required on whether to progress the proposals further with the publication of the proposal for the regulated alteration in the form of a statutory notice.

Recommendations

1. That Cabinet considers this report, the consultation report and other appendices included as part of this report, which includes minutes of the Learning and Culture Scrutiny Committee meeting held on 10 December 2020.
2. That Cabinet considers the proposal to:
 - Increase the capacity of Ysgol Y Deri (YYD) to accommodate an additional 150 pupils; and
 - Construct a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of YYD.
3. That Cabinet approves the proposal through the publication of the proposal in the form of a statutory notice.
4. That Cabinet notes that the major investment towards a new school building set out in the proposal is subject to the necessary funding being approved by Welsh Government.

Reasons for Recommendations

1. To ensure that all relevant information is considered by Cabinet in reaching a decision on whether to publish a statutory notice on the proposal.
2. To ensure the delivery of the Council's strategy to transform special education to best meet the needs of our most vulnerable learners.
3. To progress the proposal in accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.
4. To ensure Cabinet is aware that the full investment in the school building described in the consultation documentation is dependent on Welsh Government funding.

1. Background

- 1.1** On 9 July 2020, using the Emergency Powers Procedure, the Council's Managing Director approved a strategy to transform special education in the Vale of Glamorgan to meet projected future demand and best meet the needs of our most vulnerable learners. The strategy identified three key areas:
- Establish a new Centre for Learning and Wellbeing, which will replace Y Daith, the Council's pupil referral unit (PRU);
 - Establish specialist resource bases in mainstream schools to ensure learners have access to mainstream education; and
 - Increase capacity of Ysgol Y Deri, the Council's special school, to meet projected demand for special education.

- 1.2** On 2 November 2020, the Council’s Cabinet authorised the Director of Learning & Skills to undertake a consultation from Friday 6 November 2020 to Sunday 20 December 2020 on a proposal to:
- Increase the capacity of Ysgol Y Deri (YYD) to accommodate an additional 150 pupils; and
 - Construct a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of YYD.

2. Key Issues for Consideration

Consultation

- 2.1** On Friday 6 November 2020, the Director of Learning and Skills launched the consultation on the proposal to:
- Increase the capacity of Ysgol Y Deri (YYD) to accommodate an additional 150 pupils; and
 - Construct a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of YYD.
- 2.2** The consultation was issued in accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.
- 2.3** The consultation document was issued to prescribed consultees as outlined in the School Organisation Code 2018. The consultation document and appendices are attached at Appendix A.
- 2.4** Due to the ongoing implications of the Coronavirus, parent and community drop in sessions were not held to limit interaction between staff, parents and the wider community. However, open communication channels were maintained throughout the consultation by phone and email.
- 2.5** The Council has endeavoured to arrange a consultation session with pupils, but it has not been possible for this session to take place due to ongoing Coronavirus restrictions. Pupils were able to respond via the formal consultation response form, but no responses have been received. We will aim to reschedule a pupil engagement session to be undertaken by an independent body for a later date, should Cabinet approve the proposal.
- 2.6** In accordance with the School Organisation Code (2018), respondents were encouraged to submit their views in writing to the Council for consideration. Respondents had the option to respond via post, email or electronic survey hosted online.
- 2.7** The Council received 102 responses by the closing date of 20 December 2020. Consultees were asked to indicate whether they ‘support’, ‘do not support’ or have ‘no opinion’ on the proposal. Of the total 102 individual responses

received, 90 were in favour of the proposal, 11 were opposed, and 1 stated no opinion either way.

2.8 The proposal was considered by the Learning and Culture Scrutiny Committee on 10 December 2020 as part of the consultation process.

2.9 The Consultation Report (Appendix B) provides an overview of the responses received and outlines the Council's response. The consultation report also includes:

- The formal response submitted by Estyn;
- The minutes of the Learning and Culture Scrutiny Committee meeting held on 10 December 2020;
- The response received from the governing body of YYD; and
- The response received from the Penarth Town Council.

2.10 A number of key themes were highlighted in support of the proposal. These included:

- The proposal would provide necessary additional places within YYD. This would help to reduce over-capacity, meaning specialist rooms within the current YYD building are able to be utilised as intended (instead of as temporary classrooms).
- YYD provides excellent support and learning opportunities for some of the most vulnerable learners within the Vale. Increasing their capacity would enable more pupils to benefit from their expertise.
- The choice of site is appropriate as it is close enough to enable effective sharing of resources and staff, including health and support staff. The site would also provide an idyllic and safe setting for vulnerable pupils.

2.11 A number of issues were highlighted in response to the proposal. The Council's response to these issues is contained within the Consultation Report (Appendix B). These included:

- The site choice would increase local traffic and result in the loss of green space.
- The site choice should be in the Western or Central Vale to spread out ALN provision within the Vale.
- The appropriate financial and human resources would be essential to the success of the proposal.

2.12 A Community Impact Assessment is attached at Appendix C, and an Equality Impact Assessment included at Appendix D for Cabinet to consider alongside the consultation report.

Quality and standards in education

2.13 This proposal would likely have a positive impact on the quality and standards in education. The new building would be designed to meet the needs of pupils and would provide the opportunity to enhance the curriculum.

- 2.14** Estyn formally responded to the consultation and commented that ‘It is Estyn’s view that this proposal is unlikely to have a detrimental impact upon learners, and that educational standards within the area are likely to be at least maintained’.

Community impact

- 2.15** A Community Impact Assessment (CIA) was undertaken and published alongside the consultation document. The assessment concluded that the proposal would likely have a positive impact on the local community through increased community facilities. All comments received relating to the CIA have been included within the consultation response report.

Travel arrangements

- 2.16** The Council has identified a preferred site which is located next to the proposed ‘Land at Upper Cosmeston Farm, Lavernock’ development which has been allocated as part of the Council’s adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing YYD site.
- 2.17** Traffic and transport implications associated with the new building would be considered as part of the Transport Assessment that is required in order to achieve planning consent for the building works.
- 2.18** Active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. Additional bike and scooter storage would be provided at the YYD site to encourage active travel to school where possible.

Transition

- 2.19** Should the proposal be approved, the Council would establish a project team to support the project. The project team would include the Head of Additional Learning Needs and Wellbeing, representatives from the Council’s 21st Century Schools Team, and representatives from Ysgol Y Deri.
- 2.20** The project team would be responsible for developing a project plan to deliver the proposal. The project plan would need to consider:
- Development of the staffing structure;
 - The split of pupils across the sites;
 - Managing admissions; and
 - Identifying the appropriate resources to deliver the provision.
- 2.21** The Council would fully support the staff and governing body to ensure the successful implementation of the proposal. This approach was successfully adopted to deliver mixed-sex secondary education in Barry as part of the Transforming Secondary Education in Barry project.
- 2.22** This proposal sees the new school building being completed for September 2023. The Council has considered a range of options to meet projected demand prior to establishing long-term provision. The preferred option is to install temporary modular accommodation on the existing YYD site to provide sufficient capacity to

accommodate the 44 pupils. It is estimated that this would cost approximately £700k. This modular unit would be leased for a period of two years and funded from the revenue budget

Statutory Process

- 2.23** A consultation report must be published including a summary of comments received and the Council's response to these comments, at least two weeks prior to the publication of any statutory notice.
- 2.24** The Council must then decide whether or not to proceed with the proposal within 26 weeks of the end of the period allowed for consultation responses. If following the consultation process the Council decides that the proposal is to be progressed, a statutory notice would be published providing 28 days for objections. The notice must be published on a school day and must include 15 school days (in addition to the day on which it is published).
- 2.25** If objections are received, an objection report must be published with a summary of the objections and the Council's response before the end of 7 days beginning with the day of its determination. Under the legislation as the proposal does not relate to 6th form education the Local Authority can determine the proposal if objections are received.
- 2.26** Appendix E sets out the anticipated timescale for this process if approved by Cabinet.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
- Objective 1 - To work with and for our communities
 - Objective 2 - To support learning, employment and sustainable economic growth
 - Objective 3 - To support people at home and in their community
 - Objective 4 - To respect, enhance and enjoy our environment
- 3.3** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and Welsh Language
- A globally responsible Wales

3.4 The 21st Century Schools Programme contributes to achieving the wellbeing goals by:

- Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation.
- Ensuring an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
- Providing additional school places to meet increased demand as a result of recent and proposed housing developments.
- Providing facilities available for community use.

3.5 The 2015 Act imposes a duty on all public bodies in Wales to carry out “sustainable development”, defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.

3.6 The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:

- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.
- Considering how the Council’s objectives impact upon each of the wellbeing goals listed above.
- The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
- Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.
- Acting to prevent problems occurring or getting worse.

3.7 The 21st Century Schools Programme meets the five ways of working by:

- Responding to the need to ensure that there is a well-managed balance of supply and demand of school places as a result of recent and planned housing

developments. It is recognised that the changing demographics in the Vale of Glamorgan will significantly affect the demand for our services. Short term and long term need and the assessment of demographic increases is an important aspect of the Council's strategic planning responsibilities.

- Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
- Working towards ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. This ambition is achieved by ensuring that schools remain sustainable, reflects the needs of local communities and are equipped with the best possible learning environments.
- Contributing towards a healthier Wales by supporting sustainable transport strategies and providing additional sport facilities.
- Contributing towards a prosperous Wales by committing to working with Welsh Government on the 21st Century Schools Programme. The 21st Century Schools and Education Programme in the Vale of Glamorgan will drive greater social value while delivering on the Welsh Government's community benefits through its investment in education infrastructure and employment. Specifically, it will increase contributions to education, training and skills across the Vale and the region and provide opportunities for local tradespeople and the use local resources, wherever possible.
- Delivering rigorous consultation with open communication channels and numerous opportunities for stakeholders to engage throughout the process.
- Ensuring that schools are of the right size, in the right places and serving the educational needs of their local communities as part of the school organisation process.

4. Resources and Legal Considerations

Financial

- 4.1** The expansion of YYD has been included as part of Band B of the Council's 21st Century Schools Programme. £11m has been allocated to this scheme which is part funded by Welsh Government. As a special school, 75% of the funding would be provided by Welsh Government (£8.25m) and 25% would be funded by the Council. The Council's contribution of £2.75m is included within the capital programme. The Final Capital Proposals 2021/22 request to allocate a further £200,000 of funding to the scheme as match funding to support the proposed delivery of the scheme on a zero carbon basis
- 4.2** A cost pressure has been submitted as part of the revenue budget process for the 2021/22 financial year as a revenue increase will be required to accommodate the additional pupils at YYD. The revenue cost pressure submitted for 2021/22 is £843,000, with a further £639,000 requested in the 2022/23 financial year to meet the costs of the estimated growth in pupil numbers. This would be to accommodate a net increase of 26 pupils in 2021/22 and a further net increase of 18 pupils in 2022/23.

- 4.3** A temporary modular unit would be installed on the existing Ysgol Y Deri site to provide sufficient capacity to meet anticipated demand prior to the opening of the new school building. This modular unit would be leased for a period of two years and funded from the revenue budget.

Employment

- 4.4** The governing body of YYD would be responsible for developing a staffing structure to support the split site provision.
- 4.5** The proposal would lead to an increase in employment opportunities at the school as additional staff would need to be recruited as the number of pupils on roll increases. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.
- 4.6** Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.

Legal (Including Equalities)

- 4.7** Part 1 of the Education Act 1996 (“the 1996 Act”) imposes a number of general duties on all local authorities in Wales. The general duty in section 13 of the 1996 Act is to contribute (so far as the Council’s powers enable them to do so) towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area.
- 4.8** Section 13A(3) of the 1996 Act states that a local authority in Wales must ensure that their relevant education functions and their relevant training functions are exercised by the authority with a view to promoting high standards, and promoting the fulfilment of learning potential by every person to whom the subsection applies, including those who are of compulsory school age or are below school age and are registered as pupils at schools maintained by the authority.
- 4.9** Section 14 of the 1996 Act then provides that the Council shall secure that sufficient schools for providing primary education and secondary education are available in the Council’s area. Schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity for appropriate education. Appropriate education means education which offers such variety of instruction and training as may be desirable in view of (a) the pupils’ different ages, abilities and aptitudes; and (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.
- 4.10** Powers for Councils to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018. The Council is to comply with the relevant provisions in connection with the proposal.

(1) School Standards and Organisation (Wales) Act 2013

- 4.11** Part 3 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) is concerned with school organisation. The Welsh Ministers have issued the School Organisation Code (“the Code”). Local authorities must, when exercising functions under Part 3 of the 2013 Act, act in accordance with any relevant requirements contained in the Code and must have regard to any relevant guidelines contained in it. A copy of the Code is found here: <https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf>
- 4.12** Chapter 2 of Part 3 of the 2013 Act deals with school organisation proposals
- 4.13** Section 48(2) of the 2013 Act provides that before publishing such proposals, a proposer (in this case, the Council) must consult on its proposals in accordance with the Code. The consultation document must be issued during the term time of the schools affected and consultees must be given at least 42 days to respond to the document, with at least 20 of these being school days.
- 4.14** The proposer must publish a report on the consultation it has carried out in accordance with the Code. The consultation report must summarise each of the issues raised by consultees, responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons; and setting out Estyn’s view (as provided in its consultation response) of the overall merits of the proposal.
- 4.15** 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 (section 48(1)). The proposal must be published by way of statutory notice. Chapter 4 of the Code sets out specific requirements as to how statutory proposals must be published. Proposals must be published on a school day and the objection period must include 15 school days (in addition to the day on which it is published).
- 4.16** Section 49 of the 2013 Act makes provision for any person to object to proposals published under section 48 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.
- 4.17** 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. A further report to Cabinet will be prepared before any such determination is made. This determination must take place before the end of 16 weeks beginning with the end of the objection period.

(2) The Code

- 4.18** The Code contains the following elements:
- It imposes requirements in accordance with which relevant bodies (including all local authorities in Wales) must act. Where mandatory requirements are imposed by the

Code or by the 2013 Act or another statute or statutory instrument, it is stated that the relevant bodies must comply with the particular provision. Where practices are prohibited, it is stated that the relevant bodies must not use this practice.

- It includes statutory guidance to which the Council must have due regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. Where guidance is given by the Code, it is stated that relevant bodies should follow this guidance unless they can demonstrate that they are justified in not doing so.

4.19 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. These include:

- United Nations Convention on the Rights of the Child
- The Well-being of Future Generations (Wales) Act 2015 (see below)
- Cymraeg 2050, A Million Welsh Speakers
- Action Plan, Cymraeg 2050
- One Wales: One planet, a new sustainable development scheme for Wales May 2009 or any successor strategy
- Child Poverty Strategy for Wales (issued February 2011 Information document number 95/2011), or any successor strategy
- Faith in Education
- Local plans for economic or housing development
- Welsh in Education Strategic Plans (made under part 4 of the School Standards and Organisation (Wales) Act 2013)
- Children and Young People's Plans (or successor plans)
- 21st Century Schools – Capital Investment Programme and the relevant wave of investment
- Learner Travel Statutory Provision and Operational Guidance 2014:
<https://beta.gov.wales/learner-travel-statutory-provision-and-operational-guidance>
- Measuring the capacity of schools in Wales, Circular No: 021/2011:
<https://beta.gov.wales/measuring-capacity-schools-guidance>
- Children and Young People's National Participation Standards

4.20 Section 1.4 of the School Organisation Code 2018 outlines that Councils should consider the extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan (WESP).

(3) The Well-being of Future Generations (Wales) Act 2015

4.21 The Well-being of Future Generations (Wales) Act 2015 ('the 2015 Act') sets out new ways of working – of planning and making decisions – for local authorities and other public bodies it lists. The aim is that, by improving these things, the

overall well-being of Wales will be better improved by the things public bodies collectively do. The Act and the statutory guidance makes it clear that local authorities must, in the course of their corporate planning and their delivery against those plans:

- balance short term needs against the ability to meet long term needs;
- think about the impact their objectives have on other organisations' objectives, and on the well-being of Wales, in an integrated way;
- involve in those processes people who reflect the diversity of the population they serve;
- work together collaboratively with other organisations to better meet each other's objectives; and
- deploy their resources to prevent problems from getting worse or from occurring in the first.

4.22 The statutory guidance, for organisations subject to the Act, sets out the expectations for how the duties should be met:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

4.23 The Act itself is available to view online:

<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

4.24 Current practice on the use of surplus school accommodation, Information document No 158/2014.

(4) Equalities Act 2010

4.25 The public sector equality duty (see section 149 of the Equality Act 2010) came into force in April 2011. Public authorities like the Council are required, in carrying out their functions, to have due regard to the equality needs set out under s.149 of the Equality Act 2010 to:

- eliminate discrimination (both direct and indirect), harassment, 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.

4.26 Direct discrimination occurs if, because of a protected characteristic, a local authority treats a person less favourably than it treats or would treat others.

4.27 Indirect discrimination occurs if a local authority applies to a person a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of that person ("B"). A provision, criterion or practice is discriminatory if:

- The local authority applies, or would apply it, to persons with whom B does not share the characteristic;

- It puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it;
 - It puts, or would put, B at that disadvantage, and
 - The local authority cannot show it to be a proportionate means of achieving a legitimate aim.
- 4.28** In short, indirect discrimination would arise if a local authority applied the same provision, criterion or practice to everyone, but it put those in a certain protected group at a “particular disadvantage” when compared with persons not in that group. Even if a “particular disadvantage” arises, indirect discrimination is not present if the provision, criterion or practice can be justified – i.e. if it is a proportionate means of achieving a legitimate aim. Members must pay due regard to any identified risk of such discrimination arising in respect of the decision before them. These matters are summarised in the Equality Impact Assessment appended to this report (Appendix D).
- 4.29** The Equality Impact Assessment identifies that there would be a positive impact on persons with the protected characteristics of age, disability and gender reassignment/ identity. The proposal would support the school to ensure that it has the improved facilities to promote equality of opportunity and foster good relations between those with different protected characteristics.
- 4.30** There has been no perceived negative impact on the protected characteristics identified.
- 4.31** It is to be noted that section 149, so far as relating to age, does not apply to the exercise of a function relating to the provision of education to children in schools (see paragraph 1 of Schedule 18 to the 2010 Act).
- 4.32** Having due regard to the need to advance equality of opportunity includes having due regard to the need to remove or minimise disadvantages suffered by people with a protected characteristic. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from those of persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life.
- 4.33** The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities.
- 4.34** Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 4.35** Complying with the PSED may involve treating some people better than others, so far as that is allowed by discrimination law.
- 4.36** 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. Members must

consider the effect that implementing a particular decision will have in relation to equality before making a decision. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups, and by gathering details and statistics on those who are affected by the proposal.

- 4.37** Where it is apparent from the analysis of the information that the proposals would have an adverse effect on equality then reasonable adjustments should be made to avoid that effect (mitigation).
- 4.38** Members should be aware that 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, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Improving the quality of education in the Council’s area, making schools more efficient, budgetary pressures and practical factors will often be important, which are addressed above in section 4 of this report. The weight of these countervailing factors in the decision-making process is a matter for Members in the first instance.
- 4.39** 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 (see paragraph 1 of Schedule 18 to the 2010 Act).
- 4.40** The Council must also comply with the specific equality duties imposed by the Equality Act 2010 (Statutory Duties)(Wales) Regulations 2011, SI 2011/1064 (“the Regulations”), particularly regulation 8 (imposing specific duties to make arrangements for assessing the impact of its policies/practise and monitoring of the same).

5. Background Papers

None.

DIRECTORATE OF LEARNING AND SKILLS Consultation Document

Consultation on the proposal to transform special education in the Vale by:

- Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and
- Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.



This document can be made available in Braille.

Information can also be made available in other community languages if needed.

Please contact us on 01446 709828 to arrange this.

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Introduction

Background

The Vale of Glamorgan Council is committed to ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. In order to achieve this ambition, it is essential that we ensure schools remain sustainable, reflect the needs of our local communities, and are equipped with the best possible learning environments.

On 9 July 2020, the Council's Managing Director approved a strategy to transform special education in the Vale of Glamorgan to meet projected future demand and best meet the needs of our most vulnerable learners. The strategy identified three key areas:

1. Establish a new Centre for Learning and Wellbeing (CL&W), which will replace Y Daith, the Council's pupil referral unit (PRU);
2. Establish specialist resource bases (SRB) in mainstream schools to ensure learners have access mainstream education; and
3. Increase capacity of Ysgol Y Deri (YYD), the Council's special school, to meet projected demand for special education.

On 2 November 2020, the Council's Cabinet authorised the Director of Learning & Skills to undertake a **consultation from Friday 6 November 2020 to Sunday 20 December 2020** on a proposal to expand Ysgol Y Deri (YYD).

The proposal

This document explains the **Council's proposal to transform specialist education by;**

- **Increasing the capacity of YYD to accommodate an additional 150 pupils; and**
- **Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

This proposal is considered under section 2.3 of the School Organisation Code (2018). Section 2.3 of the School Organisation Code refers to Regulated Alterations of a school, which includes:

- increasing the capacity of a special school by at least 10% or 20 places; and
- the transfer of any school to a new site or sites.

Responding to the proposal

The Vale of Glamorgan Council is committed to ensuring that consultations are meaningful, relevant and appropriate for the communities that are involved, and the Council has a duty of care to ensure that proposals are clear, transparent, and reflective of those affected. This is a vision that can only be realised by working in partnership with schools, governors, parents and the wider communities we all serve.

This consultation gives you the opportunity to ask questions and make comments that will be considered when the Council's Cabinet decides how to proceed.

Further information regarding planned stakeholder engagement sessions and how you can respond to the consultation is detailed in the "Involving stakeholders and responding to the

consultation” section from page 27. This section links to the online survey and contains a response form if you would like to submit a response via post.

Under the School Organisation Code (2018), it is vital that any feedback be received by Sunday 20 December 2020 in order to be considered as part of this consultation. Any items received after that date cannot be considered.

Explanation of terms used in this document

‘AN’ (Admission Number) - All maintained schools must admit pupils up to at least their published admission number. The admission number is the number of pupil places available in each year group.

‘ALN’ (Additional Learning Needs) - A pupil has additional learning needs if they have a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.

‘Capacity’ – The capacity of a school is the total number of statutory aged pupil places available, it excludes nursery places.

‘Catchment Area’ - The geographic area from which students are eligible to attend a local school. Catchment children will always take priority over applications from outside the catchment area however there is no guarantee that any child will be admitted to their chosen school.

‘Community’ - A type of state-funded school in which the local education authority employs the school's staff, is responsible for the school's admissions and owns the school's estate.

‘Denominational’ - Schools with a designated religious character e.g. Church in Wales.

‘EA’ (Equality Act) - The Act covers all aspects of school life to do with how a school treats pupils and prospective pupils, parents and carers, employees, and members of the community. Everything a school does must be fair, non-discriminatory and not put individuals or groups of people at a disadvantage. In particular, a school must not discriminate, harass or victimise a pupil or potential pupil in relation to; admissions, the way it provides education for pupils, how it provides pupils access to any benefit, facility or service, and excluding a pupil or subjecting them to any other detriment.

‘EIA’ (An Equality Impact Assessment) - EIA is a process designed to ensure that a policy, project or scheme does not discriminate against any protected groups.

‘EM’ (English Medium) – A school where teaching and learning is primarily conducted through the medium of English.

‘LA’ (Local Authority) - The Local Authority referred to in this document means the Vale of Glamorgan Council unless otherwise stated.

‘MUGA’ (Multi-Use Games Area) – A year-round sports area, usually containing a steel anti vandal outdoor fenced area with built in goal post units for various types of sports games, such as football, basketball or tennis. The outer fencing makes it easier to keep the ball in play.

‘NOR’ (Number on Roll) - The number of pupils attending a school. Nursery places are excluded.

'PLASC' (Pupil Level Annual School Census) - In January of every year, verified information is collected by schools for submission to the Welsh Government. This includes the number of pupils enrolled in each school, their age groups, home addresses, ethnicity and data on Welsh language, free school meals eligibility, special education needs and first language.

'SA' (School Action) - When a class or subject teacher identifies that a pupil has ALN they provide interventions that are additional to or different from those provided as part of the school's usual curriculum.

'SA+' (School Action +) - When a class or subject teacher and the ALN Co-ordinator are provided with advice or support from outside specialists, so that alternative interventions additional or different to those provided for the pupil through SA can be put in place.

'Section 106' - The Section 106 contribution is sought from anyone who has an interest in the building of a housing development, towards the costs of providing community and social infrastructure, educational provision, open space / play equipment, transport or healthcare for those occupying the new homes.

'SRB' (Specialist Resource Base) - A facility within the school for children with special educational needs.

'Statemented' - A child has a Statement of Educational Need (SEN), otherwise known as ALN, if they have learning difficulties which require special educational provision to be made. A learning difficulty means that the child has significantly greater difficulty in learning than most children of the same age or that the child has a disability that needs different educational facilities from those that the school generally provides.

'WM' (Welsh Medium) - A school where teaching and learning is primarily conducted through the medium of Welsh.

The Proposal

The proposal

Summary

The proposal is to meet future demand for special education in the Vale of Glamorgan by

- **Increasing the capacity of YYD to accommodate an additional 150 pupils; and**
- **Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

This proposal is considered under section 2.3 of the School Organisation Code (2018). Section 2.3 of the School Organisation Code refers to Regulated Alterations of a school, which includes:

- increasing the capacity of a special school by at least 10% or 20 places; and
- the transfer of any school to a new site or sites.

What would this mean?

The proposal would mean specialist educational provision at YYD would be increased to accommodate an additional 150 pupils. In order to accommodate this increased capacity, a new school building would be constructed on a new site, which would operate under the management of YYD. The Council has identified a preferred site which is located next to the proposed 'Land at Upper Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing YYD site. The new school building would primarily accommodate primary-aged pupils. However, the school would operate a need-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

A description of the educational facilities the building and site would have as standard and some examples from previous schools built under the 21st Century Schools programme are set out in more detail in the "Land and Buildings" section (from page 14). However, it should be noted that feedback on the construction of a new building is not directly considered as part of this education proposal under the School Organisation Code (2018). **The building and related transport infrastructure would be subject to a planning application.**

More information on the Council's 21st Century Schools Programme can be found on the Council's website: www.valeofglamorgan.gov.uk/21st-Century-Schools

Why are we proposing the changes?

The Local Authority has a statutory duty to provide sufficient school places. The Local Authority is also responsible for learners with additional learning needs (ALN), ensuring they can access suitable education and/or training, including compulsory education and specialist post-16 education or training where necessary. The main driver for this proposal is to meet increased demand for specialist educational provision within the Vale to best meet the needs of our most vulnerable learners.

The numbers of children and young people requiring a placement at YYD has continued to increase and at a faster pace than previously predicted. As a result, £11m has been allocated as

part of the Council 21st Century Schools Programme to increase the capacity of the school.

YYD was originally constructed to accommodate 205 pupils but currently has 262 pupils on roll. The number of pupils leaving the school in the short to medium term is much lower than those entering which is causing the significant pressure on capacity.

In 2018-19 there were 18 school leavers and 39 entrants, in 2019-20 there were again 39 entrants against 25 leavers. At the end of the 2019-20 academic year there were only 10 leavers and a significant increase in entrants to 48. In order to accommodate the September 2020 intake, Ty Deri Residential Respite facility has been temporarily closed and communal areas have been converted into additional classroom space. This has enabled the Council to provide places for those requiring placements this year, however all available space has now been utilised and the school will be unable to expand any further.

In 2021-22 the number of leavers will be 18, it is impossible to provide a precise number of pupils that will require places in September 2021 as this will depend on a number of factors, however, current projections would indicate that a minimum of 44 pupils will require a place at the school. As a consequence, it is clear that a minimum of an additional 26 places will be required to create the capacity for the September 2021 intake. In 2022-23 there will be 26 leavers and current projections would indicate that the number of pupils requiring a placement will again be in the mid-forties. This would mean that an additional 18 places will be required in September 2022. In total, approximately 44 additional places will be needed at YYD prior to the completion of the new building. However, please note that this is an anticipated minimum, and does not account for families moving into the Vale with children with complex needs, for example.

This trend is consistent with other Local Authorities and is likely to continue for the foreseeable future.

The Council is proposing a holistic approach in meeting future demand through the provision of additional capacity at YYD, as well as additional specialist resource bases in mainstream schools throughout the Vale to support learners who are better served accessing mainstream education with increased support. This approach would ensure the Council is able to meet demand while providing a range of provision to best meet the individual needs of our learners.

Interim Measures

This proposal sees the new school building being completed for September 2023. As outlined above, Ysgol Y Deri is already above its capacity and it is anticipated that there will be an additional 88 pupils who require placements at Ysgol Y Deri across the September 2021 and September 2022 intakes. Only 44 pupils are due to leave the school during this period, resulting in a net increase of 44 pupils. The school does not currently have additional capacity to accommodate those pupils and there are no more opportunities to increase the school's capacity through internal reconfiguration.

The Council has considered a range of options to meet this projected demand prior to establishing long-term provision. The preferred option is to install temporary modular accommodation on the existing Ysgol Y Deri site to provide sufficient capacity to accommodate the 44 pupils. It is estimated that this would cost approximately £700k. A capital bid has been submitted to request that this additional funding is included within the 2021/22 capital programme.

Implications of the proposal

School information

The following section discusses potential implications of the proposal, including educational outcomes, finance, human resources and transport.

The Council has collated information about the school to help inform these potential implications. The School Information document includes the most recent Estyn inspection, National Categorisation of school report, and internal assessments of the buildings condition and suitability of YYD.

The School Information document can be viewed via the following link:

www.valeofglamorgan.gov.uk/ysgolyderiexpansion

Educational outcomes

Standards and progress

As noted in the most recent National Categorisation Report for YYD, 'standards in the school are very good and most pupils make good or excellent progress relative of their low starting points and additional learning needs'. This proposal would ensure YYD is able to continue providing high quality education whilst catering for a greater pupil population.

One of the key benefits associated with the establishment of Penarth Learning Community was the opportunity to share skills knowledge and best practice between St Cyres Comprehensive School and YYD. This proposal would not negatively impact on this as the proposed additional site would primarily focus on primary-aged learners.

Wellbeing and attitudes to learning

As outlined above, YYD was originally designed to accommodate 205 pupils and currently has 262 pupils on roll. In order to accommodate this increased capacity additional areas have been converted to provide additional classroom space, such as Ty Deri. This has put increased pressure on the shared facilities available at YYD. The new school building would provide additional facilities to enhance pupil wellbeing, including break out areas and therapy rooms.

The proposed site for the new school building is in close proximity to Cosmeston Country Park and the Medieval Village. The park would provide a great resource for staff and pupils to enhance wellbeing and attitudes to learning. The proposed site is also close to the sea.

Teaching and learning experiences

The new school building would provide 21st century learning environments, including improved ICT infrastructure, collaborative breakout areas, and effective circulation. This would enable a teaching and learning environment that best meets the needs of learners and is consistent with the modern learning environment provided at Penarth Learning Community.

Outdoor learning is an important consideration within the 21st Century Schools design and provision within the new site would include nature areas and sporting facilities. Schools delivered

within Band A of the 21st Century Schools have created nature areas with ponds, bug hotels and planting as part of their outdoor learning spaces.

The proposed new building and site would allow for further development of a curriculum filled with rich experiences that challenges children, raises attainment and supports pupils' wellbeing.

The Council's 21st Century Schools Team would be responsible for managing the build process. A contractor would be appointed using the SEWSCAP framework. SEWSCAP is a construction framework used by 16 local authorities and provides pre-qualified and suitably experienced Contractors to deliver the 21st Century Schools Programme, and other public buildings, relating to both new build and refurbishment projects over £1.5 million. Contractors on the SEWSCAP framework all have extensive experience delivering school buildings on live sites, meaning they understand and make arrangements for work schedules to fit around examinations and other important events in the school calendar. Demonstrating clear plans for logistics management is one of the areas considered in the tendering process. There would also be regular meetings between the Council, contractor and school to ensure the design and construction progress runs smoothly and any issues can be resolved efficiently.

There are potential educational benefits for pupils during the construction phase as appointed contractors would hold site visits and workshops with pupils. For example, on a previous project an English lesson was held on site and pupils wrote poems about their experiences. Workshops suitable for relevant key stages would be held with pupils. Additionally, the project would participate in the construction ambassadors programme, which enables pupils to gain confidence and skills by learning more about construction and updating their peers on site progress.

For more examples, please visit our community benefits webpage:

https://www.valeofglamorgan.gov.uk/en/living/schools/schools_in_the_vale/21st-Century-Schools/21st-Century-Schools-Community-Benefits.aspx

Care, support and guidance

The proposal would result in increased facilities to support wellbeing, including break out spaces for pastoral care and purpose-built areas for additional learning needs support and interventions.

Security arrangements within the building would also be a key consideration and South Wales Police would be consulted as part of the design process and the 'Designing Out Crime' officer would provide feedback on the proposed design. A lockdown strategy would also be developed to limit visitor access throughout the school building. The new building would provide an intercom and security lobby to enhance security arrangements.

The most recent Estyn inspection also noted that 'The school has appropriate arrangements for identifying and monitoring pupils' additional needs. These include specialist intervention programmes to develop pupils' self-esteem and improve pupils' communication and behaviour.' The proposal would enable a greater number of pupils to benefit from this targeted support.

YYD also helps students to prepare for their career paths, as Estyn noted, 'The school provides helpful guidance and support to older pupils and their parents about careers, further education options and other services.' Again, the proposal would enable a greater number of pupils to benefit from this guidance and support.

The school has a highly positive and inclusive ethos, which helps pupils to develop self-esteem and grow in confidence. Pupils have the opportunity to participate in all aspects of school life regardless of the complexity of their varying needs, abilities and backgrounds. Pupils are treated

with dignity and respect.

Leadership and management

In the most recent Estyn inspection, YYD's leadership was assessed to be 'Excellent'. The report noted that the headteacher and senior leadership worked skilfully and imaginatively to bring three different schools together through a process of amalgamation. The Council would work closely with the leadership of YYD to develop a transition plan prior of the opening of the new school building.

It is anticipated that there would always be a member of the senior leadership team available on the new school site.

Welsh language provision

The Council's School Investment Programme reflects the Council's commitments in the Welsh in Education Strategic Plan (WESP), which aims to ensure that demand for Welsh medium education can be met in the long-term. In line with Welsh Government's National Cymraeg 2050 strategy and contributing to its ambitious target of 1 million Welsh speakers by 2050.

Whilst teaching and learning is predominately delivered through the medium of English at YYD, Welsh medium provision would be made available when required. This would be delivered by bilingual Learning Support Assistants employed by YYD as is currently the case.

Additional Learning Needs (ALN) provision

On 9 July 2020, the Council's Managing Director approved a strategy to transform special education in the Vale of Glamorgan to meet projected future demand and best meet the needs of our most vulnerable learners. The strategy identified three key areas:

1. Establish a new Centre for Learning and Wellbeing (CL&W), which will replace Y Daith, the Council's pupil referral unit (PRU);
2. Establish specialist resource bases (SRB) in mainstream schools to ensure learners have access to mainstream education; and
3. Increase capacity of Ysgol Y Deri (YYD), the Council's special school, to meet projected demand for special education.

Increasing the capacity of YYD is a key component of the Council's strategy in order to meet projected demand for special education. The number of children and young people requiring a placement at YYD has continued to increase and at a faster pace than previously predicted. This proposal would provide an additional 150 places which would ensure YYD is able to meet future demand.

The Council is proposing a holistic approach to meet future demand through the provision of additional capacity at YYD, as well as additional specialist resource bases in mainstream schools throughout the Vale to support learners who are able to access mainstream education with increased support. This approach would ensure the Council is able to manage demand to best meet the needs of individual learners.

Impacts upon other schools

YYD is the Council's only special school and serves the entire Vale of Glamorgan. As YYD is the Council's only special school, there are no direct implications for other primary and secondary schools across the Vale of Glamorgan.

YYD works closely with all primary and secondary schools across the Vale of Glamorgan. There are also a number of mainstream schools with specialist resource bases which provide additional support to learners to ensure they can access mainstream education.

Normal admissions arrangements do not apply and so YYD will not compete with local schools (please see "Admissions" section below for further details).

Admissions

Previous numbers on roll

School	Type	Language	Capacity	2017	2018	2019	2020
YYD	Special	EM	205	245	240	259	277

Projected numbers on roll

School	Type	Language	Capacity	2020	2021	2022	2023
YYD	Special	EM	205	277	303	321	351

It is very difficult to project demand for special education as it is dependent on a number of factors and historical trends and birth rates are not a reliable indicator as variations in individual need and complexity of provision required can develop over time. The above figures are based on the number of expected leavers against the estimated number of pupils who will require a place. This represents the minimum anticipated pupil numbers and demand could be higher.

Admissions arrangements

As YYD is a special school, all admissions to YYD would be via the Local Authority Panel in consultation with YYD and the Council's Engagement Service. This is based on an assessment of the needs of individual pupils.

Land and Buildings

YYD currently forms part of Penarth Learning Community (PLC) alongside St Cyres Comprehensive School. The establishment of PLC was the result of a £50m investment to construct state of the art education facilities.

It is not possible to increase the capacity of YYD on the existing site any further due to limited

external space available, and the likely impact this would have on the local infrastructure around the site. The PLC site already accommodates around 1,400 learners.

The preferred approach is to construct a new school building on a separate site which would form part of YYD. The additional school building would primarily accommodate primary aged pupils. However, the school would operate a needs-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

The Council considered a range of sites across the Vale of Glamorgan to accommodate the new school building. It was essential that the additional site was in close proximity to the existing YYD in order to limit disruption to staff operating across both sites.

The Council has identified a preferred site which is located next to the proposed 'Land at Upper Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing YYD site.

The preferred site is currently owned by Welsh Government and the Council has an agreement in principle to purchase the land, subject to planning permission being obtained. Alongside the consultation, the Council is looking to obtain outline planning permission in order to progress with the site purchase, which would be subject to Cabinet approval.

The new YYD school building would include suitably sized classrooms, a main hall for sport and dining, offices for senior staff and administration, a staffroom, therapy rooms and break out areas for pupil interventions. The school would be fenced to safeguard pupils with intercom access for visitors. Within the grounds, there would be external play areas, a multi-use games area (MUGA) and habitat areas to enhance pupil wellbeing.

The design team would work closely with the school to ensure nature-based skills are developed through tailored outdoor provision. If the proposal were to go ahead, suitable tree species and vegetation to enhance the site would be identified through extensive ecology surveys. Schools delivered within Band A of the 21st Century Schools have also previously created nature areas with ponds, bug hotels, and planting as part of their outdoor learning spaces.

All options within the site would be considered and subject to full planning application. The planning approval would also be subject to sustainable drainage requirements which involves extensive designs for surface water management; i.e. water flow rates must meet specific requirements and be achieved through natural solutions like swales and raingardens.

The proposed new school building would provide:

- A high-quality IT rich learning environment for pupils meeting the educational curriculum needs of the 21st Century
- Unobstructed access between all internal areas for children and staff
- Enhanced safeguarding and site security for pupils and staff
- Improved outdoor sports facilities for both pupil and community use
- Specialist provision to provide a curriculum that best meets the needs of learners
- Full access for the whole community with full disabled access to internal and external areas.

Some example images of school buildings constructed during Band A of the 21st Century Schools programme are available below and more can be found on our main webpage:

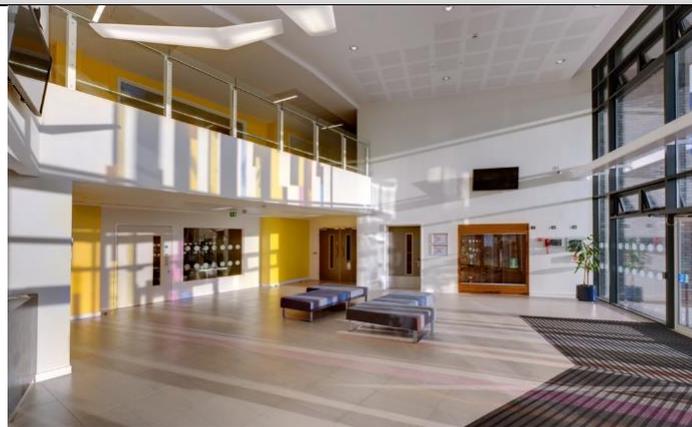
www.valeofglamorgan.gov.uk/21st-Century-Schools



Double-height hall at Ysgol Dewi Sant



Dining space at St Cyres



Ysgol Y Deri secure reception area



Outside view of Ysgol Y Ddraig

Figure 1 – Previous schools built by the Vale’s 21st Century Schools programme

Finance

Capital Funding

The expansion of YYD has been included as part of Band B of the Council’s 21st Century Schools Programme. £11m has been allocated to this scheme which is part funded by Welsh Government. As a special school, 75% of the funding would be provided by Welsh Government (£8.25m) and 25% would be funded by the Council. The Council’s contribution of £2.75m is included within the capital programme and is funded via Section 106 contributions received from housing developments in the Vale.

A capital bid has been submitted to include £700k within the 2021/22 capital programme to implement a temporary modular building on the existing YYD site to meet anticipated demand prior to the opening of the new school building.

Revenue Funding

A cost pressure has been submitted as part of the revenue budget process for the 2021/22 financial year as a revenue increase will be required to accommodate the additional pupils at

Ysgol Y Deri. The revenue cost pressure submitted for 2021/22 is £729,000, with a further £521,000 requested in the 2022/23 financial year to meet the costs of the estimated growth in pupil numbers. This would be to accommodate a net increase of 26 pupils in 2021/22 and a further net increase of 18 pupils in 2022/23.

Human Resources

The governing body of YYD would be responsible for developing a staffing structure to support the split site provision.

The proposal would lead to an increase in employment opportunities at the school as additional staff would need to be recruited as the number of pupils on roll increases. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.

Transport and learner travel arrangements

The Council has a statutory duty to provide free school transport for pupils of statutory school age who reside beyond walking distance to the nearest appropriate school. In accordance with 'The Learner Travel (Wales) Measure 2008'.

ALN pupils are eligible for free transport if they are assessed as having severe and/or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.

School transport is currently provided to 229 pupils at YYD. In total, there are 45 vehicles serving the existing site which can be broken down as follows:

- 5 vehicles provide transport for more than 10 pupils;
- 5 vehicles provide transport for between 6 and 10 pupils; and
- 35 vehicles provide transport for 5 pupils or less.

Traffic and transport implications would be considered as part of the Transport Assessment that would be required in order to achieve planning consent for the building works should this proposal be implemented. A full transport assessment would be undertaken as part of the design process for the new school building. This would assess the impact on the local infrastructure and include a swept path analysis to ensure compliance with current legislation on accessibility for all emergency services. The transport assessment would be used as part of the design process to mitigate against any negative impacts identified.

The transport assessment would also determine the requirement for on site drop-off and pick-up facilities to accommodate school transport arrangements. It would also be used to inform the required number of car parking spaces to accommodate staff.

If the proposal were to progress, active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. As part of the soft landings provision, the 21st Century Schools team and contractors would work with the school to develop an updated travel plan which would support measures to increase active travel to school.

Other considerations

Potential educational benefits of this proposal compared to the status quo

- Ensures the Council is able to meet projected demand for special education in the Vale of Glamorgan.
- Provides innovative and creative learning environments which are adaptable to change and meets the needs of our most vulnerable learners.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- It is recognised that YYD is the organisation with the experience and skills to implement the ALN strategy most effectively within and across the LA. As such, an expansion of YYD will mean that some of our most vulnerable learners receive the most effective support and nurture provision as key components of their education.
- Ensures the Council is not reliant on costly out of county placements.

Potential educational disadvantages of this proposal compared to the status quo

- Management of staff and resources may be disrupted during the implementation of the proposal.

Potential risks of this proposal and measures to mitigate identified risks

Table 3 – Potential risks and mitigation measures

Risk	Mitigation
The numbers of ALN pupils are increasing year on year. There is a risk that the provision is at capacity very early on in its lifespan and we will be looking for ways to expand in the short term.	<p>The internal layout of the new building for YYD will be flexible and adaptable to meet varying needs of pupils.</p> <p>Additional provision in the interim will be provided by utilising capacity at the Ty Deri building run by YYD. This facility has been changed from a respite centre into additional classrooms to help meet demand in the short-term.</p> <p>Future expansion will be factored into the site masterplan should this be required in the future.</p>
Traffic management around the site could be difficult to manage (safety and pollution concerns).	A full transport assessment would be undertaken as part of the design process for the new school building. This would assess the impact on the local infrastructure and include a swept path analysis to ensure compliance with current legislation on accessibility for all emergency services. This would also include assessment of safe walking routes. The transport assessment would be used as part of the design process to mitigate against any negative impacts identified.

	There is scope through the design and build process to improve connecting pathways to enhance the safety and enjoyment of the routes. Designs would be subject to the formal planning process which includes a statutory consultation with local residents.
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Equality impact assessment

An Equality Impact Assessment will be carried out as part of the consultation process.

An Equality Impact Assessment (EIA) is a process that looks at a policy or scheme to make sure it does not discriminate against anyone based on the protected characteristics set out in the Equality Act 2010 (age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion/belief, sex, sexual orientation).

The assessment will be reviewed after the consultation and at key points if the proposal proceeds.

If the proposal goes ahead, another equality impact assessment would be carried out. This would identify accessibility to the new build school. The equality impact assessment would consider policies such as the Equality Act 2010, TAN 12: Design 2014 as well as building regulations such as BS8300, Part M and relevant Building Bulletins.

Community impact assessment

A Community Impact Assessment has been undertaken to determine any impacts this proposal would have on the local community. The proposal was assessed across a number of measures.

The proposal would likely have a positive impact on the local community across 6 of the 8 measures assessed. The proposal would likely have a negative impact on the local community across 2 of the 8 measures assessed. Overall, the proposal would likely have a positive impact on the local community.

The proposal would enable the expansion of YYD to provide innovative and creative learning environments which are adaptable to change and would challenge and support children to reach their full potential. The proposal would increase the level of community access and interaction through the school's educational facilities whilst meeting the complex needs of pupils.

Transport implications would need to be carefully considered during the design of the new school to limit the impact of the increase pupils traveling to the site.

It is concluded from the Community Impact Assessment that the proposal would better meet the needs of the community to ensure the sustainable balance between supply and demand for school places.

The full Community Impact Assessment can be viewed via the following link:
www.valeofglamorgan.gov.uk/ysgolyderiexpansion

Contributions to the Wellbeing of Future Generations

The Wellbeing of Future Generations (Wales) Act 2015 requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.

To make sure we are all working towards the same purpose, the Act puts in place seven Wellbeing goals and five ways-of-working which must inform the decision-making processes of public bodies.

The proposal has been appraised in terms of how it contributes to delivering upon the aspirations of the Act, the Wellbeing goals, and the ways-of-working. This is does not form part of the statutory consultation process but was considered beneficial to meeting the spirit of the Act.

The full appraisal of this proposal's contributions to the Wellbeing of Future Generations can be viewed via the following link: www.valeofglamorgan.gov.uk/ysgolyderiexpansion

Alternatives considered

Option 1: Expand Ysgol Y Deri on its current site

Why was this option discounted?

YYD was originally constructed to accommodate 205 pupils but currently has 262 pupils on roll. The Council has discounted expanding the existing YYD buildings due to the significant loss of external space and impact this would have on the local highway infrastructure. Penarth Learning Community already accommodates more than 1,400 learners. It is proposed a new building would be constructed on a site in Cosmeston which would operate as an additional site of YYD.

Option 2: Expand the school at an alternative site in the Vale of Glamorgan

Why was this option discounted?

The Council considered a number of sites to accommodate the new school building. The Council started with reviewing Council-owned land before exploring options to purchase land. The proposed site was identified as the preferred option as it is in close proximity to YYD and provides sufficient space to accommodate the building. The site is also in close proximity to Cosmeston Country Park and the coast which could enhance wellbeing.

Option 3: Establish a new special school with its own governing body and headteacher

Why was this option discounted?

It is recognised that YYD is the organisation with the experience and skills to best support ALN pupils. Their most recent National Categorisation Report noted that 'standards in the school are very good and most pupils make good or excellent progress relative of their low starting points and additional learning needs' and in their most recent Estyn inspection, YYD's leadership was assessed to be 'Excellent'. This proposal would ensure YYD is able to continue providing high quality education whilst catering for a greater pupil population without the risk of establishing a new school and management structure. Establishing a new special school would also result in increased revenue costs, such as an additional headteacher.

Expanding Ysgol Y Deri ensures continuity across special education provision in the Vale of Glamorgan.

The Statutory Consultation process

The Statutory Consultation process

Table 4 - Outline of the statutory consultation process

Steps	Description
Step 1: Develop a proposal	An initial proposal will be developed and considered by the Council's Cabinet. Section 2 of the School Organisation Code outlines when the statutory procedure is required.
Step 2: Cabinet consideration	The Council's Cabinet to consider the proposal and approval to consult. On 2 November 2020, the Council's Cabinet authorised the Director of Learning & Skills to undertake a consultation from Friday 6 November 2020 to Sunday 20 December 2020 on a proposal to expand Ysgol Y Deri (YYD).
Step 3: Consultation	A consultation document must be published on the Council website. The consultation document must be published on a school day and consultees must be given at least 42 days to respond to the document, with at least 20 of these being school days. Stakeholders identified in section 3.4 of the School Organisation Code (2018) must be notified by letter/email. The consultation period for this proposal starts on Monday 2 November 2020 and ends on Sunday 20 December 2020. See page 28 for further details of how to respond and make your views known. Within 13 weeks of 20 December 2020 a consultation report will be published on the Council's and website. Hard copies of the report will also be available on request. The report will summarise the issues raised by consultees during the consultation period and responses to these issues. The report will also contain Estyn's view of the proposals. In February 2021 Cabinet will consider the consultation report and decide whether or not to progress to the next stage. If the Council decides to continue with the proposals it must publish a statutory notice.
Step 4: Consultation response report	Feedback submitted during the consultation period will be considered and a response report will be developed and presented to Cabinet for consideration.
Step 5: Cabinet consideration	Cabinet will consider the consultation response report and determine whether to publish the report and to approve the publication of the proposal in the form of a statutory notice.
Step 6: Statutory notice	The statutory notice must be published on a school day and as outlined in section 4.1 of the School Organisation Code (2018). The statutory notice would be published on the Vale of Glamorgan Council website and posted at or near the main entrance to Cowbridge Comprehensive School. Copies of the notice would be distributed to pupils, parents, guardians, and staff members. The school may also distribute the notice by email. The notice would set out the details of the proposals and invite anyone who wishes

	to object to do so in writing within the specified period.
Step 7: Objection period	Anyone wishing to make objections to a proposal has the opportunity to do so. Objections must be made in writing or by email and sent to the proposer before the end of 28 days beginning with the day on which the notice was published.
Step 8: Objection report	Under section 49 of the School Standards and Organisation (Wales) Act 2013 when objections have been received proposers must publish a summary of the statutory objections and the proposer's response to those objections ("the Objection Report").
Step 9: Cabinet consideration	Cabinet consider the objection report for final determination on the proposal. The Council would determine the proposal. Cabinet may decide to approve, reject or approve the proposals with modifications. In doing so, the Council would consider any statutory objections that it has received.
Step 10: Decision letter	Confirmation of the decision and objection report availability will be issued to stakeholders. Following determination of proposals all interested parties would be informed of the decision which will be published electronically on the Vale of Glamorgan Council's website.

If this proposal is accepted, multiple site surveys would then be completed as part of the design process for the new school building; including a full transport assessment. The final design would be subject to planning permission. The planning process includes a statutory consultation with local residents.

Key dates

Feedback from this education consultation will be collated and summarised and a report presented to Cabinet. The consultation report will be available for everybody to view on the Council's website. Copies can also be obtained on request by using the contact details within this document.

There are further stages that the Council will have to go through before a final decision is made. These stages are set out below:

Table 5 – Key dates of the process	
Statutory Process	Timescale
Issue consultation document	October 2020
Closing date for views on the proposals	6 November – 20 December 2020
Consultation report considered by Cabinet and published on the school and Council's website	8 February 2021
Subject to Cabinet approval, Statutory notice issued during which time formal written objections will be invited	22 February 2021
End of Statutory Notice Period	22 March 2021
Determination by Cabinet with objection report.	26 April 2021

Decision notification	28 April 2021
Construction period (if planning accepted)	January 2022 – August 2023
Proposal implemented	September 2023

The proposed timetable may be subject to change.

Frequently Asked Questions (FAQs)

What is the intended timescale of development?

It is intended that the proposal would be implemented by September 2023. Construction of the new school would commence by January 2022 and be completed by August 2023.

How would potential transport implications be considered as part of this proposal?

The Council's 21st Century Schools Team would be responsible for the build process. A contractor would be appointed and a full transport assessment would be undertaken as part of the design process. Any implications identified would be factored into the design of the new building. The contractor would submit a full planning application for the new building.

Who would manage the construction of the new school building?

The Council's 21st Century Schools Team would be responsible for managing the build process. A contractor would be appointed using the SEWSCAP framework. SEWSCAP is a construction framework used by 16 local authorities and provides pre-qualified and suitably experienced Contractors to deliver the 21st Century Schools Programme, and other public buildings, relating to both new build and refurbishment projects over £1.5 million. A programme of engagement would be devised to ensure all stakeholders are informed of progress and are able to feed into the design process. There would be regular meetings between the Council, contractor and school.

How would we be involved throughout the design process?

A programme of engagement would be devised to ensure all stakeholders are informed of progress and are able to feed into the design process. There would be regular meetings between the Council, contractor and school. Any feedback or thoughts can be sent to the 21st Century Schools Team on: 21stcenturyschools@valeofglamorgan.gov.uk

Any further Frequently Asked Questions posed during the consultation will be added to the consultation webpage.



Involving stakeholders and responding to the consultation

Involving school stakeholders in the consultation

Our consultation process follows Welsh Government guidelines outlined in the School Organisation Code (2018). A range of individuals and groups are being asked for their views about these proposals.

Before any decisions are made, the Council needs to ensure that it offers a number of opportunities for individuals and interested groups to make their views and opinions on the proposals known to enable Cabinet to consider these views as part of the decision-making process.

The Council is consulting with the following groups:

Staff (teaching and non-teaching) at YYD	Governing Body of YYD
Parents/Carers and Guardians of children YYD	Diocesan Directors of Education
Town and Community Councils	Vale of Glamorgan Early Years Development Partnership (EYDCP)
Vale of Glamorgan Children and Young People's Programme Board	Local Councillors
Assembly Members (AM's) / Members of Parliament (MP's) / Regional Assembly Members	Welsh Language Commissioner
Rhieni dros Addysg Gymraeg (RHAG)	Primary and Secondary schools in the Vale of Glamorgan
Estyn	Central South Consortium Joint Education Service
Welsh Government Ministers	Trade Unions
Local Police and Crime Commissioner	Directors of Education – All Neighbouring Authorities
Council's Transportation Department	

Involving children in the consultation

It is important that when bringing forward proposals, Councils must make suitable arrangements to consult with pupils and, where possible, those pupils likely to attend the school. The Council firmly believes that the pupils of YYD should be given the opportunity to make their views known about this proposal.

Consultation workshops are normally held with the school councils of all schools affected by the proposals. Due to the ongoing Covid-19 situation it may not be possible to hold consultation workshops, however the Council will endeavour to ensure the views of children are represented as part of the consultation. As always, pupils can submit a consultation response via the form or online survey linked below.

How you can find out more and give your views

Find out more

This document and further supporting information can be found on the Vale of Glamorgan website: www.valeofglamorgan.gov.uk/ysgolyderiexpansion

Any updates can also be found on social media through the [Vale of Glamorgan Council Twitter](#) feed and via the [Vale of Glamorgan Council Facebook page](#).

You can also contact us on **01446 709828** or 21stcenturyschools@valeofglamorgan.gov.uk for further information on the proposal.

Give your views

The consultation period will run from **2 November to 20 December 2020**. You can respond to our proposals at any time during this period. Your views are important to us, and there are a number of ways that you can let us know.

You can:

- Complete the online response form at:
<https://wh1.snapsurveys.com/s.asp?k=160450035150>
- or
- Complete the consultation response form at the end of this document and send to:

Freepost RTGU-JGBH-YYJZ
Ysgol Y Deri Expansion Consultation
The Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Please note that all comments submitted in writing should contain the full name and postcode of the person making the comments.

The closing date for responses to this consultation is 20 December 2020. Unfortunately, responses received after this date will not be considered by the Council. All responses given to us will be considered by Cabinet before it decides whether or not to publish a statutory notice about the proposals.

Responses received from consultees who are opposed to these proposals, although considered as part of the consultation report, will not be treated as statutory objections. A statutory objection would form part of the statutory notice period, if it is approved at the next stage by the Council's Cabinet. If you wish to object to the notice at the next stage of the process, should it proceed, you will need to do so in writing during the statutory objection period. These key dates are outlined on page 24.

Consultation Response Form

Your views matter. Please tell us what you think about the proposal by:

- **completing the online response form** at <https://wh1.snapsurveys.com/s.asp?k=160450035150>
- or
- answering the consultation questions and **adding your points of view on this form**

Please return the form to the postal address:

Freepost RTGU-JGBH-YYJZ
Transforming Special Education Consultation
Corporate and Customer Services
The Vale of Glamorgan Council
Civic Offices,
Holton Road
Barry CF63 4RU

The closing date for responses to this consultation is 20 December 2020. Unfortunately, no responses received after this date can be considered.

Consultation responses will not be counted as objections to the proposals, although considered by the Council when making its decision. Objections can only be registered following publication of a statutory notice.

Please note that all comments should contain the full name and postcode of the person making the comments.

Any responses received can be requested under the Freedom of Information Act and may have to be made public. However, any information that would identify an individual such as name, email address and postal address would be removed.

Your Full Name:					
Postcode:					
Please tell us whether you are responding as (tick all which apply):					
Parent or Guardian*	<input type="checkbox"/>	Grandparent*	<input type="checkbox"/>	Pupil*	<input type="checkbox"/>
Member of Staff*	<input type="checkbox"/>	Governor*	<input type="checkbox"/>	Local Resident	<input type="checkbox"/>
Other (please specify)					

*Please confirm which school/s you are affiliated with:	
--	--

1. Do you support the proposal to transform specialist education by:

- Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri. (Please indicate your response below)**

Yes		No		No opinion either way	
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Please explain why:

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2. If you would like to suggest any changes or alternatives to the proposals, please detail these below.

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3. Any other comments?

Thank you for your comments.

Please return this form to the Vale of Glamorgan Council by no later than **20 December 2020**.

If you wish to be notified of publication of the consultation report via email or post, please provide the relevant details below:

I wish to be notified via: (please delete as appropriate)		Email / Post
Email address:		
Postal address:		

Vale of Glamorgan Equality Monitoring Form

Gender and Gender Identity				
What is your gender?	<input type="checkbox"/> Female <input type="checkbox"/> Male			
At birth were you described as?	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Intersex <input type="checkbox"/> Prefer not to say			
Disability				
Are your day-to-day activities limited because of a physical or mental health condition, illness or disability which has lasted, or is expected to last, 12 months or more?	<input type="checkbox"/> Yes – limited a lot <input type="checkbox"/> Yes – limited a little <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say			
Age				
What is your date of birth?				
National Identity				
National Identity – how would you describe your national identity?				
<input type="checkbox"/> Welsh	<input type="checkbox"/> English	<input type="checkbox"/> Scottish	<input type="checkbox"/> Northern Irish	<input type="checkbox"/> British
<input type="checkbox"/> Other (please specify)		<input type="checkbox"/> Prefer not to say		
Ethnic Group				
Ethnicity – how would you describe your ethnic group?				
White				
<input type="checkbox"/> Welsh/English/Scottish/Northern Irish/British		<input type="checkbox"/> Irish		
<input type="checkbox"/> Gypsy or Irish Traveller	<input type="checkbox"/> Any other white background (please specify):			
Mixed/multiple ethnic groups				
<input type="checkbox"/> White and Black Caribbean	<input type="checkbox"/> White and Black African	<input type="checkbox"/> White and Asian		
<input type="checkbox"/> Any other mixed/multiple ethnic background (please specify):				
Asian/Asian British				
<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani	<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Chinese	
<input type="checkbox"/> Any other Asian background (please specify):				
Black/African/Caribbean/Black British				
<input type="checkbox"/> African		<input type="checkbox"/> Caribbean		
<input type="checkbox"/> Any other Black/African/Caribbean background (please specify):				
Other ethnic group				
<input type="checkbox"/> Arab				
<input type="checkbox"/> Any other ethnic group (please specify):				
<input type="checkbox"/> Prefer not to say				

Welsh Language

Please describe your Welsh language ability by ticking the relevant box(es) below.

	Understand	Speak	Read	Write
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Basic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Good	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fluent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sexual Identity

Which of the following options best describes how you think of yourself?

<input type="checkbox"/> Heterosexual / straight	<input type="checkbox"/> Gay or lesbian	<input type="checkbox"/> Bisexual
<input type="checkbox"/> Other	<input type="checkbox"/> Prefer not to say	

Religion

What is your religion?

<input type="checkbox"/> No religion	<input type="checkbox"/> Christian (all denominations)	<input type="checkbox"/> Buddhist
<input type="checkbox"/> Hindu	<input type="checkbox"/> Jewish	<input type="checkbox"/> Muslim
<input type="checkbox"/> Sikh		
<input type="checkbox"/> Any other religion (please specify):		<input type="checkbox"/> Prefer not to say

Pregnancy and Maternity

Are you currently pregnant or have you been pregnant within the last year?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say
Have you taken maternity leave within the past year?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say

Marriage and Civil Partnership

What is your legal marital or same sex civil partnership status?	<input type="checkbox"/> Single, that is never married and never registered in a same sex civil partnership <input type="checkbox"/> Married and living with husband/wife <input type="checkbox"/> Separated but still legally married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> In a registered same-sex civil partnership and living with your partner <input type="checkbox"/> Separated, but still legally in a same-sex civil partnership <input type="checkbox"/> Formerly in a same-sex civil partnership which is now legally dissolved <input type="checkbox"/> Surviving partner from a same-sex civil partnership <input type="checkbox"/> Prefer not to say
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DIRECTORATE OF LEARNING AND SKILLS
**Consultation Response
Report**

Consultation on the proposal to transform special education in the Vale by:

- **Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- **Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.**

This document can be made available in Braille.
Information can also be made available in other community languages if needed.
Please contact us on 01446 709828 to arrange this.

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Background

This report presents the feedback received during the consultation, undertaken from **6 November 2020 to 20 December 2020**, in response to the Council's proposal to transform specialist education by;

- **Increasing the capacity of YYD to accommodate an additional 150 pupils; and**
- **Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

This report outlines the consultation process, provides an overview of responses to the consultation, and offers further details of the key issues and favourable comments raised by stakeholders.

Outline of the consultation process

The consultation processes followed Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and in line with the School Organisation Code 2018. The consultation processes gave prescribed consultees the opportunity to learn about the proposal and for the Council's Cabinet to hear the views of all those with an interest so that they can be taken into account before any decisions are made.

Publication of the consultation

Formal consultations were conducted through a consultation document and response form distributed electronically to prescribed consultees and published on the Vale of Glamorgan Council website on the 6 November 2020. Consultees were also provided with an email link to the Vale of Glamorgan Council's website. Hard copies of the consultation document were available upon request.

The publication of a consultation document is central to the consultation process for school reorganisation and is prescribed by Welsh Government in the School Organisation Code 2018. The consultation document outlined the proposal being considered, the rationale for the proposal and the details of the consultation exercise. The consultation document also incorporated an individual response form. Consultees were advised of the availability of an online version to complete.

Consultation stakeholder engagement

Engagement for the consultation on the proposal was undertaken with prescribed consultees as contained within the School Organisation Code 2018.

The following groups were consulted:

Staff (teaching and non-teaching) at YYD	Governing Body of YYD
Parents/Carers and Guardians of children YYD	Diocesan Directors of Education
Town and Community Councils	Vale of Glamorgan Early Years Development Partnership (EYDCP)

Vale of Glamorgan Children and Young People's Programme Board	Local Councillors
Assembly Members (AM's) / Members of Parliament (MP's) / Regional Assembly Members	Welsh Language Commissioner
Rhieni dros Addysg Gymraeg (RHAG)	Primary and Secondary schools in the Vale of Glamorgan
Estyn	Central South Consortium Joint Education Service
Welsh Government Ministers	Trade Unions
Local Police and Crime Commissioner	Directors of Education – All Neighbouring Authorities
Council's Transportation Department	

Consultees were invited to complete a formal consultation response form which could be completed in hard copy or online via the Council's website at: www.valeofglamorgan.gov.uk/whitmorespecialistresourcebase

Due to the ongoing implications of the Coronavirus, parent and community drop in sessions were not held to limit interaction between staff, parents and the wider community. However, open communication channels were maintained throughout the consultation by phone and email. The FAQs were also updated to reflect queries raised throughout the consultation period (Annex C).

We have endeavoured to arrange a consultation session with pupils, but it has not been possible for this session to take place due to ongoing Coronavirus restrictions. Pupils were able to respond via the formal consultation response form, but no responses have been received. We will aim to reschedule a pupil engagement session to be undertaken by an independent body for a later date, should Cabinet approve the proposal.

Consultation Questions

Consultees were asked for their opinion on the key question:

Do you support the proposal to transform specialist education by:

- **Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- **Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.**

Consultees were able to respond with Yes, No or No opinion either way.

Consultees were also offered the opportunity to comment further:

"If you would like to suggest any changes or alternatives to the proposals, please detail these below."

Any other comments?"

Consultation responses

The consultation responses received in writing between 6 November 2020 and 20 December 2020 are outlined below.

Summary of responses

102 individual responses were received by the consultation closing date. Of the total 102 individual responses, 90 were in favour, 11 were opposed, and 1 stated no opinion either way. The breakdown of responses is detailed in the tables and charts below.

It has been noted that not all consultees provided a response to each of the questions and that some forms were not fully completed. In these cases, we have accepted the responses to the questions that they have chosen to answer.

As table 1 and chart 1 below show, 90 of the respondents (88%) were in favour of the proposal, 11 of the respondents (11%) were against the proposal, and 1 (1%) indicated no opinion either way.

Table 1 – Breakdown of consultation responses						
Total (individual) responses:	Total support		Total not support		Total no opinion	
	No.	%	No.	%	No.	%
102	90	88%	11	11%	1	1%

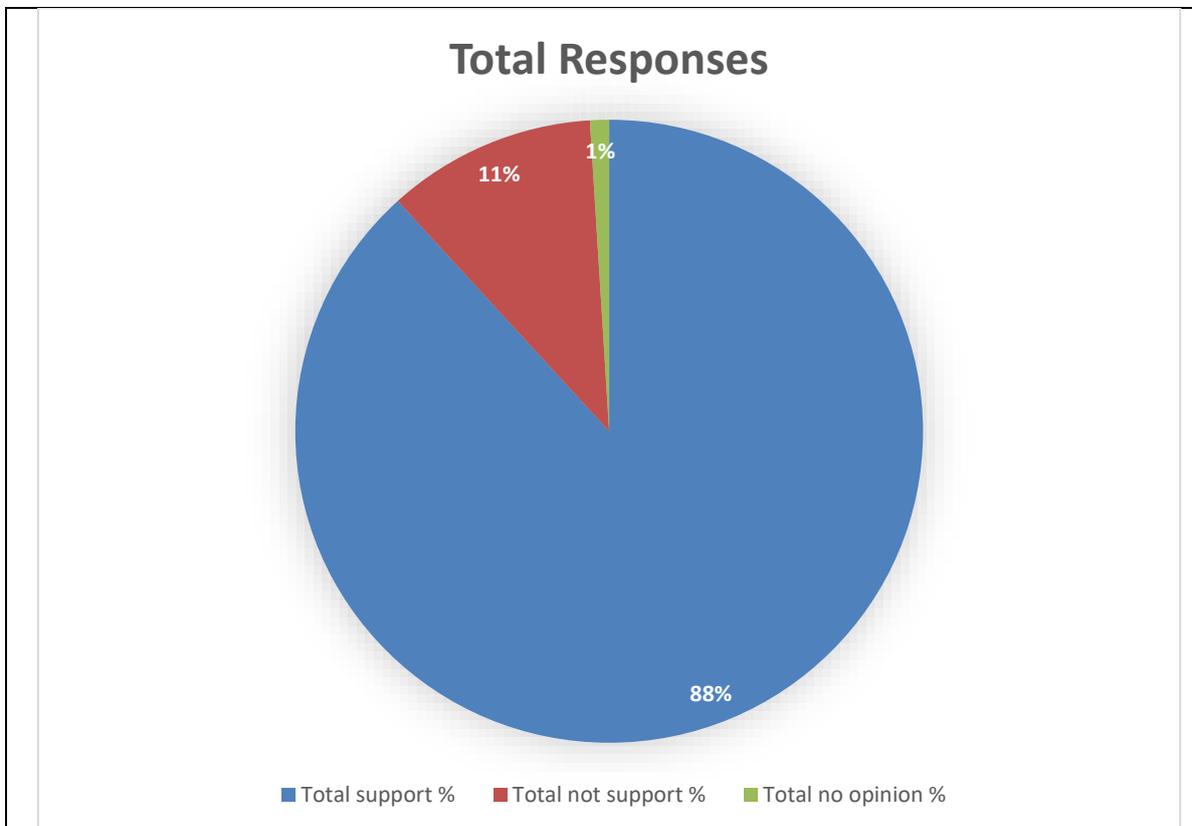


Chart 1 – Split of responses supporting or not supporting the proposal, and those responses with no opinion either way

Respondents were asked to indicate their role in relation to the proposal, respondents were able to tick more than one option.

As table 2 and chart 2 below show, some respondent groups had mixed views on the proposal, whereas others had a clear consensus. The largest group of respondents indicated that they were members of staff (82 respondents – 98.78% in favour, 1.22% with no opinion either way), followed by local residents (15 respondents – 33.33% in favour, 66.67% against) and then parents or guardians (9 respondents – 66.67% in favour, 33.33% against). “Other” (3 respondents – 66.67% in favour, 33.33% against) included NHS workers and Friends of the Earth Barry & Vale.

Table 2 - Breakdown of consultation responses by role				
Response by role:	Support	Not support	No opinion	Total
	No.	No.	No.	No.
Parent or guardian	6	3	0	9
Grandparent	0	3	0	3
Pupil	0	0	0	0
Member of staff	81	0	1	82
Governor	6	0	0	6
Local Resident	5	10	0	15
Other	2	1	0	3

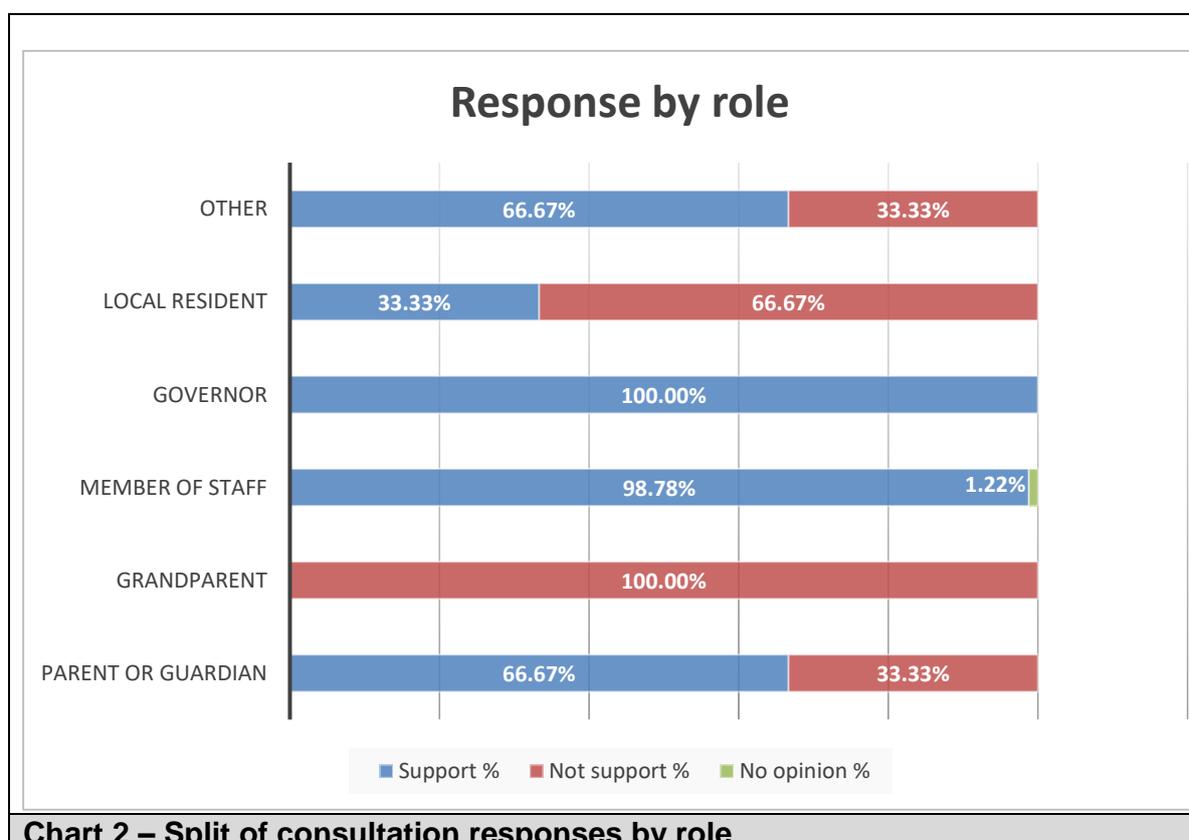


Chart 2 – Split of consultation responses by role

Responses in detail

Annex	Description
Annex A	A summary of key issues raised by statutory consultees and the response to those issues can be found at Annex A.
Annex B	A summary of the comments received in favour of the proposal can be found at Annex B.
Annex C	The frequently asked questions (FAQs) document has been updated to include the key questions raised during the engagement sessions (Annex C).
Annex D	A formal response was submitted by Estyn and can be found at Annex D.
Annex E	The consultation document was referred to the Learning & Culture Scrutiny Committee on 10 December 2020. The minutes of this meeting can be found at Annex E.
Annex F	A formal response was submitted by the governing body of Ysgol Y Deri and can be found at Annex F.
Annex G	A formal response was submitted by the Penarth Town Council and can be found at Annex G.

Conclusion

Following consideration of the responses received throughout the consultation period, the Council has revisited the proposal to determine the likely impact on quality and standards in education, the local community and travel arrangements.

Quality and standards in education

This proposal would likely have a positive impact on the quality and standards in education. As noted by respondents, the proposed expansion of YYD would enable more pupils to access specialist education who might otherwise be excluded.

The new building and site at YYD has been designed to meet the needs of a wide range of pupils and would provide greater access to the curriculum and extra-curricular activities.

The provision would be managed by the headteacher and governing body of YYD. The new school has been designed to accommodate up to 150 learners. It is proposed that the new school building would be completed for September 2023. Temporary accommodation would be put in place to meet projected pupil demand in the interim.

Estyn's response noted that "this proposal is unlikely to have a negative impact on the standard of education provision in the area."

Community impact

A Community Impact Assessment was undertaken and published alongside the consultation document. The assessment concludes that the proposal would likely have a positive impact on the local community through increased community facilities.

It is proposed that any community services currently provided by YYD would continue and these could be expanded upon within the new facility. Examples of services YYD provide which would be continued and potentially expanded upon are detailed below:

- Big Lunch – older pupils put on a lunch for 100 members of the local community
- Simon Jones – Senior Health Living Officer (Disability Sports) – organises sporting events with groups coming in to offer one off PE style sessions (basketball wheelchair, soccer previously) and organises community sporting events.
- Physios provide treatment for community children on a regular basis during term times and school holidays.
- Training has been held in YYD for health professionals on weekends and during school holidays
- Whizzkids wheelchair club held in school during the summer holidays
- Playscheme in holiday time

One comment was received regarding the Community Impact Assessment during the consultation period. However, no change to the CIA will be made as a result of this comment (see issues section below). Some respondents noted that they believe the proposal would have a positive impact upon the local community (see comments section below).

Travel arrangements

Traffic and transport implications would be considered as part of the Transport Assessment that would be required in order to achieve planning consent for the building works should this proposal be implemented. A full transport assessment would be undertaken as part of the design process for the new school building. This would assess the impact on the local infrastructure and include a swept path analysis to ensure compliance with current legislation on accessibility for all emergency services. The transport assessment would be used as part of the design process to mitigate against any negative impacts identified.

The transport assessment would also determine the requirement for on-site drop-off and pick-up facilities to accommodate school transport arrangements. It would also be used to inform the required number of car parking spaces to accommodate staff.

As the purchase of the site is dependent on the Council obtaining planning permission, an Outline Planning Application will be submitted. The planning process includes a statutory consultation with local residents. Firstly, the Pre-Application Consultation (PAC) allows residents to provide feedback on the proposed design, as well as the transport assessment, to the contractor. The PAC was launched on 4 January 2021. Final designs would then be subject to the formal planning process. Local residents would be notified of the planning application and would be able to submit feedback that would be considered by the Council's Planning Committee.

Additional Learning Needs (ALN) pupils with specific travel requirements which cannot be met with reasonable adjustment on mainstream transport will have their eligibility determined by the ALN Team.

ALN pupils will be eligible for free transport if they are assessed as having severe and/ or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.

Consideration will be given for free school transport for ALN pupils living within the 2 and 3 mile limits on an individual basis, complying with Section 9 of the Learner Travel (Wales) Measure 2008, ensuring fairness and compliance with relevant equality legislation to ensure no unlawful discrimination between learners. This decision will be made in consultation with all relevant parties. If a pupil cannot walk to school (either with the support of an appropriate adult or independently depending on their age/ability) because of the nature of their additional learning needs or disability, the council will provide free home to school transport even if the distance is less than the statutory limit. The decision on this will be made by the Passenger Transport Team in conjunction with schools and the Complex Needs Team. If possible and in conjunction with the agreement of the learner, parent/carer, the school and the Complex Needs Team escort provision may be provided, instead of transport, to enable the pupil to get to school independently. This promotes sustainable modes of travel and encourages independent living as well as health and well-being.

School transport is currently provided to 229 pupils at YYD. In total, there are 45 vehicles serving the existing site which can be broken down as follows:

- 5 vehicles provide transport for more than 10 pupils;
- 5 vehicles provide transport for between 6 and 10 pupils; and
- 35 vehicles provide transport for 5 pupils or less.

If the proposal were to progress, active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. Active travel would be assessed as part of the planning process outlined above. The 21st Century Schools team and contractors would work with the school to develop an updated travel plan which would support measures to increase active travel to school.

Annex A - A summary of key issues raised by statutory consultees and the Council's response

The following summarises the key issues raised during the formal consultation period. The issues present an overview of responses and are not intended to be verbatim. All written responses have been made available to Cabinet Members.

Issue 1 - Issues related to the choice of site:

1.1 Respondents disagreed with the choice of site next to the proposed new housing development in Cosmeston. This site would increase traffic issues and reduce natural green space.

Council's response to the concerns raised:

Site choice

YYD currently forms part of Penarth Learning Community (PLC) alongside St Cyres Comprehensive School. The establishment of PLC was the result of a £50m investment to construct state of the art education facilities. It is not possible to increase the capacity of YYD on the existing site any further due to limited external space available, and the likely impact this would have on the local infrastructure around the site. The PLC site already accommodates around 1,400 learners.

The preferred approach is to construct a new school building on a separate site which would form part of YYD. The additional school building would primarily accommodate primary aged pupils. However, the school would operate a needs-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

The Council considered a wide range of sites to deliver the expansion of Ysgol Y Deri. This initially involved considering Council-owned sites and was then widened to include sites that could be available to purchase.

No brownfield sites were identified that met the requirements for the proposed school building. As the school would form part of YYD, it was also considered essential that the building was in close proximity to the existing YYD building as staff would work across both sites.

The Council has identified a preferred site which is located next to the proposed 'Land at Upper Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing YYD site.

The preferred site is currently owned by Welsh Government and the Council has an agreement in principle to purchase the land, subject to planning permission being obtained. Alongside the consultation, the Council is looking to obtain outline planning permission in order to progress with the site purchase, which would be subject to Cabinet approval.

The design of the school building would complement the surroundings. Green open

space would be retained as much as possible to provide external play areas for the school and community use outside of school hours. Natural materials would also be used for the school building wherever possible.

The impact the proposal would have on green space would be a consideration as part of the planning process

If the proposal were to go ahead, suitable tree species and vegetation to enhance the site would be identified through extensive ecology surveys. The design team would also work closely with the school to ensure nature-based skills are developed through tailored outdoor provision. Schools delivered within Band A of the 21st Century Schools have also previously created nature areas with ponds, bug hotels, and planting as part of their outdoor learning spaces.

All options within the site would be considered and subject to a planning application. The planning approval would also be subject to sustainable drainage requirements which involves extensive designs for surface water management; i.e. water flow rates must meet specific requirements and be achieved through natural solutions like swales and raingardens.

Traffic

Traffic and transport implications would be considered as part of the Transport Assessment that would be required in order to achieve planning consent for the building works should this proposal be implemented. A full transport assessment would be undertaken as part of the design process for the new school building. This would assess the impact on the local infrastructure and ensure compliance with current legislation on accessibility for all emergency services. The transport assessment would be used as part of the design process to mitigate against any negative impacts identified.

The transport assessment would also determine the requirement for on-site drop-off and pick-up facilities to accommodate school transport arrangements. It would also be used to inform the required number of car parking spaces to accommodate staff.

As the purchase of the site is dependent on the Council obtaining planning permission, an Outline Planning Application will be submitted. The planning process includes a statutory consultation with local residents. Firstly, the Pre-Application Consultation (PAC) allows residents to provide feedback on the proposed design, as well as the transport assessment, to the contractor. The PAC was launched on 4 January 2021. Final designs would then be subject to the formal planning process. Local residents would be notified of the planning application and would be able to submit feedback that would be considered by the Council's Planning Committee.

ALN pupils are eligible for free transport if they are assessed as having severe and/or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.

School transport is currently provided to 229 pupils at YYD. In total, there are 45 vehicles serving the existing site which can be broken down as follows:

- 5 vehicles provide transport for more than 10 pupils;
- 5 vehicles provide transport for between 6 and 10 pupils; and
- 35 vehicles provide transport for 5 pupils or less.

If the proposal were to progress, active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. As part of the soft landings provision, the 21st Century Schools team and contractors would work with the school to develop an updated travel plan which would support measures to increase active travel to school.

1.2 Respondents disagreed with the proposed new site being close to existing provision. The new school should be located in the Central or Western Vale.

Council's response to the concerns raised:

Some responses have suggested that the YYD expansion should be delivered in the Western Vale to reduce transport or to more easily cater for pupils living within the Western or Central Vale.

One of the sites suggested within the Western Vale is the new housing development in Cowbridge, known as Darren Farm or Clare Gardens. This site would not be suitable as it has already been allocated to meet local demand for primary places (subject to a separate consultation process).

In order to reduce the replication of specialist areas, and deliver the project within the allocated budget, it is proposed that the new building will mainly cater for primary aged pupils and the existing YYD building will primarily cater for secondary aged pupils. Therefore, constructing the building in the Western Vale would not reduce transport as the Council would not be able to establish separate catchment areas.

It is also worth noting that approximately 72% of pupils currently transported to YYD reside within Penarth, Llandough, Sully, Dinas Powys and Barry.

Respondents also suggested the location should be in Barry either on the Cardiff and Vale College site (five mile lane) or as part of the Centre for Learning and Wellbeing on the Court Road Depot site. There would neither be the space nor the resources within the proposed Centre for Learning and Wellbeing to cater for the needs of Ysgol Y Deri pupils. The site would not be suitable to accommodate an additional 150 pupils. The Cardiff and Vale College site on the five mile lane was considered as part of the review of sites but was ruled out as the buildable area was not large enough to accommodate the proposed expansion.

The Council worked closely with the leadership of YYD throughout the development of the proposal. From a management perspective, it was considered essential that the new building was constructed within close proximity to the existing site. This is to facilitate the movement of staff working across both sites and to ensure effective leadership.

Due to the specialist nature of the provision, YYD has a high staff to pupil ratio. If the new building was constructed in the Central or Western Vale, this would likely negatively impact on transport due to an increase in staff transport between sites. This would also have implications for the effective management of the provision.

1.3 Respondent felt that the new site would be too far from the current provision. Two alternatives were suggested; either expanding into St Cyres by changing it into a sixth-form only college or expanding into Ysgol Pen Y Garth by moving it to the new housing development in Cosmeston.

Council's response to the concerns raised:

The Council considered a wide range of sites to deliver the proposed expansion for YYD. As outlined above, close proximity to the existing building was a key consideration. The proposed site was the closest site that was available to the Council that met the requirements for the provision and was available within the required timescales.

With regards to expanding Ysgol Y Deri into the area which currently accommodates St Cyres Comprehensive School, the Council does not consider this a reasonable approach. St Cyres Comprehensive School provides English medium secondary places to meet demand from Penarth, Llandough, Sully and Dinas Powys. There are currently 1,234 pupils on roll against a capacity of 1,285 pupils. If Key Stage 3 and 4 provision was removed from St Cyres Comprehensive School, the Council would be required to relocate these pupils to alternative provision. There is no school within the Vale of Glamorgan with sufficient surplus capacity to meet this demand. This approach would also prevent the Council from being able to meet its statutory duty to provide sufficient school places for English medium secondary education as there would be a shortfall in the number of places available against the catchment population.

With regards to the relocation of Ysgol Pen Y Garth, the Council does also not consider this to be a feasible option. As part of the proposed housing development in Cosmeston, the Council is due to receive a 2-hectare site which could accommodate a 420-place primary school. The purpose of the allocation is to increase capacity to meet the additional demand emanating from the housing development. Ysgol Pen Y Garth already has a capacity of 420 primary places which would result in no additional places being available to meet increased demand.

It is also worth noting that the proposed housing development has not been granted planning approval at this point in time and the S106 agreement has not been signed. The timescales attached to the transfer of the proposed site are currently unknown which would considerably delay the expansion of YYD. As outlined in the consultation document, demand for special education has already surpassed the capacity of YYD and the opportunities to increase capacity will be exhausted by September 2023.

Issue 2 - Query whether there would be appropriate resources available to implement the proposal and how transition would limit disruption to staff and pupils

Council's response to the concerns raised:

Financial resources

The expansion of YYD has been included as part of Band B of the Council's 21st Century Schools Programme. £11m has been allocated to this scheme which is part funded by Welsh Government. As a special school, 75% of the funding would be provided by Welsh Government (£8.25m) and 25% would be funded by the Council. The Council's contribution of £2.75m is included within the capital programme.

A capital bid has been submitted to include £700k within the 2021/22 capital programme to implement a temporary modular building on the existing YYD site to meet anticipated demand prior to the opening of the new school building.

The new build would be completed for September 2023.

Additional revenue funding would be required to fund the provision.

A cost pressure has been submitted as part of the revenue budget setting process for the 2021/22 financial year as a revenue increase will be required to accommodate the additional pupils at YYD. The revenue cost pressure submitted for 2021/22 is £729,000, with a further £521,000 requested in the 2022/23 financial year to meet the costs of the estimated growth in pupil numbers. This would be to accommodate a net increase of 26 pupils in 2021/22 and a further net increase of 18 pupils in 2022/23.

The delegated revenue budget for YYD would increase in line with the number of pupils on roll.

If the proposal was not to go ahead, the Council would be reliant on costly out of county placements in order to meet the needs of learners. All neighbouring local authorities are experiencing similar pressures on capacity which has resulted in a shortage of out of county placements.

Human resources and learner needs

Should the proposal be approved the Council would establish a project team to support the project. The project team would include the Head of Additional Learning Needs and Wellbeing, representatives from the Council's 21st Century Schools Team, and representatives from YYD.

The project team would be responsible for developing a project plan to deliver the proposal by September 2023, when the new YYD building would be completed. The project plan would need to consider:

- Development of the staffing structure;
- The split of pupils across the sites;
- Managing admissions; and
- Identifying the appropriate resources to deliver the provision.

The Council would fully support the staff and governing body to ensure the

successful implementation of the proposal. This approach was successfully adopted to deliver mixed-sex secondary education in Barry as part of the Transforming Secondary Education in Barry project.

The governing body of YYD would be responsible for developing a staffing structure to support the split site provision. The proposal would lead to an increase in employment opportunities at the school as additional staff would need to be recruited as the number of pupils on roll increases. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.

The proposed new building and site would allow for further development of a curriculum filled with rich experiences that challenges children, raises attainment and supports pupils' wellbeing.

The new YYD school building would include suitably sized classrooms, a main hall for sport and dining, offices for senior staff and administration, a staffroom, therapy rooms and break out areas for pupil interventions. The school would be fenced to safeguard pupils with intercom access for visitors. Within the grounds, there would be external play areas, a multi-use games area (MUGA) and habitat areas to enhance pupil wellbeing.

The proposed site for the new school building is in close proximity to Cosmeston Country Park and the Medieval Village. The park would provide a great resource for staff and pupils to enhance wellbeing and attitudes to learning. The proposed site is also close to the sea.

There are potential educational benefits for pupils during the construction phase as appointed contractors would hold site visits and workshops with pupils. For example, on a previous project an English lesson was held on site and pupils wrote poems about their experiences. Workshops suitable for relevant key stages would be held with pupils. Additionally, the project would participate in the construction ambassadors programme, which enables pupils to gain confidence and skills by learning more about construction and updating their peers on site progress.

For more examples, please visit our community benefits webpage:

https://www.valeofglamorgan.gov.uk/en/living/schools/schools_in_the_vale/21st-Century-Schools/21st-Century-Schools-Community-Benefits.aspx

Issue 3 – Estyn queried what the transportation cost implications would be if the proposal were to progress.

ALN pupils are eligible for free transport if they are assessed as having severe and/or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.

School transport is currently provided to 229 pupils at YYD. In total, there are 45 vehicles serving the existing site which can be broken down as follows:

- 5 vehicles provide transport for more than 10 pupils;

- 5 vehicles provide transport for between 6 and 10 pupils; and
- 35 vehicles provide transport for 5 pupils or less.

The Council is projected to spend £1,534,049 in 2020/21 on ALN school transport. It is not possible to project the additional costs at this stage as it will be dependent on the needs and locations of the individual pupils. Transport costs would incrementally increase as the number of pupils on roll increases year on year. As part of the revenue budget setting process cost pressures would be submitted to meet this increased cost. If the proposal was not to go ahead, the Council would be reliant upon costly out of county placements, which would include transportation.

Issue 4 - The Governors queried whether the proposal is to increase the capacity of YYD to 355 (i.e. 205 + 150) or is it to increase the current roll by 150 additional places?

The preferred approach is to construct a new school building on a separate site which would form part of YYD. The additional school building would primarily accommodate primary aged pupils. However, the school would operate a needs-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

The new YYD school building would be of suitable size to accommodate 150 pupils. The building design would also provide sufficient space for staff, including health and support staff, necessary to best meet the needs of pupils.

The building would include suitably sized classrooms, a main hall for sport and dining, offices for senior staff and administration, a staffroom, therapy rooms and break out areas for pupil interventions. The school would be fenced to safeguard pupils with intercom access for visitors. Within the grounds, there would be external play areas, a multi-use games area (MUGA) and habitat areas to enhance pupil wellbeing.

The proposed site would also provide sufficient space for a future expansion if required. This would be factored into the overall site layout.

The proposal would result in a new capacity of 355 pupils. However, the existing building has been adapted to accommodate a larger number of pupils to meet increased demand over the years. The proposed new building would reduce the number of pupils currently attending the current YYD building to below the 205 capacity. However, future capacity would need to be considered in light of the needs of the pupils on roll and any adaptations made to accommodate a larger number of pupils.

The Council is proposing a holistic approach in meeting future demand through the provision of additional capacity at YYD, as well as additional specialist resource bases in mainstream schools throughout the Vale to support learners who are better served accessing mainstream education with increased support. This approach would ensure the Council is able to meet demand while providing a range of provision to best meet the individual needs of our learners.

Issue 5 – Respondent disagreed with the timing of the proposal as a decision on the housing development has not been made.

As outlined in the consultation document, demand for special education has already surpassed the capacity of YYD. The Council considered a wide range of sites to deliver the proposed expansion for YYD. Close proximity to the existing building was a key consideration. The proposed site was the closest site that was available to the Council that met the requirements for the provision and was available within the required timescales.

The expansion of YYD is required regardless of whether the housing development goes ahead.

The development site at Upper Cosmeston Farm is included as an allocation within the adopted LDP and a residential development on this land is considered appropriate in principle which gives an element of certainty that the land will be developed during the LDP period. This is because part of the process to allocate a site within an LDP includes considering whether it is deliverable and financially viable to come forward during the LDP period, consequently due to the sites allocation within the Plan it has passed these tests. Furthermore, a planning application for outline consent has been submitted to the Local Planning Authority and is currently under consideration (2020/01170/OUT refers). This further demonstrates that the site is viable with a developer committing resources in pursuing a planning consent on the site increasing the certainty that the housing allocation will come forward during the plan period.

Issue 6 – Respondents disagreed with having autistic pupils within the same provision as pupils with physical and mental disabilities.

A few respondents felt that autistic pupils have their own needs and require their own teaching assistants. Respondents determined that the proposal could not have been made with the input of educational specialists as other local authorities are separating autism provision and therefore any overarching provision must be due to bureaucratic not educational needs.

YYD opened in 2014 following the amalgamation of Ysgol Erw'r Delyn, Ysgol Maes Dyfan and Ashgrove School. Pupils who attend YYD have a wide range of needs, which include autism, severe learning difficulties and profound and multiple learning difficulties. The amalgamation of the three schools has been highly successful, pupils and staff have benefitted from the sharing of expertise across disciplines. All pupils are assessed as individuals and access provision which is based on their individual needs, this enables them to flourish whatever their difficulties.

YYD is widely considered successful by school stakeholders and Estyn judged the school to be “Good” or “Excellent” across all measures in their most recent inspection.

The Council worked closely with the leadership of YYD throughout the development of the proposal. It is also worth noting that in their responses to the consultation, the governing body and teachers of YYD thoroughly support the proposal.

Issue 7 – Respondent disagrees with C11 of the Community Impact Assessment.

The respondent felt that C11 "Children living in the catchment are attending their local school" should not have a score of +3 as pupils will need transport.

The score is judged on whether there are sufficient pupil places within the catchment. As the catchment for YYD is the whole of the Vale and this proposal would increase the number of pupil places and reduce reliance on costly out-of-county provision, the score is still judged to be appropriate.

Transport is covered under C18 where it is acknowledged that the proposal would result in increased transportation.

Annex B - A summary of comments received in favour of the proposal.

This section provides the key themes raised during the formal consultation period by those in favour of the proposal. The following presents an overview of responses and are not exhaustive or intended to be verbatim. All written responses have been made available to Cabinet Members.

Comment 1

Agree with increasing specialist support available for ALN pupils.

Respondents agreed specialist educational provision needs to be increased within the Vale. Respondents highlighted YYD is currently operating well overcapacity.

The expansion of YYD will enable more pupils to benefit from the excellent provision at the school. Respondents also noted that it would reduce pressure upon existing facilities within YYD, enabling specialist rooms to be used as intended instead of as temporary classrooms.

Overall, respondents welcomed this kind of provision.

Comment 2

YYD provides high quality educational provision and caring support for some of the most vulnerable pupils. YYD is the appropriate body to manage increased provision.

Respondents noted the excellent provision at YYD and welcomed the expansion of the school under the current management. Respondents championed the commitment of staff and senior leadership in supporting pupils to achieve the best possible educational outcomes and in preparing pupils for later life through essential skills and work experience opportunities.

Comment 3

The choice of site is appropriate.

Respondents note that the close proximity to the existing YYD provision would mean resources and staff, including health and support staff, are able to be shared across both sites. This is imperative to maintain the effective day to day running of the school.

The site would also provide an idyllic and safe setting for vulnerable pupils. The site location is also close to Cosmeston giving the pupils the opportunity for excellent outdoor learning, essential exercise and well-being visits.

Comment 4

The proposal would have a positive impact upon the local community.

Respondents felt that YYD is an important part of the local community, including by

providing local facilities, and so view its expansion as a positive. Respondents also noted that this proposal would have a positive impact upon local employment.

Annex C - Frequently asked questions.

This section provides updated frequently asked questions in relation to the proposal.

What is the intended timescale of development?

It is intended that the proposal would be implemented by September 2023. Construction of the new school would commence by January 2022 and be completed by August 2023.

How would potential transport implications be considered as part of this proposal?

The Council's 21st Century Schools Team would be responsible for the build process. A contractor would be appointed and a full transport assessment would be undertaken as part of the design process. Any implications identified would be factored into the design of the new building. The contractor would submit a full planning application for the new building.

Who would manage the construction of the new school building?

The Council's 21st Century Schools Team would be responsible for managing the build process. A contractor would be appointed using the SEWSCAP framework. SEWSCAP is a construction framework used by 16 local authorities and provides pre-qualified and suitably experienced Contractors to deliver the 21st Century Schools Programme, and other public buildings, relating to both new build and refurbishment projects over £1.5 million. A programme of engagement would be devised to ensure all stakeholders are informed of progress and are able to feed into the design process. There would be regular meetings between the Council, contractor and school.

How would we be involved throughout the design process?

A programme of engagement would be devised to ensure all stakeholders are informed of progress and are able to feed into the design process. There would be regular meetings between the Council, contractor and school. Any feedback or thoughts can be sent to the 21st Century Schools Team on:

21stcenturyschools@valeofglamorgan.gov.uk

Annex D – Response from Estyn

Estyn response to the proposal to expand provision at Ysgol Y Deri Introduction

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore, as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer and other additional information such as data from Welsh Government and the views of the Regional Consortia which deliver school improvement services to the schools within the proposal.

Summary/ Conclusion

This is a proposal by the Vale of Glamorgan council. The proposal is to:

- Increase the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and
- construct a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of Ysgol Y Deri.

It is Estyn's view that this proposal is unlikely to have a negative impact on the standard of education provision in the area.

Description and benefits

The council presents a clear rationale for the proposal. It is to meet increasing demand for special education in the Vale of Glamorgan. Ysgol Y Deri was constructed to accommodate 205 pupils but currently has 262 pupils on roll. Current projections indicate that more pupils will require a place at the school over the next few years and this trend is likely to continue for the foreseeable future.

The council has appropriately listed the expected benefits of implementing the proposal. These include the ability meet the projected demand for special school places. Also the advantages of a new school building that can include the provision of an innovative and creative learning environment. In addition, it cites the advantage of the council not relying on costly out of council placements although no indication of current costs is provided. The council lists only one disadvantage and

that is the disruption to staff and resources during the implementation phase of the proposal.

The council has provided a table that presents two risks and the mitigation proposed to address these risks. The risks centre on needing additional capacity beyond the proposed increase and issues around traffic management at the site. The proposed mitigation to address these risks seem to be reasonable and valid.

The council has presented three alternatives to the proposal that they have considered. These alternatives are to expand the school on its current site, expand the school on a different site or to establish a new special school with separate governance arrangements. The council's reasons for discounting these alternatives seem suitable.

The proposed site is three miles away from the school. The council has outlined its policy of providing free transport to primary and secondary aged pupils as well as those with severe or complex needs and attending a special school. In addition, the council states that a full transport assessment would be undertaken as part of the design process for the new school building. It considers that this would be used to mitigate against any negative impacts identified. This appears to be a reasonable approach. However, there is no indication of the increased transport costs to the council in implementing this proposal.

The council rightly points out that there are no direct implications for other primary and secondary schools in the Vale of Glamorgan. Ysgol Y Deri is the only special school in the authority and all admissions to the school are based on an assessment of the needs of individual pupils. It is expected that the proposal will meet the expected demand for places over the next few years.

The council has commented on its Welsh in Education Strategic Plan (WESP) and reports that teaching and learning will continue predominately delivered through the medium of English and that Welsh medium provision would be made available when required. This would be delivered by bilingual Learning Support Assistants employed by Ysgol Y Deri as is currently the case.

The proposer has included a suitable community impact assessment as part of the proposal. It assesses the impact on the local community against eight key measures. Its findings are that the proposal would likely have a positive impact on 6 of the 8 measures assessed and a negative impact 2 of these measures. The negative impact is likely to be on the aspects that relate to the local infrastructure and transport arrangements. The council has outlined how they will address this negative impact and concludes that overall, the proposal would likely have a positive impact on the local community.

Educational aspects of the proposal

The council has considered suitably the impact of the proposal on the quality of outcomes, provision and leadership and management. In order to do this, the council presented a separate document in which it collated a range of information about the school. This information included the most recent Estyn inspection report, the national categorisation of the school report, and internal assessments of the buildings condition and suitability. Amongst the benefits outlined, the council

suggests improved outdoor learning experiences as the proposed site is in close proximity to Cosmeston Country Park and the Medieval Village. In addition, the council suggests potential educational benefits during the construction phase as it would participate in the construction ambassadors' programme, which enables pupils to gain confidence and skills by learning more about construction and updating their peers on site progress.

Leadership and management was judged to be excellent in the school's last Estyn inspection in 2016 and the council intends for this leadership to continue following the development of the new site.

The proposal intends to increase the capacity of Ysgol Y Deri, the council's only special school which caters for pupils with special educational needs. This is in order to meet projected demand for special education. This proposal expects to provide an additional 150 places to help meet future demand.

Annex E - Minutes of the Learning and Culture Scrutiny Committee on the proposal

LEARNING AND CULTURE SCRUTINY COMMITTEE

The recording of the Learning and Culture Scrutiny Committee meeting (10th December 2020) is available here:

<https://www.youtube.com/watch?v=1zGCESVsWYQ&feature=youtu.be>

[Minutes of the Learning and Culture Scrutiny Committee meeting held on 10th December, 2020.](#)

268 PROPOSAL TO INCREASE THE CAPACITY OF YSGOL Y DERI TO MEET FUTURE DEMAND FOR SPECIAL EDUCATION IN THE VALE OF GLAMORGAN (REF) -

Cabinet, on 2nd November, 2020 had authorised the Director of Learning and Skills to undertake a consultation on the proposal to meet future demand for special education in the Vale of Glamorgan by:

- Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and
- Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.

Cabinet had also resolved that the matter be referred to Committee for consideration as part of the proposed consultation exercise.

The 21st Century Schools Project Manager presented the report and advised that the proposal would result in an additional 150 places at Ysgol Y Deri to meet increased demand for special education in the Vale of Glamorgan, and that a new building which would operate under the management of Ysgol y Deri would be constructed on a new school site in Cosmeston, Penarth to accommodate the increased capacity.

The Officer also advised that while the proposal saw a new school building being ready by September 2023, the intakes of 2021 and 2022 would see a net increase of 44 pupils at the school, and the report therefore outlined the temporary measures which would be required to ensure Ysgol Y Deri was able to meet projected demand during this intervening time. The consultation, which was being conducted through a consultation document and in accordance with the School Organisation Code 2018, had been launched on November 6th and was due to close on December 20th. The Officer advised that of the 96 responses received to the consultation so far, 86 had been in favour of the proposal, one had offered no opinion on the proposal and eight had not been in favour. The main concerns raised had related to the impact of traffic and the location of the proposed new building,

and the Officer stated that the Council would respond to these concerns as part of the consultation report, however it should be noted that the purpose of this consultation was to receive feedback on the educational impact of the proposal, and some of the concerns raised would need to be addressed via other statutory processes.

Following the presentation of the report, in response to a query from Councillor S.D. Perkes Officers advised they did not have to hand the exact number of Primary school aged pupils at Ysgol y Deri, however confirmed they would forward this information to Councillors following the meeting. The Head of Additional Learning Needs and Well-being acknowledged that within the growing Additional Learning Needs (ALN) sector, early years was where there was most pressure. Councillor N.C. Thomas noted that as the identification of pupils with ALN was improving, the need for such provision would continue to grow, and as such he welcomed the proposal.

With permission to speak, the Cabinet Member for Education and Regeneration thanked Members for their comments and wished to praise the work that had been carried out by Officers in ensuring that every child in the Vale was able to be the best that they could be. The Cabinet Member highlighted that it was of concern that Special Educational Needs (SEN) provision would be so significantly oversubscribed within two years, and she was therefore delighted that the report had come before Committee and had been so well supported. The Head of Additional Learning Needs and Well-being echoed the Cabinet Member's appreciation, noting that while 44 additional pupils in a mainstream setting would not seem significant, it was not an increase that could be managed by Ysgol y Deri in its current form.

The Chairman expressed that the satellite school was badly needed and he was happy with the proposal, however he referred to the most recent meeting of the Full Council, wherein concerns had been raised regarding funding for the proposed new school in relation to funding allocated to Sully Primary School, and while he acknowledged that the current discussion related strictly to the educational impact of the proposal, he did appreciate the concerns raised and hoped there was a way in which the Directorate could move forward with the proposal while ensuring that Sully Primary was also well looked after. The Cabinet Member for Education and Regeneration, with permission to speak, wished to clarify that there were plans and proposals for development and investment in Sully Primary School, and wanted to reassure Members that they were not being asked to make a choice regarding whether one school would receive funding or support over the other.

With the proposal having been fully considered it was subsequently

RECOMMENDED - T H A T the Scrutiny Committee endorse the resolutions as contained in the reference from Cabinet dated 2nd November (Minute No. C358).

Reason for recommendation

To ensure that the Learning and Culture Scrutiny Committee was consulted on the proposal as part of the proposed consultation exercise.

Annex F – Response from the governing body of Ysgol Y Deri

14 December 2020

Consultation on the proposal to transform special education in the Vale by:



- Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and
- Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.

Your Full Name: *B T Exell on behalf of the Governing Body*

Postcode: CF64 2TP

Please tell us whether you are responding as
Governor*

*Please confirm which school/s you are affiliated with:
Ysgol Y Deri

1. Do you support the proposal to transform specialist education by:

- Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils: and
- Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.

(Please indicate your response below)

Yes

No

Please explain why:

Ysgol y Deri was originally conceived and built to accommodate 205 pupils of all ages. Such as been the demand for specialist educational provision that the school's roll is currently 275 with projections indicating the need for approximately 50 additional places by the time the proposed school is completed. It is probable that this demand will continue into the foreseeable future. It was recognised that space and facilities were needed to cater for these pupils, to accommodate this demand, Ysgol Ty Deri was repurposed to provide additional teaching facilities. There is now no more flexibility within the school site. The Governors welcome the proposal to provide temporary modular provision in the short term to accommodate the projected pupil numbers until the new school is completed.

The Governors would welcome clarification as to whether the proposal is to increase the capacity of YYD to 355 i.e. 205 + 150 or is it to increase the current roll by 150 additional places.

The proposed site at Cosmeston has a significant advantage in its proximity to YYD. This will allow the use of the specialist facilities that will not be available in the new school to be within an easy distance. Similarly, it will allow the interchange of staff where necessary without excessive travel in terms of distance and time.

2. If you would like to suggest any changes or alternatives to the proposals, please detail these below.

Given the increasing demand for specialist educational provision, witnessed across the Province, it is important that the proposed school not only caters for the 150 pupils, but that consideration is given to the projections held within the Additional Learning Needs sector of the Learning and Skill Directorate. The proposed building not only needs to cater for the 150 pupils but that there is a degree of flexibility within the site should demand, one day, exceed provision.

3. Any other comments?

It is acknowledged that standards in the school are very good and that most pupils make good or excellent progress relative to their low starting points and additional learning needs. To achieve this YYD has invested significant resources in developing the excellent teaching and learning teams. While a number of staff will transfer to the new school unfortunately, there is "no magic tree" from which the additional staff will appear. It must be recognised that in order to staff the new provision it will be necessary to appoint staff prior to its opening. This will allow the new staff to mirror the ethos and quality currently seen within YYD.

Although the building of YYD was to an exacting standard lessons have been learned during the last four years which now could be improved within the new site. It is important that this knowledge is incorporated into the new building to ensure the wellbeing of the pupils and staff. Similarly given the changes that are proposed to the curriculum, the learning environment must be designed to incorporate the improvements necessary to provide a 21st century learning environment. To achieve this provision must be made to second management so that they are able to devote the necessary time to the Project

The success of YYD is not down solely to the teaching and learning and administrative staff but also to the support which is given by the Health Board through the nursing and therapy teams. It is important that there is close collaboration with the Health Board at an Authority level to ensure that appropriate resources are available to the new school.

The Governors recognise that continued expansion of the scale of the provision which it manages raises challenges and risks, and they would hope that these do not impact adversely on the quality of education currently received by pupils. Similarly, there must be no dilution of the quality of leadership currently enjoyed at YYD. Given the highly complex nature of YYD, an enormous level of responsibility is being placed on the leadership, staff & governing body to manage. This needs detailed consideration. The Governing Body also expects the Authority to recognise and endorse an early expansion of the leadership team to take this expansion forward. It does not wish to be in the position experienced five years ago where the leadership team were expected to manage three schools and build a fourth. Today

there will be the pressure to manage YYD, while implementing the proposal for Y Draith, Gladstone and the Support Service while overseeing the build and resource of the new Primary School.

Finally, the Governing Body recognises the ever-increasing budgetary pressure created by Additional Learning Needs. It is hoped that both the capital and revenue costs have been appropriately calculated.

A handwritten signature in black ink, reading "B.T. Exell", written over a horizontal line.

*B T Exell MBE
Chair of Governors*

Annex G – Response from the Penarth Town Council



The proposed site for the Ysgol y Deri is adjacent to the proposed housing development at Upper Cosmeston Farm. An Outline application for planning consent has recently been submitted for what is to achieve net zero operational energy standards and will adopt and drive the principles of the Wellbeing and Future Generations Act, and 'Creating Sustainable Places', taking into account all elements of 'Good Design and the principles of 'Route to Good Design as set out in Technical Advice Note 12 (2016).

We would expect the proposed Ysgol Y Deri extension to achieve the same standard of good design.

The Town Council support the educational provision proposed and our following comments relate to the precise location chosen. There are no doubt some educational synergies, as are incorporated on the St Cyres site where there is no interior barrier between the two schools.

There are also some impacts. It is likely that pupils will arrive by car or special transport from the wider catchment with consequent congestion and traffic management issues. This will involve the new access off Lavernock Rd to the LDP allocation to the north of Upper Cosmeston Farm, (the non-specialist School site,) and the existing access, Fort Road. Access in the short term at least will be off the existing Fort Road.

These issues will need to be considered in an Assessment included with the planning application for the proposed Ysgol Y Deri School. The immediate active travel by foot or cycle along the Lavernock Rd, which is an active travel route, will need improving and possibly will require some separation between cycles and pedestrians.



DIRECTORATE OF LEARNING AND SKILLS

Community Impact Assessment

Consultation on the proposal to transform special education in the Vale by:

- **Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and**
- **Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.**



This document can be made available in Braille.
Information can also be made available in other community languages if needed.
Please contact us on 01446 709828 to arrange this.

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Introduction

The Vale of Glamorgan Council is committed to ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. In order to achieve this ambition it is essential that we ensure schools remain sustainable, reflect the needs of our local communities, and are equipped with the best possible learning environments.

The Council is committed to ensuring that consultations are meaningful, relevant and appropriate for the communities that are involved, and the Council has a duty of care to ensure that proposals are clear, transparent, and reflective of those affected. This is a vision that can only be realised by working in partnership with schools, governors, parents and the wider communities we all serve.

The proposal is to transform specialist education by;

- Increasing the capacity of YYD to accommodate an additional 150 pupils; and
- Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.

This proposal is considered under section 2.3 of the School Organisation Code (2018) and the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014.

National Context

The key statutory guidance for local authorities in developing statutory proposals for changes for school organisation is in accordance with section 42 of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018. When considering proposals the Council must consider the impact on the local community, particularly in rural areas and in areas designated for communities' first programmes or successor programmes.

Local Policy Context

Echoing national policy outlined in the Well-Being of Future Generations (Wales) Act 2015, the Council has committed as part of the Corporate Plan 2020-25 to achieving a vision of – **'Working together for a brighter future'**.

The Vale of Glamorgan is committed to achieving the objective of 'supporting learning, employment and sustainable economic growth' raising overall

standards of achievement by modernising education in the Vale to ensure children and young people receive a first class education.

We believe that in order to achieve this it is important that we support teaching and learning outcomes by providing modern and fit for purpose buildings that meet the needs of modern day education. Schools need to be able to provide the best possible learning experience to make sure that children and young people have the best opportunities available to them and that they are able to reach their full potential.

Current Challenges

The proposal would address a number of challenges and would:

- Provide innovative and creative learning environments which are adaptable to change and will challenge and support children to reach their full potential.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- Makes provision within the Vale for larger numbers of our pupils with complex ALN.
- It is recognised that YYD is the organisation with the experience and skills to implement the ALN strategy most effectively within and across the LA. As such, an expansion of YYD will mean that some of our most vulnerable learners receive the most effective support and nurture provision as key components of their education.
- Access to YYD's wider network of buildings will provide greater scope for provision to be made for those learners who suffer from acute anxiety and mental health issues.
- Reduced reliance on costly out of county provision.

Community Profile

There are currently 8 schools in the area surrounding YYD in Penarth:

School name	Type	Language	Age range	Capacity*	Distance from YYD (miles)
Cogan Primary	Community	English	3 – 11	210	1.0
Evenlode Primary	Community	English	3 – 11	420	1.8
Llandough Primary	Community	English	3 – 11	210	1.0

St Cyres Comprehensive	Community	English	11 – 19	1,050	0.0
St Josephs Primary	Community	English	3 – 11	210	0.6
Stanwell Comprehensive	Community	English	11 – 19	1,495	1.7
Victoria Primary	Community	English	3 – 11	420	1.5
Ysgol Pen-Y-Garth	Community	Welsh	3 – 11	420	0.3

*statutory school age – i.e. does not include nursery or sixth-form.

Ysgol Y Deri is located within the Cornerswell ward in Penarth.

Penarth is a wealthy seaside town and retains extensive Victorian and Edwardian architecture in many traditional parts of the town.

The Cornerswell ward has a population of 5,366 (Office of National Statistics, 2019).

The data below for the Cornerswell 3 ward, in which YYD is located, is from the [Welsh Index of Multiple Deprivation \(WIMD\)](#).

Vale of Glamorgan Constituency Area	LSOA Code	Overall Wales Rank (of 1909)		Employment Rank (of 1909)		Access to Services Rank (of 1909)	
		Rank	% (Least / Most Deprived)	Rank	% (LD / MD)	Rank	% (LD / MD)
Cornerswell 3	W01001077	1202	50% LD	1211	50% LD	864	30-50% MD

As the table above shows, the Cornerswell 3 ward mainly has low levels of deprivation. Overall it is within 50% least deprived wards within Wales. However, it is within 30-50% most deprived for access to services.

Additional Learning Needs

The main driver for this proposal is to meet increased demand for specialist educational provision within the Vale to best meet the needs of our most vulnerable learners.

The numbers of children and young people requiring a placement at YYD has continued to increase and at a faster pace than previously predicted. As a result, £11m has been allocated as part of the Council 21st Century Schools Programme to increase the capacity of the school.

The proposal would mean specialist educational provision at YYD would be increased to accommodate an additional 150 pupils. In order to accommodate this increased capacity, a new school building would be constructed on a new site, which would operate under the management of YYD. The Council has identified a preferred site which is located next to the proposed 'Land at Upper

Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is approximately 3 miles from the existing YYD site. The new school building would primarily accommodate primary-ages pupils. However, the school would operate a need-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

Impact Assessment

This section of the Community Impact Assessment assesses the potential impact this proposal could have on the local community. The information analysed in this process represents a snapshot of the current situation. The impact assessment is an evolving document that will continue to be developed throughout the statutory process. Feedback received during the consultation period will be used to further inform the Community Impact Assessment, which will be presented to Cabinet as part of the Consultation Report.

Eight key measures have been identified:

Ref.	Measure
CI1	Children living in the catchment are attending their local school
CI2	Services provided by the school for the local community, including extra-curricular activities
CI3	Community facilities used regularly by the school
CI4	Community facilities provided by and activity undertaken within the school premises
CI5	Impact on local businesses
CI6	Impact on local employment
CI7	Impact on local infrastructure
CI8	Transport arrangements

The eight measures were assessed to identify any negative or positive impacts on the local community, and a score was applied ranging from -3 to +3 based on the balance of the evidence available.

Measure Score	Measure Assessment
-3	Large deterioration
-2	Moderate deterioration
-1	Slight deterioration
0	No overall change
1	Slight Improvement
2	Moderate Improvement
3	Large Improvement

Impacts upon the Local Community

Ref.	Measure	Score	Impact of Proposal
CI1	Children living in the catchment are attending their local school	3	<p>The number of children and young people requiring a placement at Ysgol Y Deri (YYD) has continued to increase and at a faster pace than originally predicted. YYD was originally built for 205 pupils but as of January 2020, 276 pupils were on roll. As a result, £11m has been allocated as part of Band B of the Council's 21st Century Schools Programme to provide an expansion.</p> <p>Therefore, this proposal would result in a more efficient supply and demand for ALN school places within the Vale.</p>
CI2	Services provided by the school for the local community, including extra-curricular activities	2	<p>It is proposed that any community services currently provided by YYD would continue and these could be expanded upon within the new facility.</p> <p>Examples of services YYD provide which would be continued and potentially expanded upon are detailed below:</p> <ul style="list-style-type: none"> • Big Lunch – older pupils put on a lunch for 100 members of the local community • Simon Jones – Senior Health Living Officer (Disability Sports) – organises sporting events with groups coming in to offer one off PE style sessions (basketball wheelchair, soccer previously) and organises community sporting events. • Physios provide treatment for community children on a regular basis during term times and school holidays. • Training has been held in YYD for health professionals on weekends and during school holidays • Whizzkids wheelchair club held in school during the summer holidays • Playscheme in holiday time

			<ul style="list-style-type: none"> • Janet Dailey (local resident and former teacher) – story telling and sensory stories across departments • Bocs Bwyd – project where pupils are working on building sites in Barry and serving/cooking food and drink
CI3	Community facilities used regularly by the school	1	<p>The proposed site for YYD expansion is within a new housing development near Cosmeston.</p> <p>The proposed site for the new school building is in close proximity to Cosmeston Country Park and the Medieval Village. The park would provide a great resource for staff and pupils to enhance wellbeing and attitudes to learning. The site is also close to the sea.</p> <p>YYD currently makes use of the following community facilities and this would (at least) continue under the proposal:</p> <ul style="list-style-type: none"> • Cogan leisure centre – regular swimming sessions • Dinas Powys Library • White Water Rafting Centre • Cosmeston – walking groups • Pedal Power – Cardiff Bay • Cardiff City Football Club • Zone Play • Penarth Library • Local parks • Visits to supermarkets and Ikea • Council Dogs Home to walk dogs • Cinema visits • Garden Centre visits • Horse riding-Cardiff Riding School

CI4	Community facilities provided by and activity undertaken within the school premises	1	<p>A key element of the 21st Century Schools Programme is the provision of community facilities. The proposal would include the creation of new state of art facilities which could be hired out by the community; such as sports pitches and meeting rooms.</p> <p>There is a potential for community access to facilities to be increased, such as meeting rooms. This will be up to the school to manage with safeguarding requirements.</p> <p>YYD currently hires out the following facilities for the community and this would (at least) continue under the proposal:</p> <ul style="list-style-type: none"> • Pool is used by community groups • Hall used for community groups • Grounds used by local sports groups • Opened playground up to our parents at weekends. • Links with South Wales Classic Car Club who have used our grounds for events.
CI5	Impact on local businesses	1	<p>There is a potential for visits from local businesses to be increased. This will be up to the school to manage with safeguarding requirements.</p> <p>YYD is currently visited by the following local businesses and services and this would (at least) continue under the proposal:</p> <ul style="list-style-type: none"> • Police visits to the school to do talks about safety etc. • Fire Brigade visits to school • Design to Smile – community dentist and toothbrushing programme visiting school regularly
CI6	Impact on local employment	1	<p>This proposal may lead to an increase in specialist employment opportunities at the YYD expansion.</p>

CI7	Impact on local infrastructure	-1	<p>There may be a minor impact upon traffic in the area surrounding the new school site along Cog Road. However, there would also be a reduction in travel to out-of-county provision. Therefore, overall this may have a minor negative impact upon local transport infrastructure.</p> <p>A full transport assessment would be undertaken as part of the design process for the new school building. This would assess the impact on the local infrastructure and include a swept path analysis to ensure compliance with current legislation on accessibility for all emergency services. This would also include assessment of safe walking routes. The transport assessment would be used as part of the design process to mitigate against any negative impacts identified.</p> <p>There is scope through the design and build process to improve connecting pathways to enhance the safety and enjoyment of the routes. Designs would be subject to the formal planning process which includes a statutory consultation with local residents.</p>
CI8	Transport arrangements	-1	<p>The Council has a statutory duty to provide free school transport for pupils of statutory school age who reside beyond walking distance to the nearest appropriate school. In accordance with 'The Learner Travel (Wales) Measure 2008'.</p> <p>ALN pupils are eligible for free transport if they are assessed as having severe and/or complex difficulties and are attending a special school or specialist resource base as directed by the Complex Needs Team or a class in a mainstream school which is 2 miles or further (primary aged pupils) and 3 miles or further (secondary aged pupils) from the parental home address as measured by the shortest available walking route.</p> <p>School transport is currently provided to 229 pupils at YYD. In total, there are 45 vehicles serving the existing site which can be broken down as follows:</p> <ul style="list-style-type: none"> • 5 vehicles provide transport for more than 10 pupils; • 5 vehicles provide transport for between 6 and 10 pupils; and

		<ul style="list-style-type: none">• 35 vehicles provide transport for 5 pupils or less. <p>There may be a minor increase upon transport arrangements for pupils to the new site. However, there may also be a reduction in transport arrangements to out-of-county provision. Therefore, overall this may have a minor negative impact upon transport arrangements.</p> <p>A transport assessment would also determine the requirement for on-site drop-off and pick-up facilities to accommodate school transport arrangements. It would also be used to inform the required number of car parking spaces to accommodate staff.</p> <p>If the proposal were to progress, active travel would be an important consideration within the site design to support the realisation of the Active Travel (Wales) Act 2013. As part of the soft landings provision, the 21st Century Schools team and contractors would work with the school to develop an updated travel plan which would support measures to increase active travel to school.</p>
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Scoring Summary

Ref.	Local Community
CI1	3
CI2	2
CI3	1
CI4	1
CI5	1
CI6	1
CI7	-1
CI8	-1
Average Score	0.875

Conclusions

The proposal would likely have a positive impact on the local community across 6 of the 8 measures assessed. The proposal would likely have a negative impact on the local community across 2 of the 8 measures assessed. Overall, the proposal would likely have a positive impact on the local community.

The proposal would enable the expansion of YYD to provide innovative and creative learning environments which are adaptable to change and would challenge and support children to reach their full potential. The proposal would increase the level of community access and interaction through the school's educational facilities whilst meeting the complex needs of pupils.

Transport implications would need to be carefully considered during the design of the new school to limit the impact of the increase pupils traveling to the site.

It is concluded from the Community Impact Assessment that the proposal would better meet the needs of the community to ensure the sustainable balance between supply and demand for school places.

Equality Impact Assessment

1. What are you assessing?

A proposal to;

- **Increase the capacity of Ysgol Y Deri (YYD) to accommodate an additional 150 pupils; and**
- **Construct a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

2. Who is responsible?

Name	Matthew Curtis	Job Title	Project Manager
Team	21 st Century Schools	Directorate	Learning & Skills

3. When is the assessment being carried out?

Date of start of assessment	November 2020
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4. Describe the proposal?

What is the purpose of the proposal?

The Vale of Glamorgan Council is committed to ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. In order to achieve this ambition it is essential that we ensure schools remain sustainable, reflect the needs of the local community and are equipped with the best possible learning environments.

The Managing Director authorised the Director of Learning & Skills to undertake a consultation from **6 November 2020** to **20 December 2020**, on a proposal to transform specialist education by;

- **Increasing the capacity of YYD to accommodate an additional 150 pupils; and**
- **Constructing a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

The proposal would mean specialist educational provision at YYD would be increased to accommodate an additional 150 pupils. In order to accommodate this increased capacity, a new school building would be constructed on a new site, which would operate under the management of YYD. The Council has identified a preferred site which is located next to the proposed 'Land at Upper Cosmeston Farm, Lavernock' development which has been allocated as part of the Council's adopted Local Development Plan (LDP) 2011-26. This area provides sufficient space to construct the proposed new school building and is

Equality Impact Assessment

approximately 3 miles from the existing YYD site. The new school building would primarily accommodate primary-aged pupils. However, the school would operate a need-based approach to determine the split of pupils across the two sites. This would reduce the need to duplicate all facilities currently available at YYD.

The feedback and views expressed in the consultation are being considered together in the publication of a consultation report on the proposal and this Equality Impact Assessment. A Community Impact Assessment has also been undertaken.

Why do you need to put it in place?

The main driver for this proposal is to meet increased demand for specialist educational provision within the Vale to best meet the needs of our most vulnerable learners.

Demand for special education is increasing at a faster pace than originally predicted. YYD was originally constructed to accommodate 205 pupils but currently has 262 pupils on roll. The number of pupils leaving the school in the short to medium term is much lower than those entering which is causing the significant pressure on capacity.

In order to reduce demand for places at YYD, the Council is looking to;

- **Increase the capacity of YYD to accommodate an additional 150 pupils; and**
- **Construct a new building on the preferred site located in Cosmeston, Penarth for September 2023, which would operate as an additional site under the management of YYD.**

Do we need to commit significant resources to it (such as money or staff time)?

Human Resources

The governing body of YYD would be responsible for developing a staffing structure to support the split site provision. The proposal would lead to an increase in employment opportunities at the school as additional staff would need to be recruited as the number of pupils on roll increases. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trade unions where necessary.

Officer time has been addressed via the creation of a 21st Century Schools Team.

Capital Funding

The expansion of YYD has been included as part of Band B of the Council's 21st Century Schools Programme. £11m has been allocated to this scheme which is part funded by Welsh Government. As a special school, 75% of the funding would be provided by Welsh Government (£8.25m) and 25% would be funded by the Council. The Council's contribution of £2.75m is included within the capital programme and is funded via Section 106 contributions received from housing developments in the Vale.

A capital bid has been submitted to include £700k within the 2021/22 capital programme to implement a temporary modular building on the existing YYD site to meet anticipated

Equality Impact Assessment

demand prior to the opening of the new school building.

Revenue Funding

A cost pressure has been submitted as part of the revenue budget process for the 2021/22 financial year as a revenue increase will be required to accommodate the additional pupils at Ysgol Y Deri. The revenue cost pressure submitted for 2021/22 is £729,000, with a further £521,000 requested in the 2022/23 financial year to meet the costs of the estimated growth in pupil numbers. This would be to accommodate a net increase of 26 pupils in 2021/22 and a further net increase of 18 pupils in 2022/23.

What are the intended outcomes of the proposal?

- Ensures the Council is able to meet projected demand for special education in the Vale of Glamorgan.
- Provides innovative and creative learning environments which are adaptable to change and meets the needs of our most vulnerable learners.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- It is recognised that YYD is the organisation with the experience and skills to implement the ALN strategy most effectively within and across the LA. As such, an expansion of YYD will mean that some of our most vulnerable learners receive the most effective support and nurture provision as key components of their education.
- Ensures the Council is not reliant on costly out of county placements.

Who does the proposal affect?

Staff, pupils, parents of pupils, governors at YYD.

In addition this proposal if implemented would provide local ALN provision to ensure pupils are educated within their community.

Will the proposal affect how other organisations work?

The proposal is unlikely to have a significant impact on any other schools in the local area. Normal admissions arrangements do not apply and so the expansion of YYD will not compete with local schools.

Will the proposal affect how you deliver services?

Equality Impact Assessment

The Council must ensure that schools serve their local communities and are reflective of demand. There is a need to meet future demand for ALN places within the Vale.

A great deal of information is available with relation to the population within the Vale of Glamorgan. This can be accessed from the following sources.

Household projections by local authority <https://gov.wales/docs/statistics/2017/170323-household-projections-local-authorities-2014-based-en.pdf>

Future population trends <https://www.slideshare.net/StatisticsWales/welsh-government-future-trends-report-2017-population>

ONS 2016 population estimates (row 392 code W06000014)
<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland/mid2017/ukmidyearestimates2017finalversion.xls>

Protected characteristic data from 2011 Census
<https://gov.wales/statistics-and-research/census-population/?lang=en>

Will the proposal impact on other policies or practices?

The proposal is part of the council's overall strategic outline programme for Band B of the 21st Century Schools Programme. The operation of the school will continue to be supported by many policies and procedures. The governing body will be required to continue to comply with all policies, including the Council and schools Equality Policies. All schools will have their part to play in meeting the equality objectives that the Learning and Skills Directorate is responsible for delivering and support the performance reported on in the annual equality monitoring report where appropriate.

Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?

The proposal being put forward is to increase provision of ALN within the Vale of Glamorgan and adapt provision to meet the different needs of some of our most vulnerable learners.

The YYD building would be designed to improve accessibility and promote equality of opportunity for education for more pupils. It would provide the school with improved facilities which would enable them to promote equality of opportunity and foster good relations between those with different protected characteristics. Specific consideration to feedback in relation to pupils with disabilities has been fed into the consultation document and in turn would be reflected in the design for the new building.

Our formal consultation process follows Welsh Government guidelines outlined in the School Organisation Code 2018. A range of individuals and groups were asked for their views about these proposals during the period 6 November to 20 December 2020. All

Equality Impact Assessment

responses received as part of the consultation are reflected in the Consultation Report.

Before any decisions are made, the Council needs to ensure that it offers a number of opportunities for individuals and interested groups to make their views and opinions on the proposals known.

The Council consulted with the following groups:

Staff (teaching and non-teaching) at YYD	Governing Body of YYD
Parents/Carers and Guardians of children YYD	Diocesan Directors of Education
Town and Community Councils	Vale of Glamorgan Early Years Development Partnership (EYDCP)
Vale of Glamorgan Children and Young People's Programme Board	Local Councillors
Assembly Members (AM's) / Members of Parliament (MP's) / Regional Assembly Members	Welsh Language Commissioner
Rhieni dros Addysg Gymraeg (RHAG)	Primary and Secondary schools in the Vale of Glamorgan
Estyn	Central South Consortium Joint Education Service
Welsh Government Ministers	Trade Unions
Local Police and Crime Commissioner	Directors of Education – All Neighbouring Authorities
Council's Transportation Department	

How will you achieve the proposed changes?

The consultation period for the proposal started on 6 November and ended on 20 December 2020.

Within 13 weeks of 20 December 2020 a consultation report will be published on the Council's and school's websites. Hard copies of the report will also be available from the Council on request. The report will summarise the issues raised by consultees during the consultation period and responses to these issues. The report will also contain Estyn's view of the proposals. In February 2021 Cabinet will consider the consultation report and decide whether or not to proceed with the proposals.

If the Council decides to continue with the proposals it must publish a statutory notice.

The proposal would mean specialist educational provision would be increased at YYD. A new build is would be constructed for YYD on a nearby site for September 2023.

Who will deliver the proposal?

Subject to the approval of this proposal, the Council would manage the process and the governing body, staff, parents and pupils of YYD will be fully engaged in the development of the plans.

Equality Impact Assessment

The new YYD building would be delivered by the 21st Century Schools team within the Directorate of Learning & Skills as part of the Councils School Investment Programme following its successful bid for funding as part of the 21st Century Schools Programme. Projects are subject to statutory consultation and rigorous business case as required by the School Organisation Code and Welsh Government. The 21st Century Schools Programme is a long-term strategic investment in educational estate throughout Wales. It is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges and dioceses. All of the Vale of Glamorgan Council projects that were undertaken as part of Band A of the 21st Century Schools Programme were completed on time and on budget.

How will you know whether you have achieved the proposal's purpose?

The Council would have determined the proposal and would have expanded YYD from September 2023.

Cabinet may decide to approve, reject or approve the proposals with modifications. In doing so, the Council will take into account any statutory objections that it has received.

5. [What evidence are you using?](#)

Engagement (with internal and external stakeholders)

The consultation processes followed Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and School Organisation Code 2018. The Council consulted with a range of statutory consultees outlined in and required by the Code.

Formal consultations were conducted through a consultation document and response form distributed electronically to prescribed consultees and published on the Vale of Glamorgan website the on the 6 November 2020.

The bilingual consultation documents were distributed online; through social media and on the Vale of Glamorgan Council's website. Consultees were provided with an electronic copy of the documents and a link to the Vale of Glamorgan website. Hard copies were available from the Council on request.

The authority received 102 individual responses by the consultation closing date of the 20 December 2020.

Consultees were asked for their opinion on one main question:

Do you support the proposal to transform specialist education by:

• Increasing the capacity of Ysgol Y Deri to accommodate an additional 150 pupils; and

Equality Impact Assessment

• **Constructing a new school building on the preferred site located in Cosmeston, Penarth for September 2023 which would operate as an additional site under the management of Ysgol Y Deri.**

Consultees were able to respond to each part with Yes, No or No opinion either way.

Consultees were also offered the opportunity to comment further.

The breakdown of responses to each part are detailed in the table below.

Total (individual) responses:	Total support		Total not support		Total no opinion	
	No.	%	No.	%	No.	%
102	90	88%	11	11%	1	1%

Respondents were provided with the option of answering equality monitoring questions. Respondents did not have to answer as the questions were optional and a prefer not to say option was provided. Results are summarised in the table below.

What is your gender?							
Male	20	Female	78	Other	0	Prefer not to say	2
What is your age?							
Under 18	2	25-34	19	35-54	62	55-74	16
Are your day-to-day activities limited because of a physical or mental health condition, illness or disability?							
Yes – limited a lot	0	Yes – limited a bit	2	No	92	Prefer not to say	6
How would you describe your ethnic group?*							
White - Welsh/ English/ Scottish/ Northern Irish/ British	90	White – Irish	1	Any other white background	6	Prefer not to say	3
What is your religion?*							
No religion	54	Christian (all denominations)	39	Any other religion	2	Prefer not to say	4

*table just displays options with responses, further options were available to select.

Consultation was undertaken at a formative stage and allowed for intelligent consideration and response. The timescales for consultation comply with the School Organisation Code and allowed 7 weeks for consultees to consider and prepare a response.

A number of themes received in as part of the process will be addressed and contained

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within a consultation report to be reported to Cabinet on the proposal. The Council has a statutory duty to publish a consultation report on the proposal.

The consultation processes gave a range of consultees and local people the opportunity to learn about the proposal and for the Council to hear the views of all those with an interest so that they can be taken into account before any decisions are made. The number of respondents and characteristics thereof are detailed in the consultation response report.

Consultation (with internal and external stakeholders)

Please see response above (engagement)

National data and research

A great deal of information is available with relation to the population within the Vale of Glamorgan. This can be accessed from the following sources.

Household projections by local authority <https://gov.wales/docs/statistics/2017/170323-household-projections-local-authorities-2014-based-en.pdf>

Future population trends <https://www.slideshare.net/StatisticsWales/welsh-government-future-trends-report-2017-population>

ONS 2016 population estimates (row 392 code W06000014)
<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnthernireland/mid2017/ukmidyearestimates2017finalversion.xls>

Protected characteristic data from 2011 Census
<https://gov.wales/statistics-and-research/census-population/?lang=en>

The Councils proposal will be delivered through the Welsh Government 21st Century Schools Programme. The 21st Century Schools Programme is a long-term strategic investment in educational estate throughout Wales. It is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges and dioceses. All of the Vale of Glamorgan Council projects that were undertaken as part of Band A of the 21st Century Schools Programme were completed on time and within budget. The Council is expected to receive Welsh Government Band B match funding through the 21st Century School Programme for the proposal.

Changes to school provision, in the form of statutory school organisation proposals, are often necessary as part of local authority plans within the 21st Century Schools and Education Capital Programme.

The School Standards and Organisation (Wales) Act 2013 requires that the Welsh Ministers issue a School Organisation Code. The School Organisation Code 2018 sets out requirements for consultation upon and publication of, statutory proposals for change and local authorities are required to follow the Code. The Code sets out requirements and

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provides guidance in respect of school reorganisation proposals brought forward to reconfigure school provision and for those responsible for determining proposals. The consultation process follows Welsh Government guidelines outlined in the School Organisation Code.

Local data and research

The Council is using current demographic, school and pupil data to inform the proposal. A strategic review of data was used to inform the process.

YYD is located in Penarth and opened in 2014 following the amalgamation of Ysgol Erw'r Delyn, Ysgol Maes Dyfan and Ashgrove School. The school forms part of Penarth Learning Community with St Cyres Comprehensive School, which is a mainstream secondary school.

All pupils have statements of special educational needs for severe learning difficulties, profound and multiple learning difficulties, moderate learning difficulties or autistic spectrum disorders. Pupils are drawn from the Vale of Glamorgan as well as from the neighbouring local authorities of Cardiff, Newport, Bridgend, Caerphilly, Rhondda Cynon Taf and Swansea.

A community impact assessment was undertaken in preparation for the consultation. This assessment included information about local population and material deprivation levels. All comments received relating to the CIA have been included within the consultation response report.

The community impact assessment is available here:
www.valeofglamorgan.gov.uk/ysgolyderiexpansion

6. How robust is the evidence?

Does it show what the impact will be (positive and negative)?

This proposal pays due regard to the need to eliminate discrimination, advance equality, and foster good relations as an integral part of the decision making process. The impact of the proposal will be positive in terms of managing the demand for ALN school places in the Vale of Glamorgan.

What are the gaps?

There is limited information held within the Directorate of the protected characteristics of the staff and governing body / management committee of the affected schools, however the proposal is designed to have a positive or neutral impact on those with protected characteristics accessing the new building. As the staff and governing body are small in number, this data may also serve to identify individuals and personal information held

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about them. However as part of the consultation several opportunities via a variety of confidential methods were given to staff and governing body to express concerns with relation to their personal circumstances as well as any wider concerns. No issues were raised during the consultation or subsequently that were considered to have an adverse impact on the protected characteristics of staff or governing body. As a result this is not included in this assessment.

The council would ensure that the governing bodies of the affected schools were supported to ensure that all staff and governors would not be adversely impacted as a result of their protected characteristic as a result of this proposal.

What will you do about this?

Consideration of the protected characteristics of the pupils, staff and governing body would be reflected in the development of the new building for example via the provision of a fully accessible building and gender neutral toilets.

The protected characteristics of future occupiers of the school cannot be known however the new building would ensure equality of opportunity for all those accessing the new building.

Information is provided to the school by the parents and professionals on the child's enrolment at the school. This allows the school to ensure that the school can meet their needs.

What monitoring data will you collect?

The Pupil Level Annual School Census (PLASC) data is collected on an annual basis, protected characteristics are captured through this process.

How often will you analyse and report on this?

The pupils Level Annual School Census (PLASC) is completed annually. The Council and schools use the data to develop and monitor policy and performance in the Vale of Glamorgan. The effectiveness of this proposal will be monitored via the school's governing body, the Council, the Central South Consortium and Estyn.

Where will you publish monitoring data and reports?

School Census School is published by Welsh Government on the STATS Wales website for each local authority area.

There would be continued monitoring of school standards across all year groups by the governing body, the Local Authority and the Central South Consortium and via Estyn.

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Standards in schools are monitored on an annual basis by the Consortium and reported back to the Local Authority. Standards for children who have been identified with additional learning needs, along with those children identified as school action and school action plus will also be part of the Annual National Categorisation School Report carried out by the Central South Consortium in partnership with the school.

7. [Impact](#)

Is there an impact?

There would be a positive impact on persons with the protected characteristics of age, disability and gender reassignment/ identity. The proposal would support the school to ensure that it has the improved facilities to promote equality of opportunity and foster good relations between those with different protected characteristics.

There has been no perceived negative impact on the protected characteristics identified.

The positive impacts are outlined below in the relevant section.

If there is no impact, what is the justification for thinking this? Provide evidence.

Evidence is assessed through the consultation process and through school and pupil data.

If there is likely to be an impact, what is it?

Age

According to the Pupil Level Annual School Census (PLASC) carried out in January 2020 there were 277 pupils on roll at WHS.

The proposed expansion of YYD would provide 150 places for ALN pupils. This would enable more pupils to benefit from specialist education within the Vale.

For the reasons stated above, the proposal would provide a **positive** impact for children.

However, it is noted that 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 (see paragraph 1 of Schedule 18 to the 2010 Act).

Disability

The data held on pupils is characterised by Special Educational Needs (SEN) not disability.

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YYD is the Council's only special school and serves the entire Vale of Glamorgan. This proposal would ensure YYD is able to continue providing high quality education whilst catering for a greater pupil population. The proposed new building and site would allow for further development of a curriculum filled with rich experiences that challenges children, raises attainment and supports pupils' wellbeing.

There are many design elements that could be incorporated to support pupils. These include; specialist rooms for ALN pupils for learning and wellbeing and a sensory garden within the school grounds. Creative use of acoustic materials and bespoke calming colour schemes etc. have also been considered by part of the design team in full consultation with staff pupils and governors. The building will be designed to current acoustic standards (BB93). This will define the acoustic performance standard that the school will be designed to. The whole building will be designed to comply with current building regulations for disabled access, with parking and access into the school building as well as assess throughout the school. Natural daylighting and ventilation will be a key feature of the new learning environment.

The proposal will therefore provide a **positive** impact for pupils, staff, governors and the wider community visiting the school who have been identified within this protected group as they will have access to a fully accessible school building which has been designed to consider individual needs and will be managed by existing senior leaders at the school.

Gender reassignment, including gender identity

The new building would have suitable facilities in place to accommodate pupils of any gender; no pupil would need to consider changing schools due to gender reassignment. Pupils and staff have the right to access the toilet that corresponds to their gender identity. Any pupil or staff member who has a need or desire for increased privacy, regardless of the underlying reason, would be provided access to a single stall toilet, but no pupil or staff member shall be required to use such a toilet. The new building would provide single stall toilets that can be used by all, albeit separate facilities would be available for adults and children.

The use of changing rooms by transgender pupils and staff would be assessed on a case by-case basis in discussion with the individual concerned. The school would maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring the safety and comfort, and removing adverse impact for the individual. In most cases, transgender pupils or staff would have access to a changing space that corresponds to their gender identity.

Staff would also have access to improved, gender neutral facilities and would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school. Non-binary people, including staff, governors and members of the community accessing the facilities would benefit from the gender neutral adaptations to the school that have been identified above.

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None of the respondents indicated that this proposal would have an adverse impact on their gender identity. Based on current evidence this proposal would have a **positive** impact on this protected group.

Marriage and civil partnership (discrimination only)

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. This information is not held at a directorate level for staff and governors however the proposal is designed to have a positive or neutral impact on those with protected characteristics accessing the new building. Pupils at the School are below the legal marriage age. Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Based on the policies in place that would not change as a result of the transfer to a new school building, this proposal would have a **neutral** impact on this protected group.

Pregnancy and Maternity

It is considered that there will not be a negative impact on pupils in this protected group as there is a minimal likelihood of pupils falling within this protected group due to the age range of the school. The provision of education for any pupil who were within this protected group would remain unaltered by the proposal.

Staff who are currently on maternity leave or are pregnant at the point of the proposed move would be protected under the Equalities Act 2010.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard however reference to the impact, both positive and negative, on future children was made in a small number of responses. Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Race

The predominant ethnicity at YYD is currently White – Welsh/English/Scottish/Northern Irish British with 91.34% of children falling within this category. This is slightly higher than the average (90% White British) across the wider Vale school population.

It is unlikely that the proposal will change the ethnic profile of the schools as the provision is needs based and not based upon proximity. Therefore, the pupils will continue to come from different areas within the Vale which have varying demographic profiles in terms of ethnicity.

All staff, pupils and governors would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

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None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on the policies in place that would not change as a result of the proposal and the very small number of pupils in this category, this proposal would have a **neutral** impact on people in this protected group.

Religion and belief

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Respect for all religious and non-religious beliefs would not change due to this proposal. This school is a community school and the aspect of the curriculum relating to religion and belief would not change as a result of this proposal.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on the policies in place that would not change as a result of the proposal this proposal would have a **neutral** impact on people in this protected group.

Sex

The latest data containing pupil gender information is from My Local School, 2019.

YYD had 71.42% (185) male pupils and 28.57% (74) female pupils out of a total of 259 pupils.

Admissions are on a needs basis. Children of both sexes would be treated and taught equally in YYD. There would be no different methods of teaching or curricula for either sex. The school would aim to reduce - as far as possible - segregating pupils and students by gender. Pupils would continue to be supported to enable equal access to PE and where lessons are segregated by sex/gender they would be enabled to participate in the activity which corresponds to their gender identity if this is what they request. The aspect of the curriculum management relating to any identified gender-based attainment gap would not change as a result of this proposal.

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the schools. This proposal would lead to an increase in employment opportunities at the schools as additional training would be required to meet the specialist needs of pupils. This may lead to more employment opportunities for people of either sex.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Sexual orientation

Inclusivity and respect of others is an intrinsic element of the national curriculum.

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The principles of school inspection as described in the 'Framework for School Inspection', September 2015 states that the inspection will focus on the needs of pupils and parents by evaluating the extent to which schools provide an inclusive environment which meets the needs of all pupils irrespective of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. The Estyn School Inspection Handbook also details how inspection will evaluate how well individual pupils benefit from the school and states it may be relevant to pay particular attention to those with protected characteristics, therefore including transgender pupils. Under spiritual, moral, social and cultural development Estyn will look for evidence where pupils develop awareness and respect for diversity in relation to, for example gender, race, religion and belief, sexual orientation and disability.

Inspectors will also consider types, rates and patterns of bullying and the effectiveness of the school's actions to prevent and tackle all forms of bullying and harassment – this includes cyber bullying and prejudice-based bullying related to special education need, sexual orientation, sex, race, religion and belief, gender reassignment or disability.

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Welsh language

The Council's School Investment Programme reflects the Council's commitments in the Welsh in Education Strategic Plan (WESP), which aims to ensure that demand for Welsh medium education can be met in the long-term. It is in line with Welsh Government's National Cymraeg 2050 strategy and contributing to its ambitious target of 1 million Welsh speakers by 2050.

Teaching and learning is predominately delivered through the medium of English at YYD. YYD provides Welsh medium provision through the appointment of bilingual LSAs.

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the schools.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a **neutral** impact on people in this protected group.

Human rights

Consideration of the UNICEF document, A Human Rights-Based Approach to Education For All was given as part of the development of this consultation. This document advises that Chapter 2 introduces a conceptual framework for the rights-based approach to education that embodies three interlinked and interdependent dimensions. It contends that human rights related to education cannot be realized unless and until all three are addressed:

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- The right of access to education – the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children.
- The right to quality education – the right of every child to a quality education that enables him or her to fulfil his or her potential, realize opportunities for employment and develop life skills. To achieve this goal, education needs to be child-centred, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.
- The right to respect within the learning environment – the right of every child to respect for her or his inherent dignity and to have her or his universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture and religion.

This proposal has been presented in order to address the right of access to education, the right to quality education and the right to respect within the learning environment for all pupils within the Vale of Glamorgan.

The intended benefits of this proposal would:

- Ensures the Council is able to meet projected demand for special education in the Vale of Glamorgan.
- Provides innovative and creative learning environments which are adaptable to change and meets the needs of our most vulnerable learners.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- It is recognised that YYD is the organisation with the experience and skills to implement the ALN strategy most effectively within and across the LA. As such, an expansion of YYD will mean that some of our most vulnerable learners receive the most effective support and nurture provision as key components of their education.
- Ensures the Council is not reliant on costly out of county placements.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a **positive** impact on people in this protected group.

How do you know?

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Explain this for each of the relevant protected characteristics as identified above.

Data is provided and analysed through the Pupil Level Annual School Census data collected in the January of each year. The Council also uses current demographic, school and pupil data to inform the proposal. The staff would also continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

What can be done to promote a positive impact?

Explain this for each of the relevant protected characteristics as identified above.

The availability of the school, its benefits and the facilities available will be published on the Council's website and through the Council's Parental Guide to School Admissions for parents to consider when making a decision on where to express a preference for a pupil place. Having due regard to the need to advance equality of opportunity includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard would therefore be paid to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities would be key to the design of the new building. Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding. This is an important aspect to curriculum delivery and would not change as a result of this proposal.

It is acknowledged that complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.

Age

As the school would continue to provide sufficient places for pupils with additional learning needs, the proposal would provide a positive impact on this criteria.

Disability

As stated previously design elements would be incorporated to support ALN pupils. The whole building is be designed to comply with current building regulations for disabled access, with parking and access into the school building as well as assess throughout the school. The proposal would provide a positive impact on this criteria.

Gender reassignment, including gender identity

All children would be supported to receive a high quality education if the proposal were to be successfully implemented regardless of gender identity. The school will have suitable facilities in place to accommodate pupils of any gender; no pupil or staff member would need to consider changing schools due to gender reassignment.

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Inclusivity and respect of others is an intrinsic element of the national curriculum. The proposal would provide a positive impact.

Marriage and civil partnership

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Pregnancy and Maternity

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Race

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Religion and belief

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sex

Children of both sexes would continue to be treated and taught equally in the new school building. There would be no different methods of teaching or curricula for either sex. Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sexual orientation

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

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What can be done to lessen the risk of a negative impact?

Explain this for each of the relevant protected characteristics as identified above.

N/A – no negative impacts identified

**Is there a need for more favourable treatment to achieve equal outcomes?
(Disability only)**

The YYD building will be designed to be fully accessible. In addition, small classrooms and quiet break out areas will be implemented as part of the design plan in order to ensure that children requiring a quieter and less busy learning environment can be accommodated.

Will the impact be positive, negative or neutral?

Explain this for each of the relevant protected characteristics as identified above.

Age – Positive

Disability – Positive

Gender reassignment, including gender identity – Positive

Marriage and civil partnership – Neutral

Pregnancy and Maternity – Neutral

Race – Neutral

Religion and belief – Neutral

Sex – Neutral

Sexual orientation – Neutral

(Welsh language – Neutral

Human rights – Positive)

Please see reasons outlined in the previous sections. In conclusion, there is no real risk of direct or indirect discrimination as the Council is pursuing a legitimate aim (namely, improving the capacity and efficiency of education) and the decision to publish the proposals to make regulated alterations is a proportionate means of achieving that aim.

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8. Monitoring on-going impact

Date you will monitor progress

PLASC data is annual and if approved by cabinet a project plan for this proposal will be initiated. This will include reference to this document. Any changes in outcomes resulting from this ongoing analysis will be used to update this Equality Impact Assessment, including any mitigating actions which may be required.

Measures that you will monitor

PLASC data for all pupils will be broken down and monitored by Age, Disability, Race, Religion and belief and Welsh language. The Equalities Team monitors service data and provides information in the annual equality monitoring report. The measures identified for the education of pupils are a matter for the governing body in their School Improvement Plan.

Date you will review implemented proposal and its impact

Subject to cabinet approval, the school will receive enhanced support and challenge in the year following its move as is the practice following all school re-organisations. This will be provided by the Central South Consortium and the Council. Thereafter, the school will be subject to routine monitoring and challenge from the Central South Consortium, Estyn, and the Council.

The Vale of Glamorgan Council works closely with the governing bodies of schools to ensure that standards are robust, that teaching and learning is of a high quality and that leadership and governance is strong. The Council works with two organisations in order to monitor the performance of schools and to support school improvement.

Estyn is the office of Her Majesty's Chief Inspector of Education and Training in Wales. It is a Crown body, established under the Education Act 1992. Estyn is independent of the National Assembly for Wales but receives its funding from the Welsh Government under section 104 of the Government Wales Act 1998. Estyn inspects quality and standards in education and training providers in Wales.

The Central South Consortium Joint Education Service (CSCJES) was established in September 2012. The Local Authority works with the Consortium to support and challenge all schools in the Vale of Glamorgan.

Schools are inspected as part of a national programme of school inspection. The purpose of an inspection is to identify good features and shortcomings in schools in order that they may improve the quality of education offered and raise the standards achieved by their pupils (Estyn).

In September 2017 a new Estyn School Common Inspection Framework was introduced for all schools across Wales.

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YYD was last inspected by Estyn in October 2016 (under the previous framework). The inspection report for Ysgol Y Deri can be found at:

<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Ysgol%20y%20Deri.pdf>

9. Further action as a result of this equality impact assessment

Possible Outcomes	Say which applies
No major change	Yes
Adjust the policy	
Continue the policy	
Stop and remove the policy	

10. Outcomes and Actions

Recommend actions to senior management team

Outcome following formal consideration of proposal by senior management team

11. Important Note

Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.

12. Publication

Where will you publish your approved proposal and equality impact assessment?

Vale of Glamorgan Website

In addition to anywhere you intend to publish your approved proposal and equality impact assessment, you must send a copy to Tim Greaves, Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website.

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13. [Authorisation](#)

Approved by (name)	Paula Ham
Job Title (senior manager)	Director of Learning and Skills
Date of approval	
Date of review	



Ysgol Y Deri Expansion

Proposed Consultation Timescales

Action	Timescale
Approval to consult	July 2020
Consultation with stakeholders	6 November – 20 December 2020
Cabinet to consider consultation report	8 February 2021
Statutory notice (and objection period)	February – March 2021
Final determination (if objections received)	April 2021
Implementation of proposal	September 2023