

THE VALE OF GLAMORGAN COUNCIL

LEARNING AND CULTURE SCRUTINY COMMITTEE: 12<sup>TH</sup> MARCH, 2019

REFERENCE FROM CABINET: 18<sup>TH</sup> FEBRUARY, 2019

**“C596 PROPOSAL TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES AND ESTABLISH 48 PART TIME NURSERY PLACES AT ST. NICHOLAS CIW PRIMARY SCHOOL (LC) (LEARNING AND CULTURE SCRUTINY COMMITTEE) –**

The Cabinet Member for Learning and Culture presented the report, the purpose of which was to seek Cabinet approval to consult stakeholders on a proposal to increase the number of school places and establish 48 part time nursery places at St. Nicholas CIW Primary School from September 2021.

Approval was sought to undertake a statutory consultation, as outlined in the School Organisation Code 2018, on the following proposals:

- Alter the lowest age range of pupils at St. Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021;
- To increase the capacity of St. Nicholas CIW Primary School from 126 places to 210 places from September 2021.

The proposals would ensure St. Nicholas CIW Primary School was able to meet increased demand for school places as a result of recent housing developments within the catchment area and would address the condition and suitability issues with the existing buildings.

The report outlined that the establishment of a nursery would develop continuity and progression in children's learning from the age of 3.

St. Nicholas CIW Primary School had been included as part of Band B of the Council's 21<sup>st</sup> Century Schools Programme with the creation of a new 210 primary school building scheduled for completion by September 2021.

The feedback received throughout the consultation period would be presented to Cabinet for consideration in June 2019.

This was a matter for Executive decision.

Cabinet, having considered the report and all of the issues and implications contained therein,

**RESOLVED –**

(1) T H A T authority be granted to the Director of Learning and Skills to undertake consultation from 18<sup>th</sup> March, 2019 to 3<sup>rd</sup> May, 2019 on the proposal to make a regulated alteration under Section 2.3 of the School Organisation Code November 2018 to:

- Alter the lowest age range of pupils at St. Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021;
- Increase the capacity of St. Nicholas CIW Primary School from 126 places to 210 places from September 2021.

(2) T H A T it be noted that implementation of the proposal would be subject to the relevant statutory processes and that Welsh Government capital funding would be subject to approval of a rigorous business case.

(3) T H A T the report be referred to the Learning and Culture Scrutiny Committee for consideration as part of the proposed consultation exercise.

#### Reasons for decisions

(1) To seek feedback through a formal consultation with prescribed stakeholders, and to enable the Council to comply with the requirements of the Schools Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.

(2) To clarify the process to be followed and the need for a rigorous business case.

(3) To ensure that the Learning and Culture Scrutiny Committee is consulted on the proposal.”

Attached as Appendix - Report to Cabinet: 18<sup>th</sup> February, 2019

Name of Committee:	<b>Cabinet</b>
Date of Meeting:	<b>18/02/2019</b>
Relevant Scrutiny Committee:	<b>Learning and Culture</b>
Report Title:	Proposal to increase the number of primary school places and establish 48 part time nursery places at St Nicholas CIW Primary School
Purpose of Report:	To seek Cabinet approval to consult stakeholders on a proposal to increase the number of school places and establish 48 part time nursery places at St Nicholas CIW Primary School from September 2021.
Report Owner:	Cabinet Member for Learning and Culture
Responsible Officer:	Paula Ham, Director of Learning & Skills
Elected Member and Officer Consultation:	<p><b>Officers Consulted</b></p> <p>Trevor Baker            Head of Strategy, Community Learning &amp; Resources</p> <p>Lisa Lewis                Operational Manager, Strategy &amp; Resources</p> <p>Jane O'Leary             21st Century Schools Programme Manager</p> <p>Carolyn Michael        Operational Manager, Accountancy</p> <p>Mike Matthews         Principal Strategic Planning Officer</p> <p>Committee Reports</p>
Policy Framework:	This is a matter for Executive decision by the Cabinet

Executive Summary:

- This report seeks Cabinet approval to undertake a statutory consultation, as outlined in the School Organisation Code 2018, on the proposal to:
- Alter the lowest age range of pupils at St Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021.
- Increase the capacity of St Nicholas CIW Primary School from 126 places to 210 places from September 2021.
- The proposal would ensure St Nicholas CIW Primary School is able to meet increased demand for school places as a result of recent housing developments within the catchment area and would address the condition and suitability issues with the existing buildings.
- The establishment of a nursery would develop continuity and progression in children's learning from the age of three.
- St Nicholas CIW Primary School has been included as part of Band B of the Council's 21st Century Schools Programme with the creation of a new 210 primary school building scheduled for completion by September 2021.
- Feedback received throughout the consultation period would be presented to Cabinet for consideration in June 2019.

## **1. Recommendation**

1. That Cabinet authorises the Director of Learning & Skills to undertake consultation from 18 March 2019 to 03 May 2019 on the proposal to make a regulated alteration under section 2.3 of the School Organisation Code November 2018 to:
  - Alter the lowest age range of pupils at St Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021.
  - Increase the capacity of St Nicholas CIW Primary School from 126 places to 210 places from September 2021.
2. That Cabinet notes that implementation of the proposal would be subject to the relevant statutory processes and notes that Welsh Government capital funding would be subject to approval of a rigorous business case.
3. That Cabinet refers this report to the Learning and Culture Scrutiny Committee for consideration as part of the proposed consultation exercise.

## **2. Reasons for Recommendations**

- 2.1** To seek feedback through a formal consultation with prescribed stakeholders, and to enable the Council to comply with the requirements of the Schools Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.
- 2.2** To clarify the process to be followed and the need for a rigorous business case.
- 2.3** To ensure that the Learning and Culture Scrutiny Committee is consulted on the proposal.

## **3. Background**

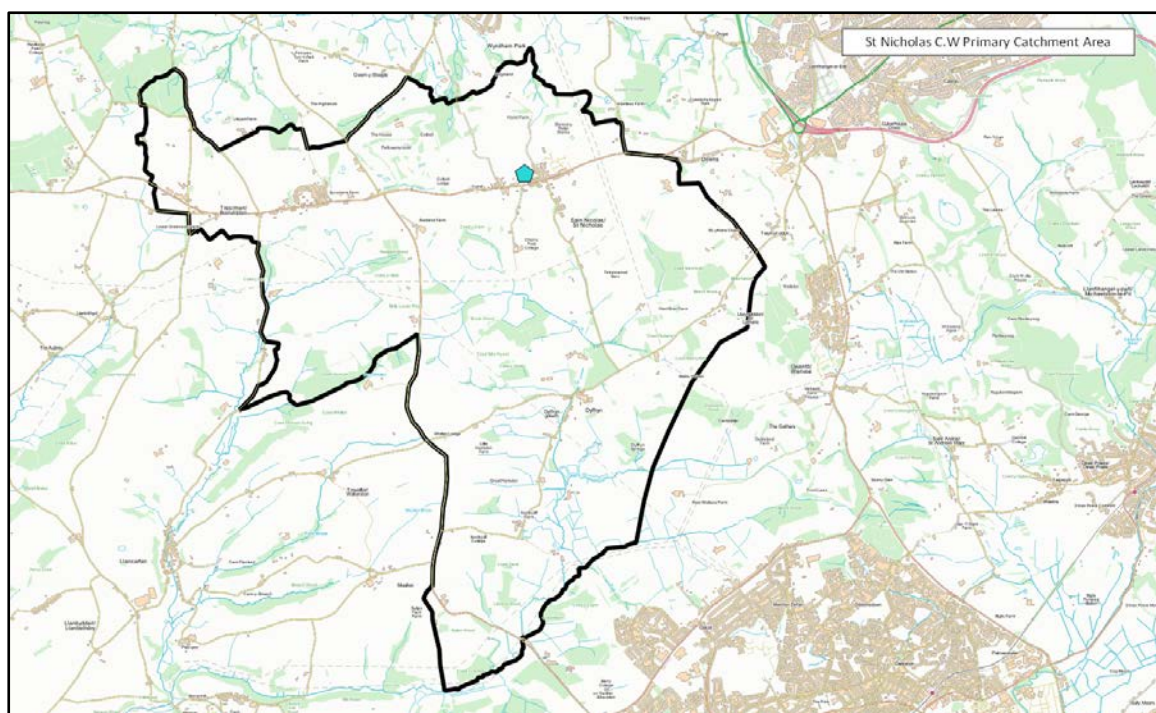
- 3.1** The 21st Century Schools Programme is a long term strategic investment in educational estate throughout Wales. It is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges and diocesan authorities.
- 3.2** The second wave of investment in the 21st Century Schools Programme commences in April 2019 and requires the Council to meet the following investment objectives:
  - addressing growth in demand for Welsh medium education;
  - reductions of surplus capacity and inefficiency in the system;
  - expansion of schools in areas of increased demand for educational services;
  - address condition of educational assets; and
  - making assets available for community use where demand exists.
- 3.3** A proposal submitted as part of the Council's Strategic Outline Programme (SOP) Band B submission was the establishment of a 210 place primary school for St Nicholas CIW Primary School to meet current and future demand for school places as well as addressing the poor condition of the existing building.
  - Cabinet have considered and approved the Council's programme for 21st Century Schools, referenced in the background papers included as part of this report.

## **4. Key Issues for Consideration**

- 4.1** The Council has a statutory duty to review the number and type of schools in the area and to make the best use of resources to raise standards in schools.
- 4.2** The Council has a statutory duty to secure sufficient school places in its area to meet current and future demand for school places in line with national, regional and local strategies.
- 4.3** Expanding schools and developing new schools is required where there is a shortfall in school places, current and future, to meet demand for Welsh, English and denominational schools. This may arise due to large scale housing developments planned for an area, increased demand and changes to parental preference for schooling.

### Housing Developments

- 4.4 A number of large scale housing developments are planned for the Vale of Glamorgan area. Planning permission has been granted for 117 dwellings to the east of St Nicholas. This development is nearing completion and the school has had to refuse children admission as a number of year groups are at capacity.
- 4.5 Planning permission has also been granted for a further 120 dwellings to the east of Bonvilston. This development is due to start later this year.
- 4.6 These housing developments are situated within the catchment area for St Nicholas CIW Primary School. The following map shows the catchment area for St Nicholas CIW Primary School.



- 4.7 The projected number of pupils emanating from a development is calculated using a formula derived from census data of householders in the Vale of Glamorgan. The formula is contained within the Council's Supplementary Guidance for planning purposes.
- 4.8 The developments are projected to yield around 24 nursery and 66 primary pupils. The following table shows previous and projected pupil numbers at St Nicholas CIW Primary School.

Current Capacity	January 2014	January 2015	January 2016	January 2017	January 2018	January 2019	2019/20 Projection	2020/21 Projections	2021/22 Projections	2022/23 Projections
126	124	125	127	125	125	128	143	161	171	170

- 4.9 In order to ensure St Nicholas CIW Primary School is able to meet anticipated future demand for education, its capacity would need to increase.

### St Nicholas Primary School Information

School	Type of school	Language category	Admission number	School capacity	Number on roll	Age range
St Nicholas CIW Primary School	Voluntary Controlled	English Medium	18	126	128	4 - 11

- 4.10** The table above shows that the current school building has a capacity of 126 places but has 128 pupils on roll. This shows that current demand for school places at St Nicholas CIW Primary School is above the current capacity. This means there is no capacity to accommodate additional pupils generated by the new housing developments.
- 4.11** The Council considers that a 210 place building is the minimum size from an efficiency and sustainability perspective. A 210 place school would accommodate the projected increase in pupil numbers from the new housing developments.
- 4.12** Smaller schools generally face greater pressures in areas of leadership and management, staff development and curriculum planning. The smaller the school the more challenging it is often for the teachers to match work to all pupils learning needs.
- 4.13** In order to ensure the school is able to accommodate additional pupils between now and the opening of the new school in September 2021, the governing body is currently exploring temporary measures to increase capacity in the interim.
- 4.14** The following table highlights the number of places available at local schools. In the event that the governing body are unable to implement a temporary measure to increase capacity, applicants would be offered a place at the nearest available school.

School	Capacity	Number on Roll January 2019	Variance
<b>Gwenfo CIW Primary School</b>	210	206	4
<b>Llancarfan Primary School</b>	126	78	48
<b>Llanfair Primary School</b>	129	130	-1
<b>Llangan Primary School</b>	111	107	4
<b>Llansannor CIW (Aided) Primary School</b>	210	203	7
<b>Pendoylan CIW (Aided) Primary School</b>	210	195	15
<b>Peterston-Super-Ely CIW Primary School</b>	189	176	13
<b>St Brides Major CIW Primary School</b>	203	189	14
<b>St David's CIW Primary School</b>	140	133	7
<b>Y Bont Faen Primary School</b>	210	209	1
<b>Total</b>	<b>1738</b>	<b>1626</b>	<b>112</b>

### Nursery Provision

- 4.15 St Nicholas CIW Primary School does not currently offer nursery provision due to the limitations of the existing building.
- 4.16 It is proposed that 48 part time nursery places are provided to develop continuity and progression in children's learning from the age of three. This would ensure there is a consistent approach to planning and delivery of the foundation phase (nursery to year two).

### Condition of Existing Buildings

- 4.17 St Nicholas CIW Primary School is a timber clad building which has been categorised as being in poor condition and suitability. This means the school is exhibiting major defects and teaching methods are adversely affected. It would not be possible to refurbish teaching areas to fully meet 21st century standards.
- 4.18 The school is split over two sites with reception pupils having to walk to the nearby 'Old School' building following morning assembly. There is no path along this stretch of road.
- 4.19 Classroom sizes are inconsistent throughout the building. There are currently 72 children being taught across two classrooms.
- 4.20 Building Bulletin 99: Briefing Framework for Primary School Projects advises that a sink, washable floor area and resources for simple 'wet' practical activities are required. This promotes good hygiene, prevents sickness and allows water play activities. Some classrooms at St Nicholas CIW Primary School do not currently have a water supply.
- 4.21 The outcome of the 2018 condition survey is outlined below.

School	Type	Condition	Suitability	Backlog Maintenance
St Nicholas CIW Primary School	Voluntary Controlled	Poor	Poor	£730,277

- 4.22 The backlog maintenance includes the following.

Building element	2019 estimate (£)
Structural repairs to timber frame	462,200
Flat roof renewal	196,435
Repairs to annex building	34,665
Internal redecoration, renewal of floor coverings and minor repairs	28,888
Install ventilation fans and blending valves in toilets.	8,089
<b>Total</b>	<b>730,277</b>

- 4.23 St Nicholas has been included as part of the Council's 21st Century Schools Programme. A new 210 place school building would be built on the existing school site. It is anticipated that the new school building would open by September 2021.
- 4.24 Pupils would be educated in a high quality modern building which would be able to support the delivery of a broad and balanced curriculum.



### **Statutory Process**

- 4.25** Welsh Government issued a revised School Organisation Code in 2018 ("the Code") that came into effect on the 1st November 2018. The Council must "act in accordance with the Code" as determined by the School Standards and Organisation (Wales) Act 2013.
- 4.26** Section 48 of the School Standards and Organisation (Wales) Act 2013 Act requires that before school organisation proposals are published they must first be subject to consultation. A consultation document must be published and provided to prescribed consultees and Welsh Ministers.
- 4.27** Consultees must be advised by letter or email of the availability of the consultation document and that a hard copy can be obtained on request. Consultees must be given at least 42 days to respond to the document, with at least 20 of these being school days. Meetings will be held during the consultation period to provide additional information as requested and would include meetings with parents, pupil representatives, governing bodies, staff of the school and the community as set out in the Code.
- 4.28** 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.
- 4.29** The Council must then decide whether or not to proceed with the proposal within twenty six 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).
- 4.30** 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.
- 4.31** Appendix A sets out the anticipated timescale for this process if approved by Cabinet.

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

- 5.1** 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.
- 5.2** 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

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- A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A Wales of vibrant culture and Welsh Language
  - A globally responsible Wales
- 5.3** This proposal contributes to achieving the wellbeing goals by:
- Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation.
  - Ensure an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
  - A 210 place school is an efficient model, which ensures the future sustainability of St Nicholas CIW Primary School.
  - The new school would be designed to better meet the needs of pupils. The new building would provide break out/wellbeing areas for students with additional learning needs.
  - A key objective of the 21st Century Schools Programme is to Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
  - Supporting contractors to deliver a programme of community benefits that aims to reduce unemployment through increased apprenticeship opportunities.
- 5.4** 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.
- 5.5** Previously completed Band A projects have contributed to improving the economic and environmental wellbeing of Wales as follows.
- Over 70% of project spend has been within Wales.
  - Over 90% of the workforce has been recruited from within Wales
  - A minimum of 80% of waste has been averted from landfill and recycled.
- 5.6** 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.

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- 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.
- 5.7** The Council has committed as part of the Corporate Plan 2016-20 to achieving a vision of ‘Strong Communities with a Bright Future’. This plan is reflective of the Welsh Government’s Well-being of Future Generations Act and is comprised of a number of Well-being objectives to deliver this vision.
- 5.8** Well-being Outcome 3, ‘An Aspirational and Culturally Vibrant Vale’ is specifically linked to education with a number of objectives contributing to the 21st Century Schools programme. We have prioritised the need to raise standards of achievement as one of our well-being objectives. We are proud of the Vale of Glamorgan and our place in Wales and that the use of the Welsh language is growing in the Vale. We respect and value diversity within our communities and recognise the importance of promoting equality of opportunity. We also appreciate our unique heritage and culture and the importance for people of all ages to enjoy a range of activities and to have opportunities to be creative. We have therefore identified valuing culture and diversity as one of our eight well-being objectives.
- 5.9** Details of the objectives that the 21st Century Schools Programme supports and contributes to are outlined below.

### **Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale**

- All Vale of Glamorgan citizens have opportunities to achieve their full potential.

### **Objective 5: Raising overall standards of achievement.**

- Improve standards of achievement for pupils through sharing excellence between schools and the targeting of resources.
- Secure improved outcomes for groups of learners at risk of underachievement, such as those entitled to free school meals.
- Increase the learning opportunities for disadvantaged individuals and vulnerable families.
- Reduce the number of young people not in education, employment or training.
- Improve outcomes for post 16 learners through greater cooperation between schools, training providers and businesses.
- Secure aspirational outcomes for learners with additional learning needs through early intervention and effective collaboration in line with the proposed Additional Learning Needs Bill.
- Progress the school modernisation programme by completing the new Llantwit Major Learning Community and the development of proposals for secondary school provision in Barry.

- Develop a new school modernisation programme in readiness for the next 21st century schools funding due to commence in 2019/20.
- 5.10** The proposed consultation exercise would be undertaken in line with the five ways of working, promoting collaboration and ensuring all stakeholders are involved throughout the decision making process.

## **6. Resources and Legal Considerations**

### **Financial**

- 6.1** It is estimated that the total capital funding required to build a new school on the proposed site would be £4.185 million. This funding is included in the approved 21st Century Schools Programme.
- 6.2** The estimated revenue cost of operating a new 210 place school is £830k. The revenue budget delegated for St Nicholas CIW Primary School for 2018/19 is £553k. The £277k difference would be found from within the Individual Schools' Budget generated by the additional revenue from the increase in pupil numbers from the new housing developments.
- 6.3** A schools delegated budget is driven by pupils on roll rather than capacity, therefore, this budget growth would be gradual in line with the growth of pupils on roll.

### **Employment**

- 6.4** The staff, governing body and pupils at St Nicholas CIW Primary School would move to the new school building. Staff would remain on current terms and conditions.

### **Legal (Including Equalities)**

- 6.5** 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.
- 6.6** 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.
- 6.7** 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.

- 6.8** 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**

- 6.9** 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://beta.gov.wales/sites/default/files/publications/2018-03/school-organisation-code.pdf>
- 6.10** Chapter 2 of Part 3 of the 2013 Act deals with school organisation proposals. An alteration which is a "regulated alteration" in relation to the type of school in question may be made to a maintained school only in accordance with Part 3 of the 2013 Act. The term "regulated alteration" is defined in Schedule 2 to the Act. The following changes are "regulated alterations":
- 6.11** The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school is also a regulated alteration (see paragraph 5 of Schedule 2 to the Act); and
- 6.12** The enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date is also a regulated alteration (see paragraph 10 of Schedule 2 to the Act)
- 6.13** Under section 42(1)(a) of the 2013 Act, a local authority has the power to make proposals to make a regulated alteration to a community school.
- 6.14** 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.
- 6.15** 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.
- 6.16** 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).

**6.17** 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.

**6.18** 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**

**6.19** The Code contains the following elements:

**6.20** 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.

**6.21** 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.

**6.22** 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

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

**6.24** If following the consultation process and the consideration of responses a decision is made to proceed to a statutory notice to increase capacity and expand the age range of St Nicholas CIW Primary School, the notice will comply with the requirements of the Schools Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018, Statutory Code Document no. 011/2018.

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

**6.25** 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.

**6.26** 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>

**6.27** The Act itself is available to view online:

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

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

### **(4) Equalities Act 2010**

**6.29** The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

**6.30** A full Equality Impact Assessment will be developed as part of the consultation exercise and will be included within the consultation report.

## **7. Background Papers**

- 21st Century Schools Programme - Band B, 22 January 2018 (Cabinet minute C199)
- 21st Century Schools Programme - Band B Update and Current Position, 7 January 2019 (Cabinet minute C539)



Appendix A

Proposed timetable for the proposal to increase capacity and establish 48 part time nursery places at St Nicholas C/W Primary School

Prepare, approve and print consultation documents.	February 2019
Consultation period.	18 March 2019 to 3 May 2019
Consultation report presented to Cabinet. (If approved – proceed to statutory notice)	17 June 2019
Statutory notice period.	July 2019
Report to Cabinet the outcome of the statutory notice. Where objections are received an objection report is also presented to Cabinet.	September 2019
Cabinet decision notification to consultees.	September 2019
Implementation of proposal.	September 2021

**The proposed timetable maybe subject to change.**