

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

18TH JULY 2022

SUSTAINABLE COMMUNITIES FOR LEARNING (FORMERLY 21ST CENTURY SCHOOLS): MUTUAL INVESTMENT MODEL – PROJECT 2

REPORT OF THE DIRECTOR OF EDUCATION AND INCLUSION SERVICES IN DISCUSSION WITH THE CABINET MEMBER FOR EDUCATION, YOUTH PARTICIPATION AND WELSH LANGUAGE, COUNCILLOR RHYS LEWIS

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1. PURPOSE OF THE REPORT

The purpose of the report is:

- 1.1 To provide Members with an update on progress with the second batch of three primary schools proposed to be funded via the Mutual Investment Model (MIM) funding element of Welsh Government's Sustainable Communities for Learning Programme.
- 1.2 To request the approval of members to submit a New Project Request to the Welsh Education Partnership Company (WEPCo) requesting the production of a Stage 1 submission which will commence initial design work for proposed new primary school buildings for Maesybryn, Tonysguboriau and Glyn-coch via the MIM funding element of Welsh Government's Sustainable Communities for Learning Programme. These schemes will constitute the Council's second MIM project.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Approve that a New Project Request be issued to WEPCo in relation to proposed new primary school buildings for Maesybryn, Tonysguboriau and Glyn-coch in accordance with the Strategic Partnering Agreement to which the Council is a party (per Cabinet Report dated the 24th of September 2020).
- 2.2 Note Cabinet's approval given at the meeting on the 22nd of June 2022 in relation to the statutory consultation on the proposed closure of Craig-Yr-Hesg/Cefn Primary Schools and the creation of a new primary school for Glyn-coch.

- 2.3 To note that agreeing to issue New Project Requests to WEPCo does not commit the Council to enter into contractual arrangements in relation to any projects. Approval to progress further or enter into any Project Agreements for any MIM Projects will be brought back before Cabinet for determination.

3. REASONS FOR RECOMMENDATIONS

- 3.1 These recommendations for three new primary school buildings at Glyn-coch, Maesybryn and Tonysguboriau continue the Council's ambitious school modernisation agenda are aligned with the Welsh Government's Sustainable Communities for Learning Programme's funding criteria and will seek funding via MIM (Welsh Government's revenue funding route of their Sustainable Communities for Learning Programme).
- 3.2 Delivery dates during the 2025/2026 academic year are being targeted for the proposals relating to Glyn-coch, Maesybryn and Tonysguboriau. In order to meet this date, the high-level programme envisages a New Project Request (NPR) submission during summer 2022.

4. BACKGROUND

MIM Funding

- 4.1 Members will recall that, at the meeting of the Cabinet held on the 24th of September 2020, approval was given to enter into the Strategic Partnering Agreement (SPA) with Welsh Education Partnership Co (WEPCo). WEPCo are Welsh Government's private sector partner and have been appointed to assist with the delivery of education and community facilities in Wales, under the MIM Sustainable Communities for Learning Programme (formerly 21st Century Schools and Colleges Programme).
- 4.2 The Mutual Investment Model (MIM) is the revenue funding route which enables investment up to a capital value of £500 million across the whole of Wales.
- 4.3 Under the MIM, the private sector partner will build and maintain public assets, and in return the Council, supported by funding from the Welsh Government, will pay an annual revenue fee to the private partner for a 25-year contract period, which will cover the cost of construction, building maintenance and financing the project. At the end of the 25-year contract, the assets revert to the Council at no cost.
- 4.4 At the meeting of the Cabinet held on the 18th of July 2017, approval was given to submit the Strategic Outline Programme (SOP) for Band B of the Welsh Government's 21st Century Schools and Colleges

Programme (now the Sustainable Communities for Learning Programme). Band B has two different funding routes – a capital funding route and a revenue (MIM) funding route.

- 4.5 An updated SOP which increased the funding envelope from £167m to £252m was subsequently approved by Welsh Government and reported to Cabinet at its meeting of the 4th of October 2021 and included the three schools referenced in this current report.
- 4.6 In accordance with the Strategic Partnering Agreement, the first step in progressing any MIM project which is included within the SOP is to submit a Strategic Outline Case (SOC) to Welsh Government.
- 4.7 Once SOC approval is received, the next step in the MIM process is to submit a New Project Request (NPR) to WEPCo.

MIM Project 2 (Maesybryn, Tonysguboriau and Glyn-coch)

- 4.8 On the 13th of December 2021, Cabinet approved the submission of a Strategic Outline Case to the Welsh Government for three replacement primary schools to be funded via MIM, namely- a new community primary school for Glyn-coch (replacing Cefn and Craig-Yr-Hesg Primary Schools); a replacement community primary school for Maesybryn Primary School and a replacement community primary school for Tonysguboriau Primary School. Collectively, these schemes constitute the Council's second MIM project.
- 4.9 A Strategic Outline Case (SOC) for the proposals relating to Maesybryn, Tonysguboriau and Glyn-coch was submitted to Welsh Government on the 3rd of March 2022 and approval of the SOC was received from the Welsh Government on the 24th of May 2022.
- 4.10 Submission of the SOC for these proposals was subject to the outcome of the statutory consultation in relation to the new community primary school proposed for Glyn-coch. The statutory consultation in relation to the new Glyn-coch primary school concluded on the 11th of May 2022. Following the close of the statutory consultation an objections report was presented to Cabinet at the meeting on the 22nd of June 2022, noting one objection to the proposals. At this meeting, Cabinet approved the closure of Craig Yr Hesg and Cefn primary schools and the opening of a new community primary school in Glyn-coch.
- 4.11 The MIM process is undertaken in accordance with the Strategic Partnering Agreement and to progress these proposals and undertake initial design works and feasibility, the next step is to issue a New Project Request to WEPCo.

5. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

5.1 An Equality Impact Assessment has been prepared in relation to the proposal to provide three new primary school buildings for Maesybryn, Tonysguboriau and Glyn-coch (Appendix 1).

5.2 No potential negative impacts have been identified affecting any of the target equality groups. In summary:

- The impact on age (particularly the younger generation) is extremely positive as they will have the full benefit of being educated in fantastic facilities fit for the 21st Century and the new Curriculum for Wales.
- The buildings will be fully compliant with the Equality Act 2010 thereby ensuring that no pupil, staff member, parent/carer or member of the wider community is prevented from fully accessing the whole extent of the new facilities.
- The provision of brand new buildings with first class facilities may encourage more parents/carers to choose their catchment school. It also affords greater educational choice which may assist armed forces personnel who may move to an area mid-academic year.
 - The new buildings and the way they are used will bring positive socio-economic impacts across all of the vulnerable groups identified under the socio-economic disadvantage headings.

6. WELSH LANGUAGE IMPLICATIONS

6.1 A Welsh Language Impact Assessment has been prepared in relation to the proposal to provide three new primary school buildings for Maesybryn, Tonysguboriau and Glyn-coch (Appendix 2).

6.2 In summary:

- The new English medium schools will provide improved facilities to assist with the delivery of Welsh as a key element of the curriculum and in line with Cymraeg 2050 and RCTCBC's WESP, as we aim for the teaching of Welsh as a second language in English medium schools to be of the highest quality.

7. CONSULTATION / INVOLVEMENT

7.1 Subject to WEPCo's acceptance of the Council's New Project Request in relation to Maesybryn, Tonysguboriau and Glyn-coch, Stage 1 of the MIM process will commence and headteachers of the three schools will

start to be involved in the initial design phases later this year. Should the projects progress further, as part of the design development, there will be full engagement with the schools, governing bodies and local elected members and relevant consultations with the wider community will be undertaken as part of the planning application process.

- 7.2 Members' approval to begin the relevant and required statutory consultation for the proposal to amalgamate the currently federated Cefn Primary and Craig-Yr-Hesg Primary Schools by closing Cefn Primary and Craig-Yr-Hesg Primary Schools and open a new maintained community primary school in Glyn-coch was provided at a Cabinet meeting on the 13th of December 2021 with consultees providing their views during the consultation period which ran from the 10th of January to the 21st of February 2022, with a statutory notice subsequently being published on the 4th of April and closing on the 11th of May 2022 (as approved by Cabinet at their meeting on the 21st of March 2022).
- 7.3 Following the close of the statutory consultation, an objections report was presented to Cabinet at the meeting on the 22nd of June 2022, noting one objection to the proposals. At this meeting, Cabinet approved the closure of Craig Yr Hesg and Cefn primary schools and the opening of a new community primary school in Glyn-coch.

8. FINANCIAL IMPLICATION(S)

- 8.1 WEPCo have 20 Business Days from receipt of a New Project Request to confirm in writing whether it will prepare a Stage 1 submission and subject to WEPCo's agreement to prepare a Stage 1 submission, must develop this with the Council within a period of 3 to 6 months (as agreed between the parties).
- 8.2 In issuing each New Project Request to WEPCo, subject to WEPCo accepting the submission within the 20-day period outlined above and progressing to develop initial designs within a 3-to-6-month period thereafter, the Council is committing to paying:-
- The WEPCo Stage 1 fee which is capped (per the Strategic Partnering Agreement) at £491,342 for a primary school batch of projects with an overall value up to £40 million.
 - Site survey fees incurred at each site.
- 8.3 Should the project proceed, 65% of these fees will be funded via Welsh Government. Should the Council decide not to proceed, the Council are liable to pay 100% of costs incurred up to that date. This will be funded from existing resources already included within Education and Inclusion Services capital programme.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 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.
- 9.2 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.
- 9.3 Section 14 of the 1996 Act then requires the Council to secure sufficient schools for providing primary and secondary education 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.
- 9.4 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.
- 9.5 Powers for Councils to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and 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/schoolorganisation-code-second-edition.pdf>

10. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 10.1 There are links to RCTCBC’s Education and Inclusion Services Strategic Plan for 2022 to 2025 and its mission: ‘*To deliver equity and excellence in Education and enhanced well-being for all*’. The proposal will also support delivery against the five strategic priorities, most notably:

- Strategic Priority 2 – Supporting educational settings to deliver a transformational curriculum, high quality teaching and learning and improved outcomes for all.
- Strategic Priority 5 – Delivering 21st Century learning environments and innovative services for our learners and communities.

10.2 There are links to RCTCBC's Corporate Plan for the period between 2020 to 2024, specifically the priority:

- Prosperity – Creating the opportunity for people and businesses to be innovative, entrepreneurial and fulfil their potential and prosper
 - Ensuring we have good schools so all children have access to a great education.

10.3 Due regard will be made to all seven well-being goals and the Five Ways of Working, as contained within the Wellbeing of Future Generations (Wales) Act 2015, during project development.

It is expected that the project will contribute to achieving the wellbeing goals by:

- Improving sustainability of school buildings in the Council portfolio through a commitment to achieving a net zero carbon building and building to BREEAM excellent.
- Providing additional school places to meet Welsh Government targets and to promote the Welsh language in the community.
- Ensuring an inclusive and equitable education is available for all learners.
- Opening new community facilities, creating opportunities for local people to utilise.

These proposals would achieve the five ways of working by:

- Creating a new school environment that can deliver the New Curriculum for Wales as set out in the national mission statement.
- Provide first class learning facilities for pupils and the wider community and contribute towards a healthier Wales by providing additional outdoor sport facilities for pupils.
- Contributing towards a prosperous Wales by committing to opportunities for local tradespeople and to use local resources, wherever possible, to build the new school.

- Engaging with the community on a thorough consultation with opportunities for all stakeholders in the community to engage throughout the process.

10.4 An Equality Impact Assessment, including further detail on the contribution of the project to the Wellbeing of Future generations Act, is prepared for projects progressing through the Welsh Government's five-case business model process, and form an integral part of project development.

11. STRATEGIC OR RELEVANT TO ELECTORAL WARDS

11.1 This report relates to the progression of RCTCBC's second project within Welsh Government's Sustainable Communities for Learning (formerly 21st Century Schools Band B) Mutual Investment Model (MIM) Revenue Funding Programme.

11.2 The proposal supports delivery against the five strategic priorities within RCTCBC's Education and Inclusion Services Strategic Plan for 2022 to 2025, most notably:

- Strategic Priority 2 – Supporting educational settings to deliver a transformational curriculum, high quality teaching and learning and improved outcomes for all.
- Strategic Priority 5 – Delivering 21st Century learning environments and innovative services for our learners and communities.

11.3 These proposals seek to deliver new school facilities within the electoral wards of Llanilltud Faerdref (Maesybryn Primary); Talbot Green (Tonysguboriau Primary); and Glyn-coch (Cefn and Craig Yr Hesg primary schools).

12. CONCLUSION

12.1 This Sustainable Communities for Learning MIM funding for Rhondda Cynon Taf provides an exciting opportunity for more learners and our communities to benefit from improved educational and community facilities.

12.2 The proposals for the Council's second MIM project via Welsh Government's Sustainable Communities for Learning Programme will deliver exciting opportunities for the community focussed schools' agenda, allow more children to access education provision in 21st Century facilities capable of delivering the New Curriculum for Wales, put schools at the heart of our communities and support the Council in realising our Net Zero Carbon targets.

12.3 The Council is responsible for delivering high educational standards and efficient education provision that serves our local communities. This is achieved by ensuring that modern schools are delivered which are of a suitable size and provide learners with 21st Century learning facilities and the best possible educational opportunities. Members are therefore requested to approve the recommendations outlined in paragraph 2 and approve that the submission of a New Project Request be made to WEPCo to start the initial design process for proposals relating to Maesybryn, Tonysguboriau, and Glyn-coch.

Other Information:-

Relevant Scrutiny Committee-

Education and Inclusion Scrutiny Committee

Background Papers-

Cabinet report 24th of September 2020

[21st Century Schools and Colleges Programme – Mutual Investment Model \(MIM\) 21st Century Schools Welsh Education Partnership – Strategic Partnering Agreement \(SPA\).](#)

Cabinet report 4th of October 2021

[21st Century Schools Programme – Band B Update](#)

Cabinet report 13th of December 2021

[21st Century Schools Programme – Proposals to Improve English Medium Primary Education Provision for Glyncoch, Tonysguboriau and Maesybryn](#)

Cabinet report 22nd of June 2022

[Sustainable Communities for Learning Programme \(Formerly 21st Century Schools\) - Proposal to amalgamate Cefn and Craig Yr Hesg Primary Schools to create a New Community Primary School](#)

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APPENDICES

Appendix 1	Equality Impact Assessment – Maesybryn, Tonysguboriau and Glyncoch
Appendix 2	Welsh Language Impact Assessment – Maesybryn, Tonysguboriau and Glyncoch

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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PARTICIPATION AND WELSH LANGUAGE, COUNCILLOR RHYS LEWIS**

**Item: SUSTAINABLE COMMUNITIES FOR LEARNING (FORMERLY 21ST
CENTURY SCHOOLS): MUTUAL INVESTMENT MODEL – PROJECT 2**

Background Papers

Cabinet report 24th of September 2020
[21st Century Schools and Colleges Programme – Mutual Investment Model \(MIM\) 21st Century Schools Welsh Education Partnership – Strategic Partnering Agreement \(SPA\).](#)

Cabinet report 4th of October 2021
[21st Century Schools Programme – Band B Update](#)

Cabinet report 13th of December 2021
[21st Century Schools Programme – Proposals to Improve English Medium Primary Education Provision for Glyncoch, Tonysguboriau and Maesybryn](#)

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