



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

26TH SEPTEMBER 2022

PROPOSAL TO DEVELOP A NEW SPECIAL SCHOOL IN RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

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

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Transformation

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Cabinet with an update on our current special school provision following previous reports to Cabinet in February and October 2021 where Cabinet agreed to additional scoping work being undertaken to inform proposals for change in our special school provision.
- 1.2 Seek approval to submit a revised Strategic Outline Programme for Welsh Government Sustainable Communities for Learning Programme to increase the Council envelope of Band B investment programme of funding.

2. RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
 - i. Note the content of this report.
 - ii. Review the updated data which highlights the increasing pressure on our current special school provision.
 - iii. Agree to submit a variation to the approved Strategic Outline Programme to the Welsh Government, in accordance with the Sustainable Communities for Learning funding approval processes, to request an increase to the agreed capital funding envelope to deliver this much needed facility.
 - iv. Agree to receive a further report setting out feedback from WG, the conclusions of the site appraisal and a proposed consultation document for consideration.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To address the demand for additional capacity in special schools in the County Borough of RCT to accommodate the growth in learner numbers.
- 3.2 To acknowledge that the statutory duties placed upon the Council to deliver the obligations of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET Act), will compound the pressures placed on the special school sector and our capacity to make statutory provision for the learners that require it.
- 3.3 To secure appropriate provision for pupils with additional learning needs and avoid long-term budget pressures for the Council.
- 3.4 To enable us to progress with a proposal to establish a new special school.

4. BACKGROUND

- 4.1 As Cabinet will be aware, reports tabled in February and October last year highlighted the pressures faced by our special schools as the number of learners placed in these specialist provisions are increasing on an annual basis. Children's needs are becoming more complex and there is a need to meet demand for placements for some of our most vulnerable children and families living in our communities of Rhondda Cynon Taf. The data presented clearly showed that the demand on the Council's special school provision is significant and the trend data indicated that this pressure would continue to rise. Updated data is included at 4.5 to 4.15 of this report.
- 4.2 The previous reports also described the limitations of each school site, and the conclusion reached within the reports was that all opportunities to significantly extend and increase capacities have been explored and where possible, undertaken. Since the previous report in October 2021, works, funded by the Council's capital programme, to maximise the available space on our special schools has continued to be an ongoing priority. A new modular building has been placed at Ysgol Hen Felin increasing capacity; remodelling works at Ysgol Hen Felin, Park Lane and Ysgol Ty Coch have taken place over the last few months to maximise the space available at these schools; a new modular building has been placed on Buarth-y-Capel, increasing capacity at this important facility. The Council currently collaborates with Coleg y Cymoedd to provide much needed teaching space for our post-16 children in the Nantgarw, Llwynypia and Aberdare Campuses at a cost in region of £70k per annum. To enhance the capacity of this provision, further works have been undertaken in Coleg y Cymoedd's Llwynypia Campus over the summer period which will enable more year 12-14 pupils from Ysgol Hen Felin to attend college from September 2022. This will alleviate the pressure on the school site. Further lease requirements are in negotiation at present.
- 4.3 It was acknowledged that options and alternatives to expand the existing sites have been exhausted and the only feasible alternative is to build a brand-new provision on a new site, significantly growing the special school provision within the County Borough and increasing the number of special schools from four to five. Creating

a highly specialist 21st century special school environment will enable the Council to meet the needs of learners requiring access to highly specialist therapeutic facilities, equipment and resources required to meet all needs, including complex medical and health needs in the County Borough.

- 4.4 Given the considerable changes planned in Wales in relation to the statutory provision required to meet the needs of learners with the implementation of new legislation, the ALNET Act (2018), building a new special school, and creating further capacity in our current provision, will also ensure that the Council successfully delivers on its statutory obligations.

Current Position

- 4.5 Currently there are 678 learners accessing education across four special schools in the County Borough of RCT, this is an increase of 78 learners since the last report was written less than a year ago. The Council currently has four special schools:

- Maesgwyn Special School, Cwmdare, Aberdare.
- Park Lane Special School, Trecynon, Aberdare.
- Ysgol Hen Felin, Ystrad, Rhondda.
- Ysgol Ty Coch, Tonteg, Pontypridd, which includes a satellite base in Buarth-y-Capel, Ynysybwl, Pontypridd.

- 4.6 The following data analysis is based on data derived from the latest Pupil Level Annual School Census (PLASC) unless otherwise stated. This analysis gives an indication of the children and young people with Additional Learning Needs (ALN) in the County Borough.

- 4.7 Table 1 outlines the total number of children and young people who accessed their education in one of the four special schools (including the Buarth-y-Capel satellite base) from the academic year 2013/2014 to 2021/2022. The data clearly shows the steady rise in learners accessing special school provision.

Table 1: Total Special School Learner Numbers

| Total Number of Children and Young People who Access their Education in Special Schools in the County Borough of RCT between the Academic Years 2013/2014 to 9/2022 | | | | | | | | | | |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|----------------|----------------|
| | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/2 | 2021/22 | Sept 22 |
| Total | 483 | 488 | 531 | 539 | 543 | 562 | 577 | 574 | 617 | 678 |

- 4.8 Table 2 outlines the total number of children and young people who accessed special schools broken down into each of the four special schools (including Buarth-y-Capel) from the academic year 2016/2017 to 2012/22.

Table 2: Trend Data between Academic Year 2016/2017 and Sept 2022

| Total Number of Children and Young People who Access their Education in Special Schools in the County Borough of RCT between the Academic Years 2016/2017 to 9/2022 | | | | | | | |
|--|----------------------|------------------|------------------|------------------|------------------|------------------|----------------|
| Special School | Academic Year | | | | | | |
| | 2016/2017 | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 | Sept 22 |
| Maesgwyn School | 132 | 130 | 127 | 130 | 119 | 125 | 126 |
| Park Lane School | 101 | 93 | 97 | 88 | 93 | 108 | 122 |
| Ysgol Hen Felin | 169 | 178 | 179 | 186 | 184 | 194 | 208 |
| Ysgol Ty Coch | 137 | 142 | 159 | 173 | 178 | 190 | 222 |
| Total | 539 | 543 | 562 | 577 | 574 | 617 | 678 |

- 4.9 The PLASC data comparison demonstrates that there has been a consistent increase in learner numbers in both Ysgol Hen Felin and Ysgol Ty Coch. The cumulative current numbers on roll as of September 2022, across the special schools in the County Borough of RCT, is 678 demonstrating another significant increase. Numbers of learners in Ysgol Hen Felin and Ysgol Ty Coch in September 2022 are 208 and 222 respectively and reflects the continued pressure on placements in our largest schools.
- 4.10 Based on the overall growth in number of learners requiring special school placements in the last 5 years, it seems inevitable that this trend will continue, and the number of learners will continue to increase. Whilst it has been possible to address these increasing numbers through remodelling and undertaking building works so far, this is becoming increasingly challenging and options for extending school sites are now exhausted.
- 4.11 As previously reported, it is not just the increase in the number of learners accessing our special schools that are causing the pressures, it is also the increase in the complexities of the learners' needs that attend these specialist provisions and the staffing numbers required to meet their needs.
- 4.12 For consistency, we have again used the staff ratio bandings to evidence the growing complexity of need in our special school provision. Utilising this data will highlight the changes in the staffing levels required to support each learner depending on presenting need over the last few years, further evidencing the change in need and the increased demand placed upon this sector.
- 4.13 The staff bandings according to learner need are detailed below in Table 3. For a class of 10 for learners with profound and multiple learning difficulties requiring enhanced support (BAND 1+), there would be a requirement for 3 teaching staff and 4.5 learning support staff to meet need of this complexity – at total of 7.5 staff.

This illustrates the intensive support required for children with the most complex needs and does not include the intervention required from highly specialist health professionals, e.g., nurses, occupational therapists, speech and language therapists and physiotherapists.

Table 3: Staffing Based on Pupil Banding and Need

| Band | Band of Learning Difficulty | Number of Teachers per 10 FTE Learners | Number of Learning Support Assistants per 10 FTE Learners |
|------|--|--|---|
| 1+ | Profound and Multiple Learning Difficulties (Enhanced) | 3.0 | 4.5 |
| 1 | Profound and Multiple Learning Difficulties | 2.0 | 3.0 |
| 2 | Severe Communication Difficulties | 1.8 | 1.8 |
| 3 | Severe Emotional and Behavioural Difficulties | 1.5 | 1.5 |
| 4 | Severe Development Difficulties | 1.3 | 1.3 |
| 5+ | Other Learning Difficulties (Enhanced) | 1.15 | 0.9 |
| 5 | Other Learning Difficulties | 1.0 | 0.5 |

4.14 The special schools had the following learner numbers, which are broken down according to the corresponding staff banding categories detailed in Table 4. The data in Table 5 provides a comparison from 2016.

Table 4: Data for PLASC 2022 based on Learner Numbers

| PLASC 2022 | Band of Learning Difficulty | | | | | | | |
|-------------------------------------|-----------------------------|------------|-----------|------------|------------|----------|-----------|------------|
| | B1+ | B1 | B2 | B3 | B4 | B5+ | B5 | TOTAL |
| | Total | Total | Total | Total | Total | Total | Total | Post 16 |
| Park Lane | 5 | 18 | 19 | 20 | 44 | 0 | 2 | 108 |
| Ysgol Hen Felin | 14 | 29 | 31 | 51 | 66 | 0 | 3 | 194 |
| Maesgwyn | 11 | 8 | 5 | 19 | 50 | 2 | 30 | 125 |
| Ysgol Ty Coch (inc. Buarth-y-Capel) | 8 | 51 | 36 | 37 | 55 | 0 | 3 | 190 |
| Total | 38 | 106 | 91 | 127 | 215 | 2 | 38 | 617 |

Table 5: Data for January 2016 Based on Learner Numbers

| January 2016 | Band of Learning Difficulty | | | | | | |
|-------------------------------------|-----------------------------|-----------|-----------|------------|-----------|-----------|------------|
| | B1 | B2 | B3 | B4 | B5+ | B5 | TOTAL |
| | Total | Total | Total | Total | Total | Total | Post 16 |
| Park Lane | 34 | 9 | 5 | 51 | 0 | 0 | 99 |
| Ysgol Hen Felin | 31 | 38 | 7 | 97 | 0 | 0 | 173 |
| Maesgwyn | 16 | 3 | 27 | 14 | 63 | 18 | 141 |
| Ysgol Ty Coch (inc. Buarth-y-Capel) | 48 | 7 | 6 | 52 | 0 | 0 | 113 |
| Total | 129 | 57 | 45 | 214 | 63 | 18 | 526 |

4.15 As can be seen from the tables above, the band B1+, which has the highest level of staff to learner ratio, was not a category in 2016. This new banding was

introduced in 2017 to provide the additional support required for learners with increasingly complex and profound needs. This data shows very clearly the increase in learners requiring the support of the higher staffing ratios as specified in categories B1+, B1, B2 and B3. This is especially the case in the two largest special schools, Ysgol Hen Felin and Ysgol Ty Coch, with the numbers rising from 76 and 61 in 2016, to 125 and 132 in 2022 respectively for these categories.

- 4.16 This data is important as it not only shows the change in the number of learners requiring additional support, but it also demonstrates the increase in the numbers of staff required to work in our special schools due to the enhanced complexity of need, which also has a detrimental impact on the physical space, further compounding the effects on capacity within our special school provision.
- 4.17 Table 6 that follow outlines the national curriculum year of the learners who access their education in each of the four special schools (five sites including Buarth-y-Capel). This data was correct as of 1st September 2022 and is not taken from the PLASC.

Table 6: National Curriculum Year of Learners that Access their Education at Special School on the 1st of September 2022

| National Curriculum Year of Learners who Access their Education at Special School | | | | | | | |
|---|--------------------------|-------------------------|--------------------------|-----------------|---|------------|------------|
| Key Stage | National Curriculum Year | School | | | | Total | |
| | | Maesgwyn Special School | Park Lane Special School | Ysgol Hen Felin | Ysgol Ty Coch and Buarth-y-Capel Combined | | |
| Foundation Phase | Nursery | | 7 | 7 | 6 | 20 | 111 |
| | Reception | | 8 | 7 | 12 | 27 | |
| | 1 | | 8 | 16 | 9 | 33 | |
| | 2 | | 9 | 10 | 12 | 31 | |
| Key Stage Two | 3 | | 15 | 18 | 13 | 46 | 155 |
| | 4 | | 9 | 12 | 9 | 30 | |
| | 5 | | 5 | 11 | 26 | 42 | |
| | 6 | | 6 | 16 | 15 | 37 | |
| Key Stage Three | 7 | 18 | 10 | 21 | 18 | 67 | 173 |
| | 8 | 14 | 15 | 16 | 17 | 62 | |
| | 9 | 14 | 2 | 18 | 10 | 44 | |
| Key Stage Four | 10 | 22 | 5 | 11 | 19 | 57 | 95 |
| | 11 | 11 | 5 | 10 | 12 | 38 | |
| Key Stage Five | 12 | 9 | 6 | 9 | 13 | 37 | 144 |
| | 13 | 21 | 4 | 10 | 22 | 57 | |
| | 14 | 17 | 8 | 16 | 9 | 50 | |
| Total | | 126 | 122 | 208 | 222 | 678 | |

The data indicates:

- The national curriculum year with the highest number of learners was year 7 with 67 learners.
- Key stage three was the key stage with the highest number of learners with 173 learners.

- However, it should be noted that figures are relatively consistent across all key stages.
- 4.18 It should be noted that all schools see significant admission into special school provision at secondary transition which accounts for the imbalance in numbers across phases. Often learners that attend primary learning support class provision require a more specialist provision at secondary level due to the more challenging learning environment at secondary level and the curriculum offer.

5. FUTURE PROPOSALS

- 5.1 The updated data endorses the previous recommendation that the only feasible option is to build a brand-new provision on a new site, growing the special school provision within the County Borough increasing the number of special schools from four to five. It is proposed that the new school will accommodate up to 200 learners who are all highly likely to require transportation to school. Transport links will need to be an important consideration so that the new school is readily accessible from a travel perspective.
- 5.2 The October 2021 report advised that the Council would undertake an appraisal of a number of potential sites to ascertain which, if any, would be suitable for a special school. Several sites were identified as potential candidate sites, these were then appraised against a number of critical delivery factors including size, ownership, and location. However, further scoping activities are now required to ensure that the best possible site is secured. The outcome of this process will be reported to Cabinet alongside feedback from WG and the consultation requirements per below.
- 5.3 The opening of a new special school will be subject to a statutory school organisation consultation and further work to develop the proposal will need to be undertaken. If permission to develop this proposal is granted, then in accordance with the School Organisation Code a consultation document will be written and brought to Cabinet to seek approval to commence the statutory consultation process in due course.
- 5.4 There are significant risks in not progressing with this proposal and these are detailed as follows:

Not meeting our statutory duties

Local authorities must ensure that additional learning provision is kept under review and if pressures on the service arise then we must take reasonable steps to remedy the situation. It is evident that there are currently significant pressures on special school placements and doing nothing at this juncture will mean that we will be unable to meet our statutory duties in future. There is a clear duty placed on local authorities to ensure that there is sufficient provision in place to meet need.

Children not having their needs met

Special schools provide highly specialist placements to meet the needs of some of our most vulnerable learners. It is imperative that children who require special school placements access this provision at the earliest opportunity so that they can

benefit from early intervention and access to highly specialist teaching, equipment, resources, therapies and medical intervention that are available in special schools.

Increased pressure on families

Families of children with significant ALN often have to navigate complex processes and systems to ensure that their child accesses the right professional advice, support and educational provision. Timely access to specialist provision and the expertise that exists within these settings can often be a tremendous support not only for vulnerable children, but to their extended families.

Increased ALN Educational Tribunals

Concerns about the SEN or additional learning provision made for learners can be escalated to the Educational Tribunal for Wales. The Educational Tribunal for Wales can direct local authorities to place children in educational settings irrespective of capacity pressures. This can include provisions both within and outside of the County Borough. It is imperative that all learners who meet the threshold for a special school placement are able to access this at the earliest opportunity in their community.

Increased out of county costs

If there is insufficient provision within the County Borough, there will be a requirement to place outside of RCT. This will be significantly more expensive and will take children out of their communities. If it is not possible to secure an alternative placement close to home, then it is likely that both educational and residential costs will be incurred. A residential placement in a special school can cost, on average, in the region of £95k and £141k per annum for a 40- or 52-week placement respectively.

Increased transport and environmental pressures

If needs cannot be met within the County Borough, then excessive transport costs and the associated detrimental impact on the environment will be incurred. Extended periods of travel will also have a negative impact on these vulnerable children.

6. PARTNERSHIP CONSIDERATIONS

- 6.1 In recent months officers have been invited to collaborate with Children's and Adult Services, both services areas are developing transformation programmes to provide additional support to both children and young people with additional learning needs.
- 6.2 In the case of Children's Services, this is for children who are looked after who have complex learning needs. In the fullness of time that work will lead to meeting children's needs for care close to home and supplying services that are not for profit in line with Government's intention to legislate to remove profit from the provision of care.
- 6.3 At this early stage, it is evident that some of the children who will be pupils at the proposed specialist school will potentially also need either 52 weeks residential

care or respite care. These needs are currently met by providers in settings that are outside of the County Borough at considerable cost to the Council.

- 6.4 There is an opportunity to collaborate to provide those children and their families who need it with high quality integrated school and care provisions. Children’s Services’ Officers are in the process of concluding the evidence base of need, alongside cost impact, and will supply a prioritised and costed strategy in due course.
- 6.5 Funding streams to support this type of development work have been made available by Welsh Government linked to the Programme for Government and also via the Regional Partnership Board in association with its Re-balancing Social Care Fund.
- 6.6 Similarly, Adult Services are delivering The Learning Disability Transformation Programme which focuses upon improving its offer for opportunities for young people with additional learning needs once their statutory education ends. The intention is to work collaboratively with adult social care to improve and support its development but also to support young people approaching adulthood in achieving their goals by supporting them to develop their outcomes through a variety of ways, including daytime provision as well as residential care.
- 6.7 As a result of this synergy, collaboration between service areas will continue as we explore opportunities to establish where Education and Inclusion Services and Adult Social Care can mutually support these young people going forward with integrated and fit for purpose provisions.

7. LEARNER TRANSPORT CONSIDERATIONS

- 7.1 As part of this proposal, consideration will need to be given to transport costs and provision, including transport links to any potential site and traffic impact considerations on communities, which will all included as part of the detailed consultation report and risk assessments. Clearly, there are cost implications and transport requirements which have to be taken into consideration and these are summarised in Table 8:

Table 8: A summary of current transport requirements and costs in special schools

| | Vehicles | Students | Daily Cost | Parental Payments |
|---------------------------------------|-----------------|-----------------|-------------------|--------------------------|
| Maesgwyn Special | 18 | 106 | £2,568.41 | 4 |
| Ysgol Hen Felin | 22 | 143 | £2,842.79 | 8 |
| Ysgol Ty Coch (Tonteg) | 29 | 132 | £3,883.90 | 20 |
| Ysgol Ty Coch (Buarth-y-Capel) | 9 | 24 | £1,114.08 | 0 |
| Park Lane Special | 15 | 93 | £1,926.96 | 9 |

8. EQUALITY AND DIVERSITY IMPLICATIONS/SOCIO ECONOMIC DUTY

- 8.1 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.
- 8.2 If approval is granted, then at the appropriate time Equality and Community Impact Assessments will be prepared in respect of this proposal and published on the Council's website together with a consultation document that outlines the proposal in further detail and in accordance with the requirements of Welsh Government's School Organisation Code (2nd Edition) (011/2018) (the "Code").

9. WELSH LANGUAGE IMPLICATIONS

- 9.1 If approval is granted, then at the appropriate time a Welsh Impact Assessment will be prepared in respect of this proposal and published on the Council's website together with a consultation document that outlines the proposal in further detail and in accordance with the requirements of Welsh Government's School Organisation Code (2nd Edition) (011/2018).

10. CONSULTATION

- 10.1 If approval is granted, the consultation process in respect of the proposal will be undertaken under the arrangements outlined in the Welsh Government's Statutory Code – School Organisation Code (2nd Edition) (011/2018).

11. FINANCIAL IMPLICATIONS

- 11.1 Without significant investment, there is future financial risk to the Council arising from the pressures on special school places. Where need cannot be met within the County Borough, additional out of County Borough placements would have to be sourced. The resulting costs of securing independent special school placements outside of the County Borough would put a significant financial burden on the Council.
- 11.2 As Cabinet will be aware, the Council has successfully made a bid to Welsh Government to include a new special school provision within its overall funding envelope of the Band B Strategic Outline Programme (SOP) of the Sustainable Communities for Learning Programme, noting the preferential rates afforded to special school projects, with a Welsh Government intervention rate of 75%.
- 11.3 Cabinet will also be aware that since approval of the SOP there have been several factors that have had a significant impact upon our Band B project costs. Construction material costs nationally continue to escalate reaching a 40 year high, increased global demand in the construction sector, the multiple and complex impacts of the COVID pandemic and logistic issues, and the invasion of Ukraine have all played a role in placing extreme pressure on supply chains that are already under strain. This has created an increasingly volatile market within the

construction industry where demand has outstripped supply, giving rise to longer lead times and inevitably material and labour price increases.

- 11.4 As a result of these challenges and the resulting cost increases of a number of our Band B projects, cost estimates to deliver this project exceed the remaining funding available within our Band B envelope . Costs for this project have increased from an estimated £35M to an estimated £53.3M. In order to accommodate this the overall increases across our Band B projects, including this project, permission is sought to request an increase in our SOP by submitting a variation to Welsh Government to increase our investment envelope. Based on current construction costs, and with inflation applied, current estimates indicate we need to increase the capital element of our SOP by £32.3M, increasing our overall investment programme to £284.5M. As previously noted, if this increase is approved, the Welsh Government will be responsible for contributing up to 75% towards this additional funding.
- 11.5 It is also important to note that revenue costs will increase with the expansion of special school provision in the local authority. The 2022/23 revenue cost (formula funding) of special schools is summarised in the following table:

Table 9: Current revenue costs in special school settings

| | Total School Formula Allocation £ | Average cost per pupil £ |
|-------------------------|--|---------------------------------|
| Park Lane School | 1,829,503 | 16,940 |
| Ysgol Hen Felin | 3,295,547 | 16,987 |
| Maesgwyn School | 1,842,114 | 14,737 |
| Ysgol Ty Coch | 2,949,459 | 16,854 |
| Buarth-y-Capel | 525,270 | 35,018 |
| Total | 10,441,896 | |

- 11.6 Please note that Buarth-y-Capel is a highly specialist satellite setting for Ysgol Ty Coch, and young adults with high end complex learning needs and autistic spectrum disorders.
- 11.7 The new school will house up to 200 pupils (similar level to Ysgol Hen Felin) and if approved, revenue costs in the region of £3.3M (2022/23 values) will need to be incorporated into the Council's Medium Term Financial Planning (MTFP) arrangements as pupil numbers grow over time. Funding for growth in special school pupil numbers is already routinely factored into the MTFP. Consideration will also need to be given to a potential growth in transport costs.
- 11.8 It is noted that at this stage, permission is being sought only to submit a request to WG to consider increasing our Band B capital envelope and that we are not, at this stage, contractually committing the Council. Subject to feedback from WG, a further report will be presented to Cabinet along with details of the consultation process and the outcome of the site appraisal.

11.9 Any revenue and capital costs that are accrued in preparing the financial business cases for Welsh Government approval will be met from within existing budgets.

12. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

12.1 Section 316 of the Education Act 1996¹ specifies that children and young people with SEN should normally be educated in mainstream schools so long as this is compatible with them receiving the special educational provision that their learning difficulty calls for, the efficient education of other children and young people and the efficient use of resources.

12.2 Section 315 of the Education Act 1996 also requires local authorities to ensure that SEN/ALN provision is kept under review. Sections 1:20 and 1:21 of The Code of Practice also requires local authorities to evaluate the effectiveness of school funding arrangements in supporting and raising the achievements of children and young people with SEN.

12.3 [Section 63](#) of the ALNET Act (2018) highlights the Duty on local authorities to keep under review the arrangements that they and the governing bodies of maintained schools in their area make for children and young people with ALN. This includes considering the extent to which the arrangements are sufficient to meet the ALN of the children and young people for whom they are responsible. Local authorities must have regard to the ALP that may reasonably be arranged by other bodies (such as health bodies). It also requires local authorities to consider the sufficiency of ALP in Welsh and the size and capability of the workforce available. If a local authority considers that the arrangements are not sufficient in any way, it must take all reasonable steps to remedy the matter. Local authorities must consult any persons that they consider appropriate in order to inform the consideration and review, and at times which they consider appropriate.

13. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELLBEING OF FUTURE GENERATIONS ACT 2015

13.1 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.

13.2 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

¹ [Education Act 1996](#)

- Ensuring we have good schools, so all children have access to a great education.
- 13.3 Due regard will be given 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.
- 13.4 The proposal will ensure that some of the Council's most vulnerable learners will have the best chance of achieving positive outcomes. The proposal will ensure more efficient and effective use of resources which promotes the development of social inclusion and positive outcomes for learners. This will also have a beneficial impact on transport costs and on carbon emissions.

14. STRATEGIC OR RELEVANT TO ELECTORAL WARDS

- 14.1 Given the considerable changes planned in Wales in relation to the statutory provision required to meet the needs of learners with the implementation of new legislation, the ALNET Act (2018), building a new special school, and creating further capacity in our current provision, will also ensure that the Council successfully delivers on its statutory obligations, and as such is a strategic proposal relevant to all wards.

15. CONCLUSION

- 15.1 The Welsh Government and legislation requires local authorities to regularly review arrangements for supporting learners with ALN and to ensure that provision is sufficient and meets the needs of its communities.
- 15.2 The priority for the Council's Directorate of Education and Inclusion Services is to continue to focus on driving up standards in schools and early years settings, and to improve the outcomes for all children and young people. The Directorate's mission of 'Equity and Excellence in Education and Enhanced Wellbeing' applies to all learners, and it is imperative that we have sufficient high-quality provision to meet the needs of our most vulnerable learners.
- 15.3 Given the increase in the numbers of learners accessing our special schools, the restrictions of the existing school sites, and the implementation of the new ALNET Act (2018), there is a need to increase our special school provision to ensure that it will meet the needs of our most vulnerable pupils and support our families and residents. Without expanding the capacity of provision in the County Borough of RCT there is a risk that we will be unable to meet any future increase in demand for special school placements.
- 15.5 It is recommended that Cabinet recognise the opportunities presented by the Welsh Government's Sustainable Communities for Learning, and as such agree to submit a request to the Welsh Government to increase the investment available. Future development of the proposal would be carried out in accordance with the Welsh Government's School Organisation Code, and Welsh Government's Sustainable Communities for Learning statutory approval processes.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

26TH SEPTEMBER 2022

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

Item: PROPOSAL TO DEVELOP A NEW SPECIAL SCHOOL IN RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

Background Papers

REVIEW OF SPECIAL SCHOOL PROVISION IN RHONDDA CYNON TAF CABINET - 25TH FEBRUARY 2021 and 4TH OCTOBER 2021

REPORT OF THE DIRECTOR OF EDUCATION AND INCLUSION SERVICES

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[RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL \(modern.gov.co.uk\)](http://modern.gov.co.uk)

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