



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**28<sup>TH</sup> JUNE 2023**

**PROPOSALS TO DEVELOP A NEW SPECIAL SCHOOL  
IN RHONDDA CYNON TAF**

**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)**

**AUTHOR(S):**

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Andrea Richards, Service Director of 21<sup>st</sup> Century Schools and Transformation.

**1. PURPOSE OF REPORT**

- 1.1 Following the report to Cabinet from the Director of Education and Inclusion Services, on the [26<sup>th</sup> September 2022](#), regarding the proposal to develop a new special school in Rhondda Cynon Taf (RCT), the purpose of this report is to:
- 1.2 Seek formal approval to begin the relevant and required statutory consultation for the proposal to open a new 3 to 19 special school in RCT. The consultation will also include the introduction of catchment areas for all 3 to 19 special schools across RCT, these are:
  - Park Lane Special School
  - Ysgol Hen Felin
  - Ysgol Ty Coch.
- 1.3 Provide an update to Cabinet, regarding the submission of the variation to the approved Strategic Outline Programme in accordance with the Welsh Government's Sustainable Communities for Learning funding approval processes.

**2. RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Note the content of this report.

- 2.2 Give formal approval to commence a statutory consultation with relevant stakeholders on the proposal to:
- 2.2.1 Build a new 3 to 19 special school in RCT on a new site.
  - 2.2.2 Introduce catchment areas for all 3 to 19 special schools across RCT (as listed in 1.2), to better meet and manage the demand for special school places.
  - 2.2.3 Note that children and young people who wish to remain in their existing special school special school placements following the catchment changes can continue to do so. However, all new placements will be informed by the revised catchment areas once the changes are implemented so that learners attend their local special school.
  - 2.2.4 Subject to 2.2.1 and 2.2.2 above, give formal approval to report back to Cabinet to consider the Consultation Report and determine whether to publish the Consultation Report and approve the publication of the proposal in the form of a Statutory Notice.
  - 2.2.5 Subject to 2.2.1 and 2.2.2 above, give delegated authority to the Director of Education and Inclusion Services to make any minor changes required to the draft Consultation Document (attached at Appendix A) prior to its publication and the statutory consultation commencing.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To acknowledge the statutory duties placed upon the Council to deliver the obligations of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (ALNET Act 2018), will compound the pressures placed on special schools and the Council's capacity to provide a statutory provision for the pupils who require it.
- 3.2 To secure appropriate special school provision for pupils with additional learning needs (ALN) and mitigate against potential long-term budgetary pressures for the Council resulting from out of county and independent placements.
- 3.3 To better meet and manage the demand for special school places across RCT, helping to ensure that pupils are allocated places in the special school nearest their home.

### **4. BACKGROUND**

- 4.1 Previous reports presented to Cabinet by the Director of Education and Inclusion Services ([25<sup>th</sup> February 2021](#), [4<sup>th</sup> October 2021](#) and [26<sup>th</sup> September 2022](#)) highlighted the pressures faced by our special schools as the number of pupils 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 living in RCT. The data presented clearly showed that the demand on the Council's special school provision was significant and the trend data indicated that this

pressure would continue to rise. Since February 2021, the special school population has grown by 94 learners which is a significant growth.

- 4.2 The previous reports presented to Cabinet (linked in 4.1) also described the limitations of each special school site, and the conclusion reached was that all opportunities to significantly extend and increase capacities had been explored and, where possible, undertaken. Since the last report was presented to Cabinet on [26<sup>th</sup> September 2022](#), works funded by the Council, to maximise the available space on our special schools has continued to be an ongoing priority. By September 2023, an additional two-classrooms will be added to Park Lane Special School and by September 2024, a three-classroom extension will be added to Maesgwyn Special School.
- 4.3 Options and alternatives to expand the existing special school sites have been exhausted and the only feasible alternative is to build a new 3 to 19 special school on a new site, significantly growing the special school provision within RCT and increasing the number of special schools in RCT from four to five. Creating a highly specialist 21<sup>st</sup> century special school environment will enable the Council to meet the needs of pupils requiring access to highly specialist therapeutic facilities, equipment and resources required to meet all needs, including complex medical and health needs.
- 4.4 Given the considerable changes planned in Wales in relation to the statutory provision required to meet the needs of pupils with ALN with the implementation of the [ALNET Act 2018](#), building a new 3 to 19 special school in RCT, and creating further capacity in our current provision, will also ensure that the Council can continue to meet its statutory obligations.
- 4.5 Following the report to Cabinet from the Director of Education and Inclusion Services on the [26<sup>th</sup> September 2022](#), the Council's 21<sup>st</sup> Century Schools Team have successfully submitted a variation to the approved Strategic Outline Programme to the Welsh Government in accordance with the Sustainable Communities for Learning funding approval processes. The agreed capital funding envelope to deliver a new 3 to 19 special school in RCT had increased to £53.4 million, with the Welsh Government funding this project by up to 75.0%.

## **5. WHERE ARE WE NOW**

- 5.1 There are currently 670 pupils (PLASC, 2023) accessing four special schools across RCT with a range of needs, these are:
- Maesgwyn Special School, Cwmdare, Aberdare
  - Park Lane Special School, Trecynon, Aberdare
  - Ysgol Hen Felin, Ystrad, Tonypany
  - Ysgol Ty Coch, Tonteg, Pontypridd
    - Buarth y Capel, Ynysybwl, Pontypridd (satellite site of Ysgol Ty Coch for learners with very complex ASD).
- 5.2 However, as previously reported, it has become increasingly apparent that the special schools currently available are insufficient to meet the growth in

demand. In view of this, a data analysis exercise has been undertaken. Further information on each special school is provided within the draft Consultation Document (attached at Appendix A), including information on the educational provision, age range of pupils and an overview of each special school site, including property condition information and suitability ratings.

- 5.3 The capacity of each special school is not included. In accordance with [Measuring the Capacity of Schools in Wales 2011 \(021/2011\)](#), the capacity assessment method applied to all community, voluntary aided, voluntary controlled and foundation schools in Wales does not apply to nursery, special schools, or pupil referral units. Pupils are placed in special schools based on an assessment of their needs; therefore, special schools can never be classed as 'at capacity.'
- 5.4 The Council's school modernisation programme has been successfully making excellent progress in modernising our school estate, meeting demand for places and expanding pupil places where required. The Council has been building new schools, remodelling, and redeveloping schools across RCT providing 21<sup>st</sup> century learning environments for our pupils, staff, parents/carers and the wider community.

## **6. NEW 3 TO 19 SPECIAL SCHOOL IN RCT ON A NEW SITE**

- 6.1 As outlined in 4.1 to 4.5, and as part of the continuation of the Council's school modernisation programme, investment is needed to provide a new 3 to 19 special school in RCT. It is also proposed to introduce catchment areas for all 3 to 19 special schools across RCT, to better meet and manage the demand for special school places, ensuring pupils are allocated places in the special school nearest their home.
- 6.2 The 3 to 19 special schools across RCT are:
- Park Lane Special School
  - Ysgol Hen Felin
  - Ysgol Ty Coch.
- 6.3 The rationale for bringing the proposal is set out in detail in the draft Consultation Document (attached at Appendix A).
- 6.4 Alongside this proposal, further options to expand the Post 16 Specialist Provision off school sites will need to be explored, and further options or alternatives to expand the existing site at Buarth y Capel may be proposed separately at a later date in accordance with the [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#).
- 6.5 The new 3 to 19 special school in RCT would be built in accordance with current requirements of planning and building control legislation and will be fully accessible and compliant with the [Equality Act 2010](#).
- 6.6 The majority of pupils (75.9%) currently accessing the special schools across RCT use home to school transport. The new 3 to 19 special school will have

dedicated on-site drop off and pick up facilities making this process safe, less disruptive for the community and manageable for staff.

- 6.7 The investment would also include a review of safe routes to school and, if required, an investment in improvements to walkways, road crossings and traffic calming measures to ensure the required safety standards are met. This is the approach the Council has implemented in other communities through delivering the 21<sup>st</sup> Century Schools Programme with significant improvements and investment made.
- 6.8 The report to Cabinet from the Chief Executive on the [15<sup>th</sup> May 2023](#), confirmed the Council Headquarters in Clydach Vale, Tonypany is being released for the potential development of a new special school, noting that any proposal would be subject to the requirements of the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#). As such, this consultation proposes that the new 3 to 19 special school in RCT be built on the vacated Clydach Vale site in Tonypany. This site is proposed as the preferred location following a site appraisal process. A number of vacant sites within RCT have been appraised using the following criteria:
- Ownership
  - Have an adequate site area
  - Have satisfactory access which is capable of being improved
  - Is free from any visual incumbents
  - Is a viable development opportunity subject to a detailed feasibility study.
- 6.9 On applying the appraisal criteria to the identified sites, and following several site visits undertaken by Officers from the Council's Directorate of Corporate Estates and the Directorate of Education and Inclusion Services, all the other sites were discounted with the Council Headquarters in Clydach Vale, Tonypany, being identified as the preferred location for the new 3 to 19 special school in RCT.
- 6.10 Placement into special schools is currently agreed by the Council's Directorate of Education and Inclusion Services' Access and Inclusion Service Panels with pupils being placed in the nearest suitable special school to their home where possible. However, to better manage the allocation of special school places across RCT, the proposal also seeks to introduce defined catchment areas for all of the 3 to 19 special schools across RCT.
- 6.11 On opening, pupils already attending other 3 to 19 special schools that will then reside within the catchment area of the new special school, will be given the option to relocate to the new school. To note this will not be mandatory and this will be down to parental/carer choice. However, once the catchment changes come into effect, the Directorate of Education and Inclusion Services' Access and Inclusion Service Panel will place new pupils into specialist provision according to the newly defined catchment boundaries.
- 6.12 Maps identifying the proposed special school catchment areas are included within the Consultation Document (attached at Appendix A). Maesgwyn

Special School will not be included in this process as it offers a different provision to the other special schools in RCT. As well as the new 3 to 19 special school, the proposed new catchment areas will cover Park Lane Special School, Ysgol Hen Felin and Ysgol Ty Coch.

## **7. EQUALITY AND DIVERSITY IMPLICATIONS**

7.1 The Council must 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:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations based on protected characteristics.

7.2 An Equality Impact Assessment is being prepared in respect of the proposal and will be published on the Council's website for the duration of the consultation period, together with a Consultation Document that outlines the proposal in further detail in accordance with the requirements of the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#).

## **8. WELSH LANGUAGE IMPLICATIONS**

8.1 A Welsh Language Impact Assessment is being prepared in respect of the proposal and will be published on the Council's website for the duration of the consultation period, together with a Consultation Document that outlines the proposal in further detail in accordance with the requirements of the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#).

## **9. CONSULTATION/INVOLVEMENT**

9.1 The consultation processes in respect of the proposal will be undertaken under the arrangements outlined in the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#). These arrangements stipulate that consultation must be undertaken when the proposals are at a formative stage and that Consultation Documents must be prepared and circulated to prescribed consultees, as well as being published on the Council website.

9.2 The draft Consultation Document for the proposal outlined in this report is attached at Appendix A, although it should be noted that this remains a working document which may be subject to some minor changes before the Consultation Document is formally published and the consultation process commences.

9.3 The proposed consultation period, if it is agreed to progress this matter, would run from 3<sup>rd</sup> July 2023 to 14<sup>th</sup> September 2023.

9.4 The proposed consultation timetable for completion of each action is set out in the table that follows:

<b>New 3 to 19 Special School in RCT – Proposed Consultation Timeline</b>		
<b>Action</b>	<b>Detail</b>	<b>Dates</b>
Cabinet Permission to Consult	Cabinet to consider the proposal and give approval to commence consultation	28 <sup>th</sup> June 2023
Public Consultation	A Consultation Document would be published on the Council’s website for a minimum of six weeks	3 <sup>rd</sup> July 2023 to 14 <sup>th</sup> September 2023
Report back to Cabinet	Cabinet would consider the Consultation Response Report and determine whether to publish the Report and approve the publication of the proposal in the form of a Statutory Notice	October 2023
Publish Statutory Notice	The Statutory Notice must be published for a 28 day period (if approved by Cabinet)	November 2023
Decision by Cabinet	Report back to Cabinet on outcome of Statutory Notice period and details of (any) objections received, with an appropriate recommendation	January 2024
Implementation	In accordance with Cabinet decision either status quo or implementation of proposal	Status Quo: N/A. New school: September 2026

## **10. FINANCIAL IMPLICATIONS**

10.1 Should the proposal go ahead, a significant capital investment would be required. Funding will be secured via the Welsh Government’s Sustainable Communities for Learning Programme at an intervention rate of 75.0%. Costs will be developed alongside the consultation process and approvals sought in line with the Council’s decision-making procedures.

10.2 Revenue implications resulting as a consequence of the new 3 to 19 special school, including the schools’ delegated budget and any potential increases in home to school transport costs will be identified as the proposal is developed and incorporated into the Council’s Medium Term Financial Planning arrangements.

## **11. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

11.1 Section 315 of the [Education Act 1996](#) requires Councils to ensure that ALN provision is kept under review. In addition, the [ALNET Act 2018](#) requires Councils to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient.

11.2 Powers for Councils to develop school organisation proposals are governed by the:



- The [School Standards and Organisation \(Wales\) Act 2013](#)
- The Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#).

11.3 Council's must, when exercising functions under Part 3 of the [School Standards and Organisation \(Wales\) Act 2013](#), act in accordance with any relevant requirements contained in the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#) and must have regard to any relevant guidelines contained in it.

## **12. LINKS TO THE COUNCIL'S CORPORATE PLAN, NATIONAL PRIORITIES AND THE FUTURE GENERATIONS (WALES) ACT 2015**

12.1 There are links to Making a Difference, the Council's Corporate Plan for the years between 2020 and 2024, specifically:

- **People:**

- Encouraging all residents to lead active and healthy lifestyles and maintain their mental wellbeing:
  - Delivering new indoor and outdoor sporting facilities and enhancing existing sporting facilities such as changing rooms and outdoor play areas.
- Improving services for children and young people and ensuring the needs of children are considered in everything we do:
  - Improving the social, emotional, and mental health and wellbeing of children and young people by increasing the range of specialist services available.

- **Places:**

- Ensuring RCT is one of the safest places in Wales, with high levels of community cohesion where residents feel safe:
  - Supporting the voluntary, community and faith sectors to help build active communities, creating the capacity for meeting the needs of residents within their communities.

- **Prosperity:**

- Ensuring we have good schools, so all children have access to a great education:
  - Improving outcomes for children and young people with special educational needs and disabilities
- Helping people into work and better paid employment:
  - Offering employment schemes and apprenticeships in the Council, on the regeneration sites, and through other Council contractors.

12.2 There are links to the Council's Directorate of Education and Inclusion Services' Strategic Plan for the years between 2021 and 2024, specifically:

- **Strategic Priority 3:**

- Ensuring equity and support for vulnerable pupils and their families.



- **Strategic Priority 5:**

- Delivering 21<sup>st</sup> century learning environments and innovative services for our pupils and communities.

12.3 Due regard has been made to all seven wellbeing goals and the five ways of working, as contained within the [Wellbeing of Future Generations \(Wales\) Act 2015](#) which requires the Council to think about the long-term impact of decisions on communities to prevent consistent issues such as poverty, health inequalities and climate change.

12.4 The proposal could contribute towards achieving some of the seven wellbeing goals by:

- **A Prosperous Wales** - Should the proposal proceed, construction will be competitively tendered, thereby achieving best value for money. Main contractors will be asked to advertise work on Sell2Wales which could provide opportunities for local businesses to tender for the construction. This could provide opportunities for local business to engage with the main contractor for inclusion in their supply chain, via 'Meet the Buyer' events. This would support economic activity in the area.
- **A Resilient Wales** – The proposal could improve the sustainability of school buildings in the Council's portfolio through a commitment to achieving zero-carbon buildings and building to BREEAM excellent standards.
- **A Healthier Wales** – The new school will be a fully accessible and integrated community school with a dedicated area designed within so that the local community will be allowed to safely use the facilities, both during and after the school day. Accommodation will consist of enhanced outdoor spaces to support the full range of curriculum activities.
- **A More Equal Wales** – The new school and the way in which it will be used will bring neutral or positive socio-economic impacts to all of the vulnerable groups.
- **A Wales of More Cohesive Communities** – Fully accessible and integrated community school with a dedicated area designed within so that the local community will be allowed to safely use the facilities, both during and after the school day.
- **A Wales of Vibrant Culture and Thriving Welsh Language** – Although the new school will be English medium, Welsh is taught as part of the curriculum and all pupils will benefit from having the opportunity to be taught in brand new facilities fit for the 21<sup>st</sup> century.
- **A Globally Responsive Wales** – The new school could build upon the good working practices and initiatives already in place to further develop extra-curricular activities to encourage healthy lifestyles for the

school community. zero-carbon buildings and building to BREEAM excellent standards.

12.5 The proposal could contribute towards achieving some of the five ways of working by:

- **Long Term** – The proposal forms a part of the Council’s wider 21<sup>st</sup> Century Schools Investment Programme and contributes to the delivery of sustainable schools fit for the 21<sup>st</sup> century and supports the better strategic management of the Council’s education estate. Given the considerable changes in Wales in relation to the statutory provision required to meet the needs of pupils with ALN, with the implementation of the [ALNET Act 2018](#), building a new 3 to 19 special school in RCT, and creating further capacity in our current provision, will ensure that the Council can continue to meet its statutory obligations.
- **Prevention** – The Council believes that the proposal represents the best opportunity to safeguard and sustain educational standards for the future and provides a platform for further improvement through significant investment in permanent and fit for purpose facilities.
- **Integrations** – The new school will be a fully accessible and integrated community school. A dedicated area will be designed within so that the local community will be allowed to safely use the facilities, both during and after the school day.
- **Collaboration** – The Council will continue to work effectively with internal and external partners to ensure the new 3 to 19 special school meets the short and long term needs of pupils, parents/carers, staff and the wider community.
- **Involvement** –The proposal is made in accordance with the [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#) and seeks the views of a prescribed list of stakeholders including pupils, parents/carers, staff and the wider community. As such face to face meetings will be arranged with the staff, school councils and governing bodies.

12.6 As stated in 7.1 and 7.2, an Equality Impact Assessment which further details the contribution of the proposal to the [Wellbeing of Future Generations \(Wales\) Act 2015](#) is being prepared.

### **13. STRATEGIC OR RELEVANT TO ELECTORAL WARDS**

13.1 Given the considerable changes in Wales in relation to the statutory provision required to meet the needs of pupils with the implementation of the ALNET Act (2018), the proposal to build a new 3 to 19 special school in RCT, creating further capacity in our current provision, will ensure that the Council can continue to meet its statutory obligations and as such is a strategic proposal relevant to all wards.

### **14. CONCLUSION**

- 14.1 In accordance with Section 315 of the [Education Act 1996](#), councils are required to ensure that ALN provision is kept under review. In addition, the [ALNET Act 2018](#) requires councils to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient. Building a new 3 to 19 special school in RCT, and creating further capacity in our current provision, will ensure that the Council can continue to meet its statutory obligations.
- 14.2 The proposed investment to open a new 3 to 19 special school in RCT on a new site provides the opportunity for more pupils with ALN to benefit from improved educational facilities and learning environments.
- 14.3 Noting that on opening, pupils already attending other 3 to 19 special schools that will then reside within the catchment area of the new special school, will be given the option to relocate to the new school. This will not be mandatory, and this will be down to parental/carer choice. However, once the catchment changes come into effect, the Directorate of Education and Inclusion Services Access and Inclusion Service Panel will place new pupils into specialist provision according to the newly defined catchment boundaries.
- 14.4 It is recommended therefore, that Members give approval to officers to commence the consultation processes necessary, in accordance with the Welsh Government's [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#), to achieve the proposal outlined in this report.

**Other Information:**

***Relevant Scrutiny Committee:***

Education and Inclusion Scrutiny Committee

***Contact Officer(s):***

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Lisa Howell, 21<sup>st</sup> Century Schools Business and School Organisation Manager

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**28<sup>TH</sup> JUNE 2023**

**Item: 21<sup>ST</sup> CENTURY SCHOOLS PROGRAMME – PROPOSALS TO DEVELOP  
A NEW SPECIAL SCHOOL IN RHONDDA CYNON TAF**

**Background Papers**  
**Appendix A – Draft Consultation Document**

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