



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 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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1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members of the outcome of the recent consultation in respect of the proposal to:

1.1.1 Open a new 3 to 19 special school in Rhondda Cynon Taf (RCT) and introduce catchment areas for all 3 to 19 special schools across RCT, these are:

- Park Lane Special School
- Ysgol Hen Felin
- Ysgol Ty Coch.

1.1.2 Where the Council decides to vary the catchment areas for a school (Welsh, English, dual language or voluntary aided (faith) mainstream school or special school / class as appropriate), existing transport arrangements will be protected for the pupils living in the areas affected for the duration of their attendance at the school or until they reach the end of that phase. In exceptional circumstances, consideration may be given to transporting siblings to the same school. The assessment of whether the circumstances are exceptional will be made by the Council's Directorate of Education and Inclusion Services in partnership with the Council's Integrated Transport Unit.

1.1.3 Note that children and young people who wish to remain in their existing special school placement following the catchment changes can continue to do so. However, all new special school placements will be informed by the revised catchment areas once the changes are implemented so that pupils attend their local special school.

2. RECOMMENDATIONS

2.1 It is recommended that Members:

2.1.1 Note the content of this report.

2.1.2 Note the information contained within the attached Consultation Report, attached as Appendix A to this Cabinet Report, which includes a summary of correspondence received during the consultation, including the full response from Estyn, feedback received from the online survey, and notes of the meetings held.

2.1.3 Agree to progress the proposals to the next stage of the consultation process by issuing an appropriate Statutory Notice which will trigger the start of the Objection Period.

3. REASONS FOR RECOMMENDATIONS

3.1 To progress the proposal in accordance with the process outlined in Welsh Government legislative guidance [School Organisation Code \(2nd Edition\) \(011/2018\)](#).

3.2 To continue to meet our statutory duty and appropriate special school provision for pupils with additional learning needs (ALN) and avoid long-term budgetary pressures for the Council.

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 Members will recall that, at the meeting of the Cabinet held on [28th June 2023](#), approval was given to begin a statutory process to formally consult on a proposal to open a new 3 to 19 special school in RCT and to introduce catchment areas for all 3 to 19 special schools across RCT (as listed in paragraph 1.1.1). The justifications for doing so were:

4.1.1 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 \(ALNET Act 2018\)](#) will compound the pressures placed on special schools and the Council's capacity to provide a statutory provision for the pupils who require it.

4.1.2 To secure appropriate special school provision for pupils with ALN and mitigate against potential long-term budgetary pressures for the Council resulting from out of county and independent placements.

4.1.3 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.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1 An Equality Impact Assessment was prepared in respect of the proposal and published on the Council's website together with a Consultation Document that outlined the proposal in further detail in accordance with the requirements of the Welsh Government's [School Organisation Code \(2nd Edition\) \(011/2018\)](#).

5.2 The outcome of Equality Impact Assessment identified positive and neutral impacts, and no negative impacts, upon the protected characteristics and so it was deemed that approval would be sought to continue to implement the proposal. To confirm, the Action Plan included within the Equality Impact Assessment will continue to be reviewed throughout the duration of the project delivery period.

5.3 In accordance with the Equality Act 2010 and the Public Sector Equality Duties, the Council has a legal duty to look at how its decisions impact on people because they may have particular characteristics. So as part of seeking views on the proposal, the consultation also included the following question:

1. How would the Council's proposal affect you because of your:
 - Sex
 - Age
 - Ethnicity
 - Disability
 - Sexuality
 - Religion/Belief
 - Gender Identity
 - Relationship Status
 - Pregnancy
 - Preferred Language.

5.4 All those that responded to this question, apart from one, stated that there would be a positive or no impact on them as a result of implementing the proposals. Further information on this can be found in the Consultation Report.

6. WELSH LANGUAGE IMPLICATIONS

6.1 A Welsh Language Impact Assessment was prepared in respect of the proposal and was published on the Council's website together with a Consultation Document that outlined the proposal in further detail in accordance with the requirements of the Welsh Government's [School Organisation Code \(2nd Edition\) \(011/2018\)](#).

6.2 The outcome of the Welsh Language Impact Assessment found that the proposal could assist with delivering the targets outlined in Rhondda Cynon Taf County Borough Council's (RCTCBC's) Welsh in Education Strategic Plan

(WESP) and could support the aim of the Welsh Government's Cymraeg 2050 target of one million Welsh speakers in Wales by 2050.

6.3 In accordance with the Welsh Standards (No.1) Regulations 2015 and in compliance with the Council's statutory obligations, the consultation included the following questions:

1. Do you think the proposal could impact opportunities for people to use and promote the Welsh Language (Positive or Negative)?
2. Do you think the proposal in any way treats the Welsh Language less favourably than the English Language?
3. How positive effects on the Welsh Language could be increased, or negative effects be decreased?

6.4 A summary of the responses received in relation to these questions can be found in the Consultation Report.

7. CONSULTATION/INVOLVEMENT

7.1 The consultation processes in respect of the proposal has been undertaken under the arrangements outlined in the Welsh Government's [School Organisation Code \(2nd Edition\) \(011/2018\)](#). These arrangements stipulate that a Consultation Report must be prepared prior to the publication of any Statutory Notice which will progress the proposal. It further states that Statutory Notices be published within 26 weeks of the end of the consultation.

7.2 The Consultation Report, prepared in respect of this proposal contains:

- Information in respect of meetings held to discuss the proposal, with copies of the notes taken at these meetings.
- Estyn's full response to the proposal and the clarification to the response.
- A summary of the online survey responses received during the consultation period and where required the appropriate clarification to any issues raised.

7.3 46 written responses were received during the consultation, one in writing and 45 via the online survey, which was available for the duration of the consultation phase.

7.4 Governing Body and staff meetings outlined in the Consultation Report were held virtually via Microsoft Teams. Notes of the meetings were taken and are attached as Appendix 2 (A to C) to the Consultation Report.

7.5 School Council meetings outlined in the Consultation Report were held in the corresponding schools. Pupils were given a children and young people's version of the Consultation Document and the Consultation Response Form was developed using a Picture Education System (PECs). Notes of the meetings were taken and are attached as Appendix 3 (A to C) to the Consultation Report.

- 7.6 A drop in session was also arranged so that members of the public could discuss the proposal with Officers from the Council's Directorate of Education and Inclusion Services and provide any feedback at the session. This took place on Tuesday 22nd August 2023 between 15:00 to 18:30 at the Council Chamber, The Pavilions, Clydach Vale, Tonypany, CF40 2XX. Attendees were asked to complete and submit a Consultation Response Form.
- 7.7 In addition, the Education and Inclusion Scrutiny Committee also formed part of the consultation process, and considered the proposal at its meeting on the [15th September 2023](#). The response from the Education and Inclusion Scrutiny Committee is contained within the responses detailed in paragraph 7.3, and the minutes of the meeting are included as an appendix to the Consultation Report.
- 7.8 Out of the 46 written responses 26 (56.0%) were in favour of the proposal, 17 (38.0%) were against the proposals and 3 (7.0%) were unsure. This is outlined in the following table:

Summary of Consultation Responses		
Determination	Number	Percentage
In Favour	26	56.5%
Against	17	37.0%
Unsure	3	6.5%
Total	46	100.0%

Overall, the response to the consultation was positive with 56.5% of respondents in favour of the proposal. To confirm, all of the comments and issues raised during this consultation have been reviewed by Cabinet Members.

- 7.9 The table that follows outlines a breakdown of respondent category for those who were against the proposal:

Breakdown of Respondent Category for those Against the Proposal		
Respondent Category	Number	Percentage
Local Resident	5	29.4%
Parent / Carer of pupils attending primary school within the catchment area	3	17.6%
Parent / Carer of the	7	41.2%

respective schools		
Staff of the respective schools	1	5.9%
Stakeholder	1	5.9%
Total	17	100.0%

7.10 Of the 58.8% (combined) of respondents categorised as either parent / carer of pupils attending primary school within the catchment area or parent / carer of the respective schools, when looking at the reasons given for being against the proposal, 11.7% gave no response, whilst 88.3% are likely to have misunderstood the proposal.

7.11 Those respondents who are likely to have misunderstood the proposal, gave responses that are included under Section 5 – Summary of Consultation Responses contained within the attached Consultation Report, attached as Appendix A to this Cabinet Report.

8. THE STATUTORY PROCESS

8.1 The Statutory Notice for this proposal will refer to:

Opening a new 3 to 19 special school in RCT and introducing catchment areas for all 3 to 19 special schools across RCT, these are:

- Park Lane Special School
- Ysgol Hen Felin
- Ysgol Ty Coch.

8.2 If agreed, and subject to the matter not being called in for consideration by Scrutiny, the Statutory Notice will be published on 6th November 2023, and will allow for a minimum 28 day period for objections, ending on 4th December 2023.

8.3 If any objections are received during this period, in accordance with the Welsh Government's [School Organisation Code \(2nd Edition\) \(011/2018\)](#), an Objection Report will be prepared. This matter will then be reported to a future meeting of the Cabinet for Members to consider.

9. FINANCIAL IMPLICATIONS

9.1 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.

9.2 Any revenue implications resulting as a consequence of the new 3 to 19 special school, including the school's delegated budget and any potential increases in home to school transport costs will be identified as the proposal is developed.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 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.
- 10.2 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 \(2nd Edition\) \(011/2018\)](#).
- 10.3 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 \(2nd Edition\) \(011/2018\)](#) and must have regard to any relevant guidelines contained in it.

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

- 11.1 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.
- 11.2 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 21st century learning environments and innovative services for our pupils and communities.
- 11.3 Due regard has been made to all seven well-being 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.
- 11.4 The proposal could contribute towards achieving some of the seven well-being 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 21st century.
- **A Globally Responsive Wales** – The new school could build upon the good working practices and initiatives already have 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.

11.5 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 21st Century Schools Investment Programme and contributes to the delivery of sustainable schools fit for the 21st 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 \(2nd Edition\) \(011/2018\)](#) 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 have been undertaken with the staff, school councils and governing bodies.

11.6 As stated in 6.1 to 6.4, an Equality Impact Assessment which further details the contribution of the proposal to the [Wellbeing of Future Generations \(Wales\) Act 2015](#) was prepared.

12. **STRATEGIC OR RELEVANT TO ELECTORAL WARDS**

12.1 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.

13. CONCLUSION

13.1 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.

13.2 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.

13.3 Members are asked to consider the contents of the attached Consultation Report, and to give officers approval to publish an appropriate Statutory Notice on 4th November 2023 to progress this proposal.

Other Information:

Relevant Scrutiny Committee:

Education and Inclusion Scrutiny Committee

Contact Officer(s):

Andrea Richards, Service Director for 21st Century Schools and Transformation
Lisa Howell, 21st 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

A DISCUSSION PAPER FOR CABINET

23RD OCTOBER 2023

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

Background Papers:

Appendix A – Consultation Report.