



## **CABINET - 13<sup>TH</sup> OCTOBER 2021**

**SUBJECT: 21<sup>ST</sup> CENTURY SCHOOLS AND COLLEGES BAND B  
PROGRAMME - UPDATE ON PHASE 2**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE  
SERVICES**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to update Members on the 21<sup>st</sup> Century Schools and Colleges Band B Phase 2 programme and to seek Members' approval to proceed to consultation in respect of the phase 2 projects which includes the amalgamation of Llancaeath Junior and Llanfabon Infants School, a new replacement Plasyfelin Primary School and the establishment of a new Centre for Vulnerable Learners (Pupil Referral Unit).
- 1.2 Members are also asked to approve that £4.716m is set aside from the Authority's Place-Shaping Reserve in respect of the Authority's financial contribution to Phase 2 of the 21<sup>st</sup> Century Schools and Colleges Band B programme.

### **2. SUMMARY**

- 2.1 The report provides an update to Members on the current position of Phase 2 of the Band B 21<sup>st</sup> Century School and Colleges Capital Programme.
- 2.2 The schemes identified for Phase 2 of the Band B programme are:
  - The amalgamation of Llancaeath Junior School and Llanfabon Infants School to create a new Primary School provision
  - A new replacement Plasyfelin Primary School on the existing site
  - The establishment of a Centre for Vulnerable Pupils (Pupil Referral Unit) on the former Pontllanfraith Comprehensive site
- 2.3 Members approval is being sought in relation to progression to consultation stage on the Phase 2 proposals and to set aside funding from the Authority's Place-Shaping Reserve.
- 2.4 Officers will ensure that Members are updated on a regular basis in relation to all aspects of the proposals e.g. financial, business case, ministerial approval, consultation process etc.

### **3. RECOMMENDATIONS**

3.1 Cabinet Members are asked to: -

- a) Note the contents in this report
- b) Give approval to proceed to consultation on the proposal for the amalgamation of Llancaeath Junior School and Llanfabon Infants School in line with the requirements of the Welsh Government's School Organisation Code 2018
- c) Approve the consultation process outlined in 5.4.3 and 5.5.4 in respect of Plas-y-felin Primary School and the Centre for Vulnerable Learners that are not subject to the Statutory requirements of the Welsh Government School Organisation Code 2018
- d) Give approval that £4.716m is set aside from the Authority's Place-Shaping Reserve in respect of the Authority's financial contribution to Phase 2 of the 21st Century Schools and Colleges Band B programme.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To ensure Members are updated on the progress of Phase 2 of the 21<sup>st</sup> Century Schools and Colleges Capital Band B programme
- 4.2 To seek Members approval to proceed to consultation stage and assist the Council in discharging its duties in line with the requirements of the Welsh Government's School Organisation Code 2018 where this statutory legislation applies.
- 4.3 To ensure that funding is earmarked in relation to the Authority's financial contribution to the programme.

### **5. THE REPORT**

#### **5.1 Band B**

- 5.1.1 The key aims of the 21st Century Schools and Colleges Band B investment programme, outlined by Welsh Government, is to:
  - Reduce the number of poor condition schools.
  - Ensure that we have the right size schools in the right location, providing enough places to deliver Welsh and English medium education.
  - Ensure the effective and efficient use of the educational estate for use by both Schools and the wider Community.

#### **5.2 Band B Phase 2**

- 5.2.1 The schemes identified as part of Phase 2 of the Band B programme include the adaption and refurbishment of the old grammar school building on the former Pontllanfraith High School site to accommodate a Centre for Vulnerable Learners (Pupil Referral Unit), the amalgamation of Llancaeath Junior and Llanfabon Infants school via the expansion of the existing Llanfabon Infants site to accommodate 275 pupils plus nursery, and a new build replacement Plas-y-felin Primary school in the grounds of the existing school site to accommodate 420 pupils plus nursery.

### **5.3 Phase 2 - Llancaeath Junior School and Llanfabon Infants School**

- 5.3.1 The proposal relates to the amalgamation of Llancaeath Junior School and Llanfabon Infants School via the expansion and refurbishment of the existing Llanfabon Infants site to accommodate the new 3-11 Primary School provision with places for 275 pupils plus nursery.
- 5.3.2 The School Organisation Code 2018 applies to proposals in respect of maintained schools as defined by Section 98 of the School Standards and Organisation (Wales) Act 2013 and provides clear statutory guidance as to the processes that need to be adhered to for this proposal by the Education Directorate when progressing a proposal.
- 5.3.3 The statutory process that must be followed is outlined below subject to Cabinet approval to move to consultation:
- Due to the nature of the scheme a consultation process as per the statutory guidance provided in the School Organisation Code 2018 will be undertaken.
  - A 'Consultation Document' will be published, and consultees as prescribed in the School Organisation Code 2018 will have the opportunities to express their views on the proposal during the consultation period.
  - Children and Young People's views will also be captured to ensure the 'pupil voice' is included as part of the process.
  - A 'Consultation Report' will be produced summarising the views received and presented to Education Scrutiny Committee to endorse the recommendations and then to Cabinet for approval to progress to Statutory Notice.
  - A 'Statutory Notice' will be published for a 28 day period where formal written objections may be submitted by prescribed consultees as outlined in the School Organisation Code 2018
  - An 'Objection Report' will be presented to Scrutiny summarising the concerns and Members will be asked to endorse the recommendations to Cabinet to proceed to Full Business Case
  - Property Services to undertake full planning application process including formal consultation as per planning guidance
  - Full Business Case submission to Welsh Government for final review and approval at Welsh Government's Business Case Scrutiny Group and Programme Investment Panel

### **5.4 Phase 2 - Plasyfelin Primary School**

- 5.4.1 The proposal relates to a new and enlarged replacement school for Plasyfelin Primary School to be situated within the current grounds of the existing school site to include increased accommodation for up to 420 pupils plus nursery provision and also additional multi-use sporting and facilities available for use by the school and the wider community. This proposal will ensure future projected demand can be met within the area and to update a facility to provide a fit for purpose 21<sup>st</sup> Century facility.
- 5.4.2 The proposal for Plasyfelin Primary School is exempt from the consultation processes outlined in line School Organisation Code 2018 and the School Standards and Organisation (Wales) Act 2013. Plasyfelin Primary School is classified as a community school under the code, however the requirement to consult under the code does not apply to proposals where a main entrance of the school on its new site

would be under 1 mile from the current site and the enlargement is less than 25% of the current capacity, both of which apply in this case.

5.4.3 The proposed process to be followed is outlined below subject to Cabinet approval:

- Due to the nature of the scheme, there is no need to undertake a formal period of consultation as per the statutory guidance provided in the School Organisation Code 2018. However, engagement with the school as well as the wider community will be undertaken throughout the process in line with the Authority's Consultation and Engagement framework.
- Property Services to undertake full planning application process including formal consultation as per planning guidance
- Full Business Case submission to Welsh Government for final review and approval at Welsh Government's Business Case Scrutiny Group and Programme Investment Panel

## 5.5 Phase 2 - Centre for Vulnerable Learners

5.5.1 The proposal is to adapt and refurbish the old grammar school building on the former Pontllanfraith High School site and develop bespoke sporting provision and facilities for pupils which will also be available for the wider community outside of school hours.

5.5.2 For the purposes of reporting to Welsh Government, the Centre for Vulnerable Learners will be referred to in all correspondence to Welsh Government and supporting documentation as a Pupil Referral Unit.

5.5.3 Pupil Referral Units are exempt from the consultation processes outlined in line School Organisation Code 2018 and the School Standards and Organisation (Wales) Act 2013.

5.5.4 The proposed process to be followed is outlined below subject to Cabinet approval

- Due to the nature of the scheme, there is no need to undertake a formal period of consultation as the statutory guidance provided in the School Organisation Code 2018 does not apply in this instance. However, engagement with relevant agencies as well as the wider community will be undertaken throughout the process in line with the Authority's Consultation and Engagement framework.
- Property Services to undertake full planning application process including formal consultation as per planning guidance
- Full Business Case submission to Welsh Government for final review and approval at Welsh Government's Business Case Scrutiny Group and Programme Investment Panel

## 5.6 Current Phase 2 Position

5.6.1 Phase 2 of the 21<sup>st</sup> Century Schools Band B programme was agreed by Cabinet at their meeting on the 7<sup>th</sup> April 2021.

- 5.6.2 Outline Business Cases were submitted to Welsh Government for each respective proposal outlined above and reviewed by Welsh Government through a Business Case Scrutiny Group and Programme Investment Panel.
- 5.6.3 Welsh Government and Minister for Education have approved the Outline Business Case for the above Phase 2 projects
- 5.6.4 In order to progress to Full Business Case, consultation exercises are required. This consultation is scheduled to commence October 2021 subject to Cabinet approval.
- 5.6.5 The School Standards and Organisation (Wales) Act 2013 requires that the Welsh Ministers issue a School Organisation Code. The Code imposes requirements in accordance with which relevant bodies including local authorities must act when bringing forward proposals in respect of maintained schools as defined at Section 98 of the 2013 Act. That is a school in Wales, which is a community, foundation or voluntary school, a community special school or a maintained nursery school.
- 5.6.6 The consultation process will proceed in line with the requirements of Welsh Government Statutory Code document no 011/2018 - School Organisation Code 2<sup>nd</sup> Edition 2018 where exemptions do not apply
- 5.6.7 The proposals for the Centre for Vulnerable Learners (Pupil Referral Unit) and Plasyfelin Primary School are exempt from the requirements to consult under the School Organisation Code 2018. However, for the purposes of progressing this proposal and to enable transparent, balanced and open decision making, utilising the "Spectrum of Engagement" approach, an appropriate level of engagement in informing and consulting stakeholders will be undertaken, mirroring the equivalent processes outlined in Section 3 of the School Organisation Code 2018 only.
- 5.6.8 A prescribed list of recipients as outlined in the code will be written to. A consultation document will be published in both hardcopy and electronically via the Authority's website based on the preferred option as evidenced from the options appraisal for each project. Reasonable access to information will be promoted from an Equalities perspective and other formats will be made available on request.
- 5.6.9 The consultation period will be for 42 days (with at least 20 of these being school days) to provide adequate time for consideration and response and conscientious consideration will be given to any responses received.
- 5.6.10 The principles of engagement outlined in the Local Authority's Consultation and Engagement Framework 2020 will also be acknowledged and the project team will engage with any additional 'interested parties' as required.
- 5.6.11 Following the consultation period, a consultation/briefing report along with any responses received will be collated and reported back to Members for full consideration prior to proceeding to Full Business Case.
- 5.6.12 Pursuant to Section 3.3 of the School Organisation Code 2018, there is no requirement to hold face-to-face consultation meetings. Furthermore, in line with the COVID-19 guidance provided by Welsh Government to reduce social interaction between people in order to reduce the transmission of coronavirus, the 21<sup>st</sup> Century Schools team will engage consultees through appropriate channels to ensure the

dissemination of information and provision of a suitable platform for the consultees to make their views known is made available.

## 5.7 Conclusion

Members are asked to note the information provided for each proposal in sections 5.3, 5.4 and 5.5 and give approval to proceed to consultation stage following the process for each respective proposal as outlined above.

## 6. ASSUMPTIONS

6.1 No assumptions have been made in relation to this report.

## 7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 A full Integrated Impact Assessment (IIA) has been completed in relation to each proposal to ensure compliance with the socio-economic duty, Sections 1 to 3 of Equality Act 2010 that came into force on the 1<sup>st</sup> April 2021.

### [IIA – Centre for Vulnerable Learners](#)

### [IIA – Llancaeath Junior- Llanfabon Infants School](#)

### [IIA – Plasyfelin Primary School](#)

## 8. FINANCIAL IMPLICATIONS

8.1 Phase 2 of the 21st Century Schools and Colleges Band B programme, currently totals £18,500,000. The Authority's contribution within this sum is £5,925,000 as detailed below.

Project Name:	LA Contribution	WG contribution	Total Funding
Centre for Vulnerable Learners	£1,375,000 (25%)	£4,125,000	£5,500,000
Llancaeath/Llanfabon	£1,400,000 (35%)	£2,600,000	£4,000,000
Plasyfelin Primary	£3,150,000 (35%)	£5,850,000	£9,000,000

8.2 The Authority's contribution will be met from the remaining funding of £1.209m already earmarked for 21<sup>st</sup> Century Schools and through the proposed earmarking of a further sum of £4.716m from the Authority's Place-Shaping Reserve.

8.3 The Welsh Government Grant allocation for individual projects within the 21st Century Schools Band B programme is calculated consistently across Wales using the Building Bulletin regulations BB98 - Secondary, BB99 – Primary and BB104 – Special/Pupil Referral Units. There are a number different elements which have been included in the calculations provided for each of the Phase 2 proposals, which include:

- Proposed standard price per square metre

- Furniture fitting and equipment per pupil
- ICT per pupil

8.4 Largely due to a combination of the impact of Covid-19 and Brexit there are currently significant inflationary increases within the construction sector. This is being kept under close review but the current projected costs for the 21<sup>st</sup> Century Schools Programme will be subject to change. Members will be updated further as matters progress.

## 9. PERSONNEL IMPLICATIONS

9.1 This will be dependent on specific proposals and will be considered as part of the consultation process.

## 10. CONSULTATIONS

10.1 The draft report was distributed as detailed below. All comments received have been reflected in this version of the report.

### 10.2 SCRUTINY COMMITTEE COMMENTS

#### **Education Scrutiny Committee 21<sup>st</sup> September 2021 Comments Agenda Item 8 – 21<sup>st</sup> Century Schools and Colleges Band B Programme - Update on Phase 2.**

Members received an overview on the progression of the Band B Phase 2 proposals from the 21<sup>st</sup> Century Schools Manager which include the proposal to amalgamate Llancaeach Junior School and Llanfabon Infants School, a new replacement Plasfelin Primary School and the creation of a Centre for Vulnerable Learners in Pontllanfraith. The Outline Business Cases submitted to Welsh Government have gained Ministerial Approval and it was explained that endorsement is now being sought on the recommendation to proceed all 3 schemes concurrently to consultation, in addition to the funding outlined in the report. It was also explained that only 1 of the 3 proposals was subject to the requirements to consult under the Welsh Government's School Organisation Code 2018, however, to enable open and transparent decision making, the same consultation process will be carried out for all 3 proposals, with a view to undertaking the consultation period towards the end of October, subject to Cabinet approval.

Members sought information on future 21<sup>st</sup> Century Schools proposals in relation to plans for Welsh Medium Schools. Officers reminded Members that Phase 1 of the Band B proposals included Ysgol Gyfun Cwm Gwyddon, which had been agreed by Scrutiny and Cabinet previously and was currently progressing through the planning application process. Subject to planning approval a full business case would be submitted to Welsh Government, with an anticipated completion date and site occupation by September 2023.

The Officer highlighted that the Band B Programme was being progressed in 'bite-sized' chunks, and that future phases would consider both Welsh and English Medium provision within the agreed funding envelope.

Members sought clarification as to whether the placement of pupils at the Centre for Vulnerable Learners at Pontllanfraith would be a full time provision and would additional staff be employed. Members were advised that the site would look to

accommodate between 80 - 120 pupils and that additional staff would need to be employed as this is an expansion to the current provision for learners requiring this type of provision within the Authority. It is envisaged that places will be based on the individual needs of pupils. It is anticipated that the majority of pupils would attend on a full time basis, however, the aim will be to provide support to enable pupils to reintegrate back into mainstream schools.

Members were also advised that the aspiration for the facilities on the CVL site should be seen as a 'Centre of Excellence' and will be available for community use outside of school hours as this is a pre-requisite embedded into all Band B schemes.

Following consideration and discussion the Education Scrutiny Committee by those present, and in noting in that there were eight votes for, no abstentions and none against, ENDORSED the recommendation unanimously for the 21st Century Schools Band B Programme – Phase 2 proposals to progress to consultation and that £4.716m is set aside from the Authority's Place-Shaping Reserve in respect of the Authority's financial contribution to Phase 2 of the 21st Century Schools and Colleges Band B programme.

## **11. STATUTORY POWER**

### **11.1 School Organisation Code 2018 (Welsh Government) School Standards & Organisation (Wales) Act 2013**

Author: Andrea West, 21<sup>st</sup> Century Schools Manager

Consultees: Christina Harray, Chief Executive  
Richard Edmunds, Corporate Director of Education and Corporate Services  
Dave Street, Corporate Director, Social Services  
Mark S Williams, Corporate Director for Economy and Environment  
Councillor Ross Whiting, Cabinet Member, Education and Achievement  
Councillor Teresa Parry, Chair of Education Scrutiny Committee  
Councillor Carol Andrews, Vice Chair of Education Scrutiny Committee  
Steve Harris, Head of Financial Services and S151 Officer  
Keri Cole, Chief Education Officer  
Sue Richards, Head of Education Planning and Strategy / Head of Transformation  
Sarah Ellis, Lead for Inclusion & ALN  
Sarah Mutch, Early Years Manager  
Paul Warren, Strategic Lead for School Improvement  
Jane Southcombe, Financial Services Manager  
Lynne Donovan, Head of People Services  
Anwen Cullinane, Senior Policy Officer, Equalities, Welsh Language & Consultation)  
Rob Tranter, Head of Legal Service and Monitoring Officer  
Ros Roberts, Business Improvement Officer  
Mark Williams, Interim Head of Property Services  
Steve Pugh, Corporate Communications Manager

Background Papers:

None