



## **EDUCATION SCRUTINY COMMITTEE – 22ND MARCH 2021**

**SUBJECT: 21<sup>ST</sup> CENTURY SCHOOLS AND EDUCATION BAND B  
PROGRAMME – STATUTORY OBJECTION REPORT FOR  
TRINITY FIELDS SCHOOL**

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

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

- 1.1 The purpose of the report is to update Members in relation to the 21<sup>st</sup> Century Schools Band B proposal in respect of:
- **Trinity Fields School**  
Expand the existing Trinity Fields School and Resource Centre, via a new building extension and outdoor play space
- 1.2 Cabinet will make a final determination on the 7<sup>th</sup> April 2021 as to whether or not to implement the proposal as outlined in the School Organisation Code 2018 and supporting documentation.

### **2. SUMMARY**

- 2.1 The 21<sup>st</sup> Century Schools Band B proposal for Trinity Fields School and Resource Centre went to formal Statutory Notice stage between the 11<sup>th</sup> January 2021 and the 7<sup>th</sup> February 2021.
- 2.2 To discharge the Council's duty under the School Organisation Code 2018, there is now a requirement for Cabinet members to give due regard to the content of the Objection Report and make a final determination as to whether to implement the proposal as outlined in the documentation.
- 2.3 Should Cabinet authorise progression of the project, a Decision letter will be published setting out clearly the reasons for the decision with reference to the School Organisation Code 2018.
- 2.4 A full Business Case will then be submitted to Welsh Government.

### **3. RECOMMENDATIONS**

3.1 Members are asked to:

- a) To seek the endorsement of Scrutiny Members on the recommendations made within the Objection Report prior to consideration by Cabinet on 7<sup>th</sup> April, 2021.
- b) To seek the endorsement of Scrutiny Members on the proposed mitigations and the proposal to fund the estimated cost of £300k from the 2020/21 Miscellaneous Finance Revenue Contribution to Capital Outlay (RCCO) budget.

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

4.1 To ensure that Scrutiny Members are updated on the progress of the 21<sup>st</sup> Century Schools and Colleges programme prior to Cabinet making a final determination in respect of the Trinity Fields School proposal and publish a Decision Letter in accordance with the requirements of the School Organisation Code 2018.

### **5. THE REPORT**

#### **5.1 Band B**

5.1.1 The key aims of the 21<sup>st</sup> Century Schools and Education Band B investment programme, outlined by WG, 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.

5.1.2 The first two schemes identified as priority for Phase 1 of the Band B programme are the expansion of Trinity Fields Special School and the relocation and expansion of Ysgol Gymraeg Cwm Gwyddon.

5.1.3 Further to Cabinet approval gained 9<sup>th</sup> December 2020, a Statutory Notice for the Trinity Fields School proposal was published, and the formal objection period ran between 11<sup>th</sup> January 2021 and 7<sup>th</sup> February 2021. All documentation was published in Welsh and English, complying with the requirements of the Welsh Language Standards. Information was also available in other languages and formats on request.

5.1.4 A prescribed list of recipients as outlined in the School Organisation Code 2018 were written to and a Statutory Notice was published electronically on the Council's website.

5.1.5 Hardcopies of the Statutory Notice were made available to the school and displayed in the school foyer, entrance gate and in close proximity to the proposed land for the developments, namely the perimeter fencing of the Trinity 1 pitch. In addition, the school's internal communication network with parents and pupils was used to raise awareness of the process and publication of the Statutory Notice.

- 5.1.6 In light of the Covid restrictions imposed at the time of publication, Welsh Government issued a modification to the School Organisation Code 2018 which temporarily modifies section 4.1 of the Code in respect of the manner of publication of the statutory notice, as if the references to “school day” to now include a day on which there would have been a school session, but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus. Welsh Government confirmed that if a school was open to support keyworker or vulnerable pupils, as in the case of all the schools in Caerphilly, this would also be accepted as a ‘school day’ for the purposes of discharging this requirement under the code.
- 5.1.7 The Statutory Notice was published on a school day and consultees were given 28 days to respond to the document, with at least 15 of these being school days as defined by Section 579 of the Education Act 1996.
- 5.1.8 The objection period opened on Monday 11<sup>th</sup> January 2021 (a school day) and concluded at midnight on Sunday 7<sup>th</sup> February 2021 to provide adequate time for response and conscientious consideration has been given to any responses received.
- 5.1.9 Under Section 49 of the School Standards and Organisation (Wales) Act 2013 when objections have been received proposers must publish a summary of the statutory objections and the proposer’s response to those objections (“the Objection Report” . The Objection Report in relation to the Trinity Fields School proposal has been compiled and attached as an annex to this report.
- 5.1.10 The Objection Report and Decision Notice will be published electronically on the 21<sup>st</sup> Century Schools page on the Council’s website. Hard copies will be available on request.

## 5.2 **Conclusion**

Pursuant to the requirements of the School Organisation Code 2018, the formal statutory objection period has now concluded in relation to the Trinity Fields School proposal and this report has been compiled to provide members with the necessary information to make an informed decision as to the final determination in relation to the proposals

## 6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in relation to this report as it merely updates on the progress of individual projects.

## 7. **LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 Caerphilly’s Attainment Strategy: To raise standards and ensure our learners are healthy, confident, proud and ambitious and can access high quality educational opportunities, settings and experience.

- 7.2 **Corporate Plan 2018-2023.**

The proposal outlined in this document will contribute towards the Corporate Well-being Objectives, in particular the following:

Objective 1 - Improve education opportunities for all

Objective 2 - Enabling employment

## 8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Well-Being of Future Generation (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven well-being goals:

- A prosperous Wales.
- A resilient Wales.
- A healthier Wales.
- A more equal Wales.
- A Wales of cohesive communities.
- A Wales of vibrant culture and thriving Welsh Language.
- A globally responsible Wales.

8.2 The Act sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. In using the sustainable development principle, it is incumbent that the authority considers the whole of the population it serves and considers the effect of its actions on future generations. The principle, also known as the five ways of working, is assessed below:

- **Long Term** - Forecasting of pupil numbers has been utilised to identify the demand for school places to ensure sufficient Educational places in our schools. This information has been used to prioritise schools within the SOP.
- **Prevention** - Improving the quality of the Education estate generally will support pupils in their long-term education and skills outcome in that they are more likely to succeed if their Educational experience is positive.
- **Integration** - The 21<sup>st</sup> Century Schools Programme is subject to BREEAM and Community Benefits of individual proposals are assessed and monitored for their impact on the Welsh economy. The proposals are also part of a strategy to promote Welsh Language and Culture.
- **Collaboration** – The 21<sup>st</sup> Century Schools Programme is collaboration between the Council and Welsh Government to improve the quality of the Education estate.
- **Involvement** – Through the consultation process the Council will ensure that there is full engagement with all relevant stakeholders, e.g. parents, pupils and the local community. Collaborative partnership working between 21<sup>st</sup> Century Schools and the Early Years Division who work with the voluntary sector.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 All relevant Equality Impact Assessments for individual projects were undertaken and were made available to any persons who wished to receive copies in addition to forming part of each consultation pack which is published on the Council's website.
- 9.2 A new socio-economic duty set out in section 1 of the Equality Act 2010, comes into force on 31<sup>st</sup> March 2021. As this report will be presented to Education Scrutiny Committee on the 22<sup>nd</sup> March 2021, the final decision making body (Cabinet) will meet after the 31<sup>st</sup> March 2021 and therefore an Integrated Impact Assessment (IIA) template will be utilised to update the existing Equality Impact Assessment and include any additional elements highlighted through the statutory consultation processes.
- 9.3 The utilisation of the new IIA design will further help support the Council in making informed and effective decisions whilst ensuring compliance with a range of relevant legislation, including:
- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
  - Welsh Language (Wales) Measure 2011
  - Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010
  - Well-being of Future Generations (Wales) Act 2015
  - Statutory Consultation v Doctrine of Legitimate Expectation and Gunning Principles

## **10. FINANCIAL IMPLICATIONS**

- 10.1 Members have previously agreed to earmark a total of £6.975m for Band B of the 21st Century Schools & Colleges Programme.
- 10.2 Phase 1 of the programme, Trinity Fields expansion totals £12,588,573. The Authority's contribution within this sum is £3,147,143.
- 10.3 The proposed mitigations estimated at £300k will be funded from the 2020/21 Miscellaneous Finance Revenue Contribution to Capital Outlay (RCCO) budget.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 These will be dependent on specific proposals and have been considered as part of the consultation process.

## **12. CONSULTATIONS**

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

## **13. STATUTORY POWER**

- 13.1 School Organisation Code 2018 (Welsh Government)  
School Standards & Organisation (Wales) Act 2013

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Background Papers:

Appendices:

Appendix 1 Objection Report – Trinity Fields School and Resource Centre  
Appendix 2 Integrated Impact Assessment  
Appendix 3 Proposed Mitigation Paper  
Appendix 4 Sewerage Briefing Paper