



CABINET – 7TH APRIL 2021

SUBJECT: 21ST CENTURY SCHOOLS AND EDUCATION BAND B
PROGRAMME – STATUTORY OBJECTION REPORT FOR
TRINITY FIELDS SCHOOL

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND
CORPORATE SERVICES

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1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update Members in relation to the 21st 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 The attached Objection Reports and supporting documentation outline the statutory process undertaken and provides clarification in relation to the information provided through consultee engagement, summarising the issues raised on the proposal.
- 1.3 The Objection Report, supporting documentation and recommendations were considered and endorsed by the Education Scrutiny Committee on 22nd March 2021.
- 1.4 Cabinet Members are asked to consider the information contained within the Objection Report and supporting documentation and make a final determination.

2. SUMMARY

- 2.1 The 21st Century Schools Band B proposal for Trinity Fields School and Resource Centre went to formal Statutory Notice stage between the 11th January 2021 and the 7th 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 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 a final determination by Cabinet Members on the recommendations made within the Objection Report to progress to implementation phase.
- b) To approve 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 Members are updated on the progress of the 21st Century Schools and Colleges programme prior to 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 21st 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 9th December 2020, a Statutory Notice for the Trinity Fields School proposal was published, and the formal objection period ran between 11th January 2021 and 7th 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 11th January 2021 (a school day) and concluded at midnight on Sunday 7th 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 21st 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 proposal.

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. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 It is the recommendation of this Integrated Impact Assessment and in line with the processes outlined in the School Organisation Code 2018 that Members endorse the proposal to expand the existing Trinity Fields School and Resource Centre, via a new building extension and outdoor play space.

The information gathered and reviewed as part of this IIA and through the consultation phase and formal objection period demonstrate the growing demand for Special needs education and the benefits of providing this through a single, integrated facility. Whilst concerns relating to the proposed location (T1) of the expansion and the impact on the local community in relation to recreational and

sporting activities has been identified, mitigation measures have been clearly established that will provide equivalent and enhanced provision in the area fulfilling any obligation upon the authority linked to planning considerations. This has led to the recommendation in Section 11 to implement proposal taking account of the mitigating actions outlined.

Therefore, Cabinet Members are asked to consider this Integrated Impact Assessment alongside the Objection Report and provide a final determination in support of progressing to full implementation of the project which involves full business case submission to Welsh Government and Property Services undertaking their full statutory planning application process.

Link to full Integrated Impact Assessment

8. FINANCIAL IMPLICATIONS

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

9. PERSONNEL IMPLICATIONS

- 9.1 These will be dependent on specific proposals and have been 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

Members received contributions from Penallta RFC, Save Ystrad Green Spaces Group, the governors at Trinity Fields School and a presentation from the 21st Century Schools Manager.

One Member sought clarification on the 238 objections received and requested a breakdown under the five categories in the report. The Member was especially interested in the number of objections received concerning open space and loss of sporting facilities. The 21st Century Schools Manager advised the Member that this information would be provided to the Committee. The Member also wanted to know if the Trinity 1 (T1) and Trinity 2 (T2) sports pitches were of comparable size and if the drainage problem on T2 was rectified would it be an equivalent provision. The Sport & Leisure Development Manager advised that the T2 pitch is smaller but the mitigation measure for the loss of T1 is the additional pitch at the Sue Noake Leisure Centre. The Member observed that the crux of the matter was ensuring that the mitigation measures were sufficient, and she questioned if proposals were fulfilling

the needs of the community given the significant number of objections received. The Head of Regeneration and Planning advised that all sports pitches are subject to the requirements of the County-wide Policy 8 in the Local Development Plan and that the question of sufficiency in relation to the mitigation would be considered as part of the planning application process. The Member also had concerns about T3 which would be an attenuation area for storm water and would be unusable at times of flooding.

One Member questioned the lack of detail on a new Children's Centre at the site and claimed that the consultation process should have been more widespread. The 21st Century Schools Manager advised that the consultation list is stipulated by the Welsh Government. The pupil voice from the school effected is required to be heard as part of the consultation process. The officer reminded Members that a video of views from Trinity Fields schoolchildren had been presented at a previous meeting of the Committee. Members were advised that the list of consultees required was provided in the School Organisation Code 2018. Social Media was also used to further raise awareness of the proposal. The Member claimed that the report itself highlights the poor physical environment of Ystrad Mynach in comparison with other parts of the County Borough, and that this should be used as a reason not to repurpose T1. The Corporate Director for Education and Corporate Services advised that the Member was referring to a quotation from a consultee in a Cabinet Report and it was not a Welsh Index of Multiple Deprivation (WIMD) finding. The Member then raised the issue of parking facilities at the Sue Noake Centre. The Corporate Director for Education and Corporate Services advised that parking would be a matter for the Planning Committee. He also provided clarity on the mitigation measures by outlining that an additional equivalent pitch in the locality (Sue Noake 2) was the mitigation for the plans to repurpose T1 in addition to a number of additional improvement measures at both T2, T3 and Sue Noake as outlined in the Objection Report and supporting Mitigation Paper. Further to this it was outlined that the Council had worked with Penallta RFC in order to identify additional enhancements to the existing Sue Noake 1 such as new changing facilities, fencing and improved access.

One Member highlighted the value to the community from Trinity Fields School and raised concerns about the mitigation measures and access to the Centre of Sporting Excellence by Penallta RFC. The Sport & Leisure Development Manager highlighted usage figures at the Centre from the club and the booking procedure as approved by Cabinet in 2014 were contained within the Objection report and previously published documentation.

One Member raised the initial options in the report and asked if the new school on another site option was a replacement for Trinity Fields or in addition to the current position. The 21st Century Schools Manager advised that both options had been considered as part of an options appraisal at Welsh Government business case stage, but the preferred scored option moving forward was the expansion of the existing site. The Member questioned the quality of ALN satellite facilities across the County Borough and suggested that a new school was a better option. The Lead for Inclusion and ALN emphasised the needs of the pupils and discussions with parents are key factors in placing pupils as part of a rigorous process that had been followed throughout the development of the hub and spoke model and how plans to enhance provision at both Trinity Fields and the satellite provision meets the requirements set out in the ALN Act.

One Member observed that he had concerns about losing green space in Ystrad Mynach and questioned what the future plans would be when the additional 80 places allowed by the extension were filled. The Lead for Inclusion and ALN advised

that predictions were made based on current and previous data. Planning was made based on the information available.

Cllr James put forward a Motion asking for a delay to the decision to allow for the costings for a new school to be presented in a review. This was seconded by Cllr Farina-Childs. It was clarified by Members that this was intended as an addendum to the recommendations if successful. The Scrutiny Officer clarified the wording of the Motion with Cllr James to ensure there was clarity amongst Members prior to the vote.

When called by the Chair the Head of Education Planning and Strategy offered to clarify the process for Members. The Officer advised that the proposal had been brought to the Education Scrutiny Committee on two previous occasions and that the Business Case process to Welsh Government had been approved for this expansion. It was outlined how a further Options Appraisal and another Business Case would have to be developed if the Motion put forward was passed and that this would significantly delay the process. The Officer advised that the Options Appraisal that had been discussed on two previous occasions had included an option for a new-build school. The Options Appraisal had discounted this option. One Member supported the Officer's remarks and said that the issue before Members now was to ensure that the objections were conscientiously considered. The Member said that she would not be supporting the amendment.

Chair called the 21st Century Schools Manager who reminded Members that the decision to proceed with the expansion of Trinity Fields School was the result of a recommendation from a cross-party working group which looked at all options. Members heard how this decision predated the request to proceed to a Business Case. The Chair then called the Corporate Director for Education and Corporate Services. The Director advised Members that the Education Scrutiny Committee had voted previously on this matter as part of the process and it was recommended to proceed to statutory consultation phase with the preferred option being Option 4. The Director highlighted that no Members voted against the recommendation at that time.

One Member observed that the Committee had never had all the information needed to make a proper judgement. He said that it was a big decision and the findings of the cross-party group had never been brought forward.

The Chair brought in the Corporate Director for Education and Corporate Services and the 21st Century Schools Manager. The Director highlighted that the Education Scrutiny Committee had considered this proposal previously and nobody voted against it the last time despite one Member claiming tonight that he didn't have all the information. The Member remarked that he did vote against it. The Director outlined that the record showed that there were 13 votes in favour and 2 abstentions when the decision was brought before the Education Scrutiny Committee at their November 2020 meeting. The 21st Century Schools Manager advised Members that despite the observation made that the Committee wasn't party to all the facts if Members went back to the presentation she delivered earlier in the evening it was shown that many of the issues that had been brought up as part of the objection process had been clarified within the consultation report. The Officer reiterated that this was the third report brought before Scrutiny Members.

The Scrutiny Officer conducted a vote via rollcall on the Motion put forward by Cllr James. In noting that there were 6 votes for, 8 votes against and no abstentions the Motion put forward by Cllr James failed to get support from the Committee.

Two Members sought assurances on the mitigation measures before a vote was taken on the report's recommendation. The Head of Regeneration and Planning assured Members that this would be a fundamental part of the Planning Application.

Following consideration and discussion the Education Scrutiny Committee by a majority present, and in noting in that there were 8 votes for, no abstentions and 6 votes against, ENDORSED the recommendations of the 21st Century Schools and Education Band B Programme – Statutory Objection Report for Trinity Fields School.

11. STATUTORY POWER

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

Author: Andrea West, 21st Century Schools Manager

Consultees: Christina Harrhy, Chief Executive
Richard Edmunds, Corporate Director of Education and Corporate Services
Dave Street, Corporate Director, Social Services
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 Section 151 Officer
Keri Cole, Chief Education Officer
Sue Richards, Head of Education Planning & Strategy
Jared Lougher, Sport and Leisure Development Manager
Sarah Ellis, Lead for Inclusion & ALN
Sarah Mutch, Early Years Manager
Paul Warren, Strategic Lead for School Improvement
Jane Southcombe, Financial Services Manager
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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:

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