



Report of the Cabinet Member for Education and Learning

Cabinet – 21 September 2023

Future Plans for Special Schools in Swansea

Purpose:	To seek approval to consult on amalgamating Ysgol Pen-y-Bryn and Ysgol Crug Glas into one special school in September 2025 and relocate to a new purpose-built school whilst increasing capacity from April 2028.
Policy Framework:	Corporate priorities: <ul style="list-style-type: none">• Improving education and skills
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1) Approval is given to consult on amalgamating Ysgol Pen-y-Bryn and Ysgol Crug Glas into one special school in September 2025 and relocate to a new purpose-built school whilst increasing capacity from April 2028.2) Cabinet considers responses following the consultation period.
Report Author:	Michelle Thomas
Finance Officer:	Aimee Dyer
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 Swansea Council is committed to providing the most suitable learning environments for the needs of all learners. Integration into mainstream schools may not be suitable for all learners, and specialist facilities in one place can often be more suitable. The Education Directorate will consult carefully with parents and carers when planning the most suitable learning environment for their child. Swansea has two special schools (Ysgol Pen-y-Bryn and Ysgol Crug Glas) providing education for a maximum of 250 pupils, aged between 3 and 19 years. Learners at the schools are those identified with the highest level of additional need (as identified in the Integrated Impact Assessment) that require a special school placement instead of a place in one of our specialist teaching facilities (STFs) in mainstream schools. In recent years the swelling demand for special school places in Swansea led to an increase in planned places available at Ysgol Pen-y-Bryn in Spring 2021. However, special school places in Swansea are continuing to run at maximum capacity and a further

increase in demand for places is projected for the future. A longer term, sustainable solution is now required; without this, the local authority will have no other option than to place pupils into independent and out-of-county schools.

- 1.2 It is proposed to amalgamate Ysgol Pen-y-Bryn and Ysgol Crug Glas from September 2025 on existing sites, following a period of consultation and Statutory Notice. To amalgamate schools the legal procedure requires the closing of the existing two special schools on 31 August 2025 and the establishment of a new special school on 1 September 2025. Also, part of this proposal is for a new purpose-built special school to be built to accommodate all pupils on one site; this will increase the number of planned places available (by 100) and it is proposed this building will be occupied by the new special school in April 2028.

2. Amalgamation of Schools

- 2.1 School organisation proposals must adhere to the School Organisation Code and the School Standards and Organisation (Wales) Act 2013. A period of consultation must be undertaken with interested parties and relevant information must be provided in a consultation document. The Welsh Government and Estyn must be consulted at this stage of proposal. All views received during the consultation period will be collated into a further report for Cabinet who will then decide if the proposal should move to the next stage – a period of Statutory Notice. Formal objections can be lodged during the Statutory Notice period. If any objections are received, then a local determination will be needed on the outcome of the proposal.
- 2.2 Swansea Council has successfully amalgamated schools in recent years. The amalgamation of the two special schools will have the following benefits:
- Schools operate as one, sharing best practice and whole school ethos and shared philosophy.
 - A single set of policies and procedures.
 - One governing body would be required.
 - Greater opportunities for staff continuing professional development.
 - More opportunity to develop staff skill set and best use made of staff expertise for all pupils.
 - The facilities previously available to two separate schools could be available to all pupils in a combined school.
 - Economies of scale and the most effective use of resources, with the potential of reducing the number of senior leadership staff required.

3. New build special school with increased capacity

- 3.1 Ysgol Crug Glas has 55 places for pupils with profound and multiple learning difficulties (PMLD), the school site consists of three blocks ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition B. Ysgol Pen-y-Bryn has a total of 195 pupil places, 116 places for pupils with moderate to severe learning difficulties (M/SLD) and 79 places for pupils with severe autism. This school consists of several blocks on three different sites, ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition C+.

- 3.2 Having a new purpose-built school on one site will allow the opportunity to increase the number of planned places available in the amalgamated special school. School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser). It is proposed to increase the number of planned places for the amalgamated school from 250 to 350 places when the school moves to the new site in April 2028. Therefore, a statutory proposal would be needed to add 80 planned places to the school (as 20 of the 100 extra places can be added without a proposal).
- 3.3 Increasing planned places at the amalgamated special school in April 2028 would enable the authority to better meet the needs of more pupils in local provision. Pupils could be offered places in this school as opposed to a provision in the independent sector or out of county. This would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.
- 3.4 Ysgol Pen-y-Bryn currently has a residential unit where some pupils aged 14-19 are offered overnight '24-hour' curriculum. It is not proposed to make any changes to the unit upon amalgamation of the two schools in September 2025 as the unit would continue to operate in its current form. Once the new build school is operational, the offer of '24-hour' curriculum will remain, and pupils aged 14-19 will continue to be identified to attend an overnight provision for 24-hour curriculum. This will continue to be available Monday-Thursday term time only for a maximum of 6 pupils per night.
- 3.5 Having a purpose-built special school on one site will have the following benefits:
- Increased places available for local pupils with complex and profound additional learning needs.
 - 21st Century School facilities to meet the needs of pupils with more complex and profound educational needs.
 - Improved quality of outdoor environment.
 - Hydro pool facility integrated within the school building.
 - New facilities with the required resources such as sensory rooms, specialist therapy rooms, therapeutic external learning environments etc.
 - More space and better provision for teaching young people life skills and vocational skills.
 - Flexibility to adapt to changing needs and increased demand.
 - Improved opportunities for multi-agency working as will no longer have separate school sites.
 - School's budget targeted more appropriately and effectively on pupils.
 - Reduced carbon emissions.
- 3.6 Approval is being sought to consult on a proposal to close Ysgol Pen-y-Bryn and Ysgol Crug Glas on 31 August 2025 and open a new special school (on existing sites) on 1 September 2025. Approval is also sought to build a purpose-built special school, on a site adjacent to the existing Ysgol Pen-y-Bryn at Mynydd Garnllwyd Road, Morryston, with the view to the school being occupied by the newly established special school with 350 planned places on 1 April 2028. If this report is approved by Cabinet, a statutory consultation will take place, and consultation papers will be issued to interested parties on 9 October

2023, with responses required by 24 November 2023. Documents will also be available on the council's website.

4. Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 An IIA (Appendix A) has been produced and if Cabinet approval is received to consult, the IIA report will form part of the consultation papers. The IIA will be reviewed and updated following the consultation.

The impact of the scheme on the Children and Young People (0-18), Other Age Group and Disability will be positive in providing learners with complex and profound additional learning needs aged 3-19 with a designated space for their education whilst also ensuring that more learners can access this specialist provision within the boundaries of the city and county of Swansea.

4.3 A Community Impact Assessment has been undertaken and will form part of the consultation papers.

4.4 A Welsh-medium Impact Assessment has been completed and will form part of the consultation papers.

- 4.5 Swansea Council acts in accordance with the Well-being of Future Generations (Wales) Act in all that it does. Sustainable development has been a central organising principle since 2012 and each year the council aims to further embed and build on sustainable practice. An assessment against the Act will be included in the consultation papers, should this report be approved.
- 4.6 If this report is approved by Cabinet, a statutory consultation will take place.
- 4.7 Due regard should be paid to the United Nations Convention on the Rights of the Child at all times when developing proposals, and particularly in relation to proposals which directly impact upon young people.

5. Financial Implications

Capital

- 5.1 No capital funding is being sought for the amalgamation.
- 5.2 The new school build is to be financed through the Welsh Government's Sustainable Communities for Learning Programme. The investment will be funded (75% Welsh Government, 25% Local Authority) subject to business case approval by Welsh Government. If accepted, the overall projected capital cost will be £43,600,000 which has been accounted for in the capital programme.
- 5.3 The current school buildings' future use would be reviewed in line with the Local Authority's Asset Management Plan.

Revenue

- 5.4 Schools are funded from an overall delegated budget – The Individual Schools Budget (ISB). There is a funding formula that allocates a budget share to each individual school from the ISB. The amalgamation will lead to a slight reduction in budget share initially (£43k based on FY2023-2024 values) and this will be released into the overall delegated budget for redistribution to other schools (see Appendix B).
- 5.5 Amalgamations of schools can lead to some initial increased costs, for example, if there are any employees that are not successful in securing a post in the new amalgamated school, then redundancy costs would be incurred, and these would be charged to central education budgets.
- 5.6 There can be some transitional and implementation costs with school organisation proposals. Further details are provided at Appendix B. These would be met from central Education budgets or the ISB.
- 5.7 The annual revenue costs for the 100 additional planned places at the new special school is £2,083,548 per annum once fully established (based on FY2023-2024 planned place funding). This should be considered in the context that a single pupil placed into the independent sector is costing the local authority more than £100,000 per annum. If all additional places are filled considerable savings can be made on out of county provision.

- 5.8 There could be some additional associated transport costs for the learners to attend the newly established special school, as per the Home to School Transport Policy; however, these will be lower costs than providing out of county placements in other specialist provision, as well as potential for reduced associated Social Services costs.

6. Legal Implications

- 6.1 The reorganisation of school provision involving the establishment and discontinuance of community schools requires consultation and the publication of statutory notices in accordance with s44 of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code 2018. Legally an amalgamation is the discontinuing of the two existing schools and establishing a new school.
- 6.2 The Code includes statutory guidance to which the Local Authority must have regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals.
- 6.3 Additional considerations are applicable when Additional Learning Needs (ALN) provision is being considered:

Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider:

- Whether proposals will improve standards of accommodation for pupils with ALN, including building accessibility;
- How proposals will address any health, safety and welfare issues;
- How proposals, where appropriate, will support increased inclusion;
- The impact of proposals on other ALN provision within the immediate and wider local authority area including out of county where appropriate;
- Need for places and the impact on accessibility of schools;
- Whether there is a need for a particular type of ALN provision in the area;
- Where there is a surplus ALN provision in the area;
- Whether ALN provision would be more effective or efficient if regional provision were made; and
- The impact of proposals on the transportation of learners with ALN.

Other factors

Relevant bodies should consider:

- How changes to ALN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or ALN.

- 6.4 Before publishing any proposals the local authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. The Code states that:
- a. At the start of the consultation period Proposers must provide the consultees listed in the Code with a detailed consultation document

following the requirements listed in the Code and give them at least 42 days in which to respond, with at least 20 of these being school days.

- b. Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
- c. A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
- d. If a decision is made to proceed, a Statutory Notice is published providing a 28-day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
- e. If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
- f. The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
- g. If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the Statutory Notice, or any subsequent modified date.

- 6.5 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

Background papers:

Welsh Government School Organisation Code

Appendices:

Appendix A Integrated Impact Assessment

Appendix B Financial implications