



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Special Meeting of the

## Cabinet

**At:** Council Chamber - Guildhall, Swansea

**On:** Thursday, 23 January 2020

**Time:** 1.00 pm

**Chair:** Councillor Rob Stewart

#### Membership:

Councillors: M C Child, R Francis-Davies, D H Hopkins, E J King, A S Lewis, C E Lloyd, A Pugh, J A Raynor and M Thomas

**Also Invited:** S Pritchard, A H Stevens

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**Webcasting:** This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By entering the Council Chamber you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

**You are welcome to speak Welsh in the meeting.**

Please inform us by noon, two working days before the meeting.

### Agenda

	Page No.
1. Apologies for Absence.	
2. Disclosures of Personal and Prejudicial Interests. <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
3. Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 4
4. Announcements of the Leader of the Council.	
5. Public Question Time. Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt with in a 10 minute period.	
6. Councillors' Question Time.	
7. Contract Award and Capital Programme Authorisation for the Extension and Remodelling of Ysgol Gyfun Gŵyr.	5 - 29

8.	<b>Contract Award and Capital Programme Authorisation for the New Build Replacement of YGG Tirdeunaw.</b>	<b>30 - 64</b>
9.	<b>Complaints Annual Report 2018-2019.</b>	<b>65 - 110</b>
10.	<b>More Homes Development Programme Update.</b>	<b>111 - 119</b>
11.	<b>Marketing of Housing Revenue Account (HRA) Sites and Joint Venture Opportunity.</b>	<b>120 - 128</b>
12.	<b>Update on Progress for Education Directorate Priorities 2018-2019.</b>	<b>129 - 137</b>
13.	<b>Proposed Appropriation of 70-72 Alexandra Road, Gorseinon, Swansea.</b>	<b>138 - 145</b>
14.	<b>Exclusion of the Public.</b>	<b>146 - 149</b>
15.	<b>Council Property Development Proposals.</b>	<b>150 - 171</b>

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**Next Meeting:** Thursday, 20 February 2020 at 10.00 am

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 14 January 2020**

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**Contact: Democratic Services - Tel: (01792) 636923**

# Agenda Item 3.



City and County of Swansea

## Minutes of the Special **Cabinet**

Council Chamber - Guildhall, Swansea

Thursday, 9 January 2020 at 10.00 am

**Present:** Councillor R C Stewart (Chair) Presided

**Councillor(s)**

D H Hopkins  
J A Raynor

**Councillor(s)**

E J King  
M Thomas

**Councillor(s)**

C E Lloyd

**Officer(s)**

Adam Hill  
Ben Smith  
Debbie Smith  
Samantha Woon

Deputy Chief Executive / Director of Resources  
Chief Finance Officer / Section 151 Officer  
Deputy Chief Legal Officer  
Democratic Services Officer

**Also present**

Councillor(s): S Pritchard.

**Apologies for Absence**

Councillor(s): R Francis-Davies, A S Lewis and A Pugh

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### 115. Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

- 1) Councillor M C Child declared a Personal Interest in Minute 121 "Foreshore Sites – Public Consultation and Procurement Responses Summary and Next Steps" – West Cross Ward Member.

### 116. Minutes.

**Resolved** that the Minutes of the meeting(s) listed below be approved and signed as a correct record:

- 1) Cabinet held on 13 December 2019.

### 117. Announcements of the Leader of the Council.

The Leader of the Council referred with sadness to the recent death of Councillor Sybil Crouch. Sybil served the Castle Ward Community, was Consort to the Lord Mayor of Swansea and had been instrumental in the promotion of arts and culture within Swansea.

The Leader of the Council also referred with sadness to the recent death of former West Glamorgan County Councillor, Ioan Stock.

All present stood as a mark of sympathy and respect.

**118. Public Question Time.**

A number of questions were submitted in advance relating to Minute 121 "Foreshore Sites – Public Consultation and Procurement Responses Summary and Next Steps", and Minute 122 "Sustainable Swansea – Fit for the Future: Budget Proposals.

The Leader of the Council stated that a written response would be provided to:

- 1) The questions from Nortridge Perrot in relation to Minute 121.

**119. Councillors' Question Time.**

No questions were asked.

**120. Pre Decision Scrutiny Feedback - Foreshore Sites - Public Consultation and Procurement Responses Summary and Next Steps. (Verbal)**

Councillor M H Jones presented the Pre-decision Scrutiny Feedback.

**Resolved** that:

- 1) The Pre-decision Scrutiny Feedback be noted.

**121. Foreshore Sites - Public Consultation and Procurement Responses Summary and Next Steps.**

The Leader of the Council on behalf of the Cabinet Member for Investment, Regeneration and Tourism submitted a report which summarised the responses received from the Councils Public Consultation and PIN notice regarding the development potential of five foreshore sites and establish how to proceed next.

The Leader of the Council confirmed that all responses had been considered, including those of a commercially sensitive nature.

The amendment to recommendation 6 to include the Leader in the scope of the delegated authority was proposed and agreed.

**Resolved** that:

- 1) The site known as Part of Langland Bay Tennis Courts is disposed of via a long lease on the most appropriate terms;

- 2) Any development of the site known as Land Adjacent to the West Cross Inn is no longer to be considered;
- 3) Any development of the site known as Land at the Skate Ramp is to undergo further consideration and due diligence;
- 4) The potential to develop the site known as Land at Sketty Lane Car Park is to be investigated further with a view to marketing in 2020;
- 5) The potential to develop the site known as Blackpill Lido to be investigated further with a view to marketing in 2020;
- 6) Further decisions to progress are to be delegated to the Leader of the Council, Director of Place and Cabinet Member for Investment, Regeneration & Tourism.

**122. Sustainable Swansea - Fit for the Future: Budget Proposals 2020/21 – 2023/24.**

The Chief Finance Officer and Cabinet Member for Economy & Strategy submitted a report which considered budget proposals for 2020/21 to 2023/24 as part of the Council's existing Budget Strategy.

**Resolved** that:

- 1) The Budget proposals summarised in the report and detailed in Appendix B of the report be approved as the basis of consultation;
- 2) The updated budget future forecast be adopted as the starting planning premise for the new medium term financial plan, which will be considered by Council on 5 March 2020;
- 3) The approach to consultation and engagement with staff, trade unions, residents, partners and other interested parties be agreed as set out in Section 7 of the report;
- 4) A report on the outcome of the consultation and final budget proposals be received at its meeting on 20 February 2020.

**123. Quarter 2 2019/20 Performance Monitoring Report.**

The Cabinet Member for Delivery and Performance submitted a report which set out the corporate performance for Quarter 2, 2019/20.

**Resolved** that:

- 1) The performance results be noted and reviewed to help inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.

**124. Annual Review of Charging (Social Services) 2019/20 (Charges to apply in 2020/21 - Commencing 1 April)**

The Cabinet Member for Care, Health & Ageing Well submitted a report which set out the annual review of Swansea Council's charges (social services), which provides citizens with transparency on how the Council exercises discretionary powers on the setting of charges, within the Welsh Government's statutory framework on charging for social services, agreed as part of managed care and support.

**Resolved that:**

- 1) The findings of the annual review of charges be accepted, and that there are no new service charges (social services) to apply in 2020/21;
- 2) An inflationary increase of 5% is applied to all social services charges;
- 3) The increase in home care charge, as previously agreed by Council be applied, with effect from 1 April 2020, for the year 2020/21;
- 4) The list of social services charges to apply from 1 April 2020, for the year 2020/21.

The meeting ended at 11.20 am

**Chair**

<b>Call In Procedure – Relevant Dates</b>	
Minutes Published:	10/01/2020
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 15/01/2020
Decision Comes into force:	16/01/20

# Agenda Item 7.



## Report of the Cabinet Member for Education Improvement, Learning and Skills

Special Cabinet – 23 January 2020

### Contract Award and Capital Programme authorisation for the Extension and Remodelling of Ysgol Gyfun Gŵyr

<b>Purpose:</b>	<ul style="list-style-type: none"><li>• To seek approval of the scheme for the extension and remodelling of YG Gŵyr subject to confirmation of grant and contract with Welsh Government.</li><li>• To seek authorisation to award the Contract to Tender no 2 subject to confirmation of grant and contract with Welsh Government.</li><li>• To comply with Financial Procedure Rule No.7 (Capital Programming and Appraisals) to commit and authorise schemes as per the Capital Programme or to include new schemes in the Capital Programme.</li></ul>
<b>Policy Framework:</b>	<ul style="list-style-type: none"><li>• QEd Programme and Strategic Outline Programme for Band B of the 21<sup>st</sup> Century Schools Programme</li><li>• Asset Management Plan</li><li>• Contract Procedure Rules and Financial Procedure Rules</li><li>• The Revenue Budget 2019/2020 and the Capital Budget 2018/2019 to 2023/25 were approved by Council on 28 February 2019.</li></ul>
<b>Consultation:</b>	Access to Services, Finance, Legal, Corporate Building Services and Procurement.
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) The scheme for the extension and remodelling of YG Gŵyr is approved subject to confirmation of grant and contract with Welsh Government;</li><li>2) That Cabinet award the contract to Tender No 2, subject to confirmation of grant and contract with Welsh Government;</li></ol>

3) The capital scheme as detailed together with the financial implications is approved, subject to confirmation of the grant and contract with Welsh Government.

**Report Author:** Louise Herbert-Evans

**Finance Officer:** Ben Smith

**Legal Officer:** Debbie Smith

**Access to Services Officer:** Rhian Millar

## 1. Introduction / Background

- 1.1 The Welsh Government (WG) formally confirmed on the 7 December 2017 that the envelope for Band B of the Council's 21<sup>st</sup> Century Schools and Colleges / QEd Programme was approved in principle with an estimated programme envelope cost of £149.7 million, since amended to £149.5m, to reflect the reciprocal increase in the Band A programme. This is subject to the approval of individual project business cases.
- 1.2 The approval in principle of the Strategic Outline Programme for Band B does not commit the Council, since the final approval of any capital allocation from the WG is subject to the submission of further detailed business cases in respect of each specific project.
- 1.3 Swansea Council's Quality in Education (QEd) / 21<sup>st</sup> Century Schools and Colleges Band B Programme focuses on an investment need which reflects the challenges remaining across our schools. The Band B programme remains consistent with local policies, priorities and commitments, as well as the priorities and specific criteria set down by the WG as follows:
- To provide an efficient and effective educational infrastructure that will meet current and future demand for places by 2024
  - Ensuring the right size schools in the right location, with enough places to deliver Welsh and English medium education, whilst ensuring effective and efficient use of the educational estate
  - Reducing backlog maintenance costs by at least 50% whilst improving any category C or D condition buildings to A or B
- 1.4 Band B of the Council's 21<sup>st</sup> Century Schools and Colleges Programme Capital Expenditure & Financing 2018/19 - 2023/24 provides an outline spending profile for the priority projects. Included within this phase of priority projects is an extension and remodelling at Y G Gŵyr as it is projected that by September 2021, there will be insufficient capacity on the current site to meet the demands of pupils transferring from the partner primary schools.



- 1.5 A joint strategic outline /outline business case (SOC/OBC) was approved by WG in April 2019.
- 1.6 Planning consent for the extension and remodelling was approved on 8 May 2019.
- 1.7 Approval was given under a Delegated Powers Report in March 2018, to commit £242,920 to the capital programme to fund the development of the above project and design fees.
- 1.8 A Full Business Case (FBC) will be submitted to WG in January 2020, with ministerial outcome due in February 2020.

## **2. Description of the scheme**

- 2.1 To extend and remodel the existing school buildings to provide a fit for purpose Welsh medium secondary school of sufficient size to accommodate 1273 pupil places, for phased occupation from July 2021. A site location plan is attached at Appendix 1.
- 2.2 It is projected that by September 2021, there will be insufficient capacity on the current site of YG Gŵyr to meet the demands of pupils transferring from the partner primary schools.
- 2.3 This project seeks to provide two storey new build extension to increase the current school capacity by approximately 195 pupil places. Providing suitable improved accommodation for pupils currently attending YG Gwyr and increase the number of Welsh Medium secondary places available within the catchment.
- 2.4 Minor remodelling of key areas of the existing site, will improve suitability and maximise efficiency further aligned with Building Bulletin (BB98) guidelines.
- 2.5 The intention is also to improve and enhance the external provision by installing artificial sports surfaces and a small provision for athletics providing external space more aligned to BB98 guidelines and enhanced curriculum delivery.
- 2.6 Approximately 86% of the pupils arrive at site by bus therefore, the scheme also allows for minor works to improve current transport measures on site. It is proposed to 'mark up' the bus bays to streamline usage and improve pupil safety.

2.7 The key milestones are;

Key Milestones	Month	Year
Contract Award	January	2020
Construction Start	June	2020
Construction Completion (phased)	June (new build) December (project completion)	2021 2021
Facility opens to pupils	July - December phased handover	2021

### 3. Objectives of Project

3.1 The extension and remodelling of the current YG Gwyr school site to provide a fit for purpose Welsh Medium Secondary school of sufficient size to accommodate 1273 pupils which will;

- a. Provide increased allocation of Welsh medium secondary school places in the area/ Swansea, for phased occupation from July 2021.
- b. Improve the provision of a fit for purpose 21<sup>st</sup> century learning environment for the additional pupil places at YG Gwyr in line with BB98 guidelines
- c. Reduce structural backlog maintenance by approximately 15% by November 2021
- d. Improve outdoor facilities to better meet BB98 guidelines and provide enhanced provision on a constrained site, for pupils and staff at YG Gwyr
- e. Improve building efficiency maximising use of assets, improving operational efficiency and use of all relevant resources phased from July to November 2021
- f. Continue to at least maintain attainment levels

### 4. Procurement

4.1 The SWWRCF is due to expire on the 31 January 2020. Contracts based on this framework agreement are therefore required to be awarded before the end of the term of the framework agreement itself.

4.2 A mini tendering exercise has been undertaken through the e-tender portal which commenced on 30 September 2019 inviting six bidders from the SWWRCF Contractor Framework LOT 8.

4.3 The tenders were opened in accordance with the Council's Contract Procedure Rules on 2 December 2019.

4.4 Three tenders were returned and two were evaluated in line with Contract Procedure Rules. A tender evaluation panel was held on 10 December 2019.

- 4.5 One of the contractors scored a zero for question BQ4 and in line with the scoring methodology and Invitation to Tender they were therefore not considered any further.
- 4.6 Tender 2 - £5,604,789.52 (including bond)  
Tender 3 - £8,360,481.91 (including bond)
- 4.7 A Contract Award report of 20 December 2019 attached at Appendix 4 sets out the tendering procedure.
- 4.8 The Tender Evaluation Panel has recommended Tenderer No.2 is approved for contract award in accordance with the Council's Contract Procedure Rules.
- 4.9 Any contractual liabilities/obligations with the successful tenderer will be covered by appropriate contract documentation to be prepared and approved by the Chief Legal Officer.
- 4.10 The overall project cost falls within the WG cost standard for schools.

## **5. Financial Implications**

- 5.1 The financial implications are set out in Appendix 2.

### **Capital**

- 5.2 WG funding for Band B of the 21<sup>st</sup> Century Schools and Colleges Programme is being provided through £600m capital and £500m revenue funding for the whole of Wales. It is proposed that the capital investment project within this report is funded from traditional capital streams. It was announced by WG on the 21 November 2018, that For Band B the grant rate for capital projects will be increased to 65%. (The intervention rate for special schools and PRUs will be increased to 75%). However, the programme envelope remains the same.
- 5.3 The total cost forecast detailed in the Capital Budget as reported to and approved by Council on the 20 July 2017 and also included in the Band B approved Strategic Outline Programme was £7.612m.
- 5.4 At Strategic Outline Case/Outline Business Case (SOC/OBC) stage WG approved a project cost of £7.413m. The cost breakdown for the project as at 20 December 2019 is set out below, this represents a saving of £695,280 on the SOC/OBC project cost estimated at that time.

	<b>Cost breakdown</b>	<b>£</b>
1	Construction	5,604,789
2	Abnormals	231,000
3	Loose furniture inc. signage	55,000
4	ICT/telephony infrastructure & fees	98,500
5	CBPS fees (including Planning and Building Control)	382,768
6	Education fees	98,000
7	Decant/security	52,000
	<b>Total</b>	<b>6,522,057</b>
8	Optimism bias @ 3%	195,662
	<b>Total</b>	<b>6,717,719</b>

- 5.5 The Full Business Case will be submitted in early January for consideration by WG Capital Panel and the funding of the project is from Band B of the 21st Century Schools and Colleges Programme based on the revised intervention rate of 65 % funding by WG and 35% by the Council.
- 5.6 Based on the current cost-plan as referenced above this would require a local contribution of £2,351,202 from the overall net funding requirement based on a 35% contribution for the Band B element.
- 5.7 Until the Council receives the offer of the grant from WG, the successful contractor will not receive confirmation to proceed with the project.

### **Revenue**

- 5.8 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 floor area of the school will increase and this will result in an increase of budget share.
- 5.9 The project will remove approximately £178,000 of existing backlog maintenance, which will be a mix of both capital and revenue costs.
- 5.10 There will be an increase in business rates, energy costs and cleaning etc due to the increase in floor area, however the new buildings would be more energy efficient with the possibility of income from community use.

### **6. Legal Implications**

- 6.1 The South West Wales Regional Framework led by Carmarthenshire County Council has been established in accordance with EU legislation. The Contract Award is recommended for approval in accordance with the Council's Contract Procedure Rules.

- 6.2 Any contractual liabilities/obligations with the successful tenderer will be covered by appropriate contract documentation to be prepared and approved by the Chief Legal Officer.
- 6.3 The Council must ensure that it complies with the terms and conditions of any offer of grant funding issued by WG.

## **7. Equality and Engagement Implications**

- 7.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
  - 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 7.2 A full Equality Impact Assessment has been undertaken (Appendix 3), and it shows that this project will have a positive impact on;
- 7.3 (0-18) – YG Gwyr is a 11-18 school. This project will have a very positive impact on the Education of all 11-18 year olds who attend the school in the future. Although this is very positive it is important to note that there will be some short-term disruption to those currently attending the school. This will be kept to an absolute minimum.
- 7.4 (Older People 50+/Any other age group) – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver education to all pupils.
- 7.5 Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.
- 7.6 Welsh – YG Gwyr is a Welsh medium comprehensive school and as a result this project will have a positive impact on the Welsh language.
- 7.7 Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school's facilities.

## **8. Well Being of Future Generations**

- 8.1 As part of this process we have considered the Well-being of Future Generations Act. The Act ensures that public bodies think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.
- 8.2 Band B of the 21 Century Schools and Colleges Programme is based upon a consistent and objective assessment of each sector and school catchment, reviewing current pupil numbers and capacities with projected future demand for places and also the number of pupils nearest to each School.
- 8.3 All projects have a communication plan, which is reviewed regularly. This includes the engagement strategy; community engagement sessions have been held, along with sessions for staff, pupils and parents. Other local schools have also been key stakeholders.
- 8.4 The school (governors, head, staff, pupils, parents) have been fully engaged since project inception, and this will continue throughout the lifecycle of the project to ensure that the views of stakeholders are fully taken into account.
- 8.5 This project is a good example of where the Council is seeking to incorporate the flexible and multiple use of assets. The enhanced outdoor facilities will be available for hire by the public.
- 8.6 The scope of the project includes 21 century, fully accessible learning environment with safeguarding and security, increasing Welsh Medium places, improve energy efficiency, reducing CO2 emissions and reducing backlog maintenance
- 8.7 The project will also be subject to community benefits targets, which will include;
- STEM Engagement target of 100 hours per million investment.
  - Provide opportunities for NEETs and Long Term unemployed (benchmark of one FTE per million per construction project)
  - Jobs created (52 weeks per million investment on each construction project)
  - 25 person training weeks provided per million investment
  - 1 apprentice per million investment per construction project.
  - 85% of waste diverted from landfill
  - Max 10 tonnes waste per million

### **Background Papers:**

Quality in Education (QEd) – Emerging Proposals and Investment Priorities for the next band of the 21<sup>st</sup> Century Schools and Colleges Programme. Cabinet 20 July 2017

Delegated Powers Report to Cabinet Member for Education, the Chief Education Officer, the Head of Financial Services, and the Head of Legal, Democratic Services and Business Intelligence - 20 February 2018 - Band B – Progression of early projects to Full Business Case

## **Appendices**

Appendix 1 Site Location Plan

Appendix 2 Financial Implications

Appendix 3 Equality Impact Assessment

Appendix 4 Contract Award Report





## Appendix 2 Financial Implications Summary

Financial Procedure Rule 7							
Appendix 2							
<b><u>FINANCIAL IMPLICATIONS : SUMMARY</u></b>							
<b>Portfolio:</b>	<b>Education</b>						
<b>Service :</b>	<b>Planning and Resources</b>						
<b>Scheme :</b>	<b>Ysgol Gyfun Gŵyr School</b>						
<b>1. CAPITAL COSTS</b>							
	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Expenditure</b>							
Stage 1: Pre-construction							0
Stage 2: Construction Costs							0
Stage 2: Fees							0
<b>EXPENDITURE</b>		<b>112</b>	<b>182</b>	<b>4,095</b>	<b>2,238</b>	<b>90</b>	<b>6,717</b>
<b>Financing</b>							
CCS funding 35%		112			2,208	31	2,351
WG grant 65%			182	4,095	30	59	4,366
<b>FINANCING</b>	<b>0</b>	<b>112</b>	<b>182</b>	<b>4,095</b>	<b>2,238</b>	<b>90</b>	<b>6,717</b>
<b>2. REVENUE COSTS</b>							
	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Service Controlled - Expenditure</b>							
Employees	) NA	) NA	) NA	) NA	) NA	) NA	0
Maintenance	) NA	) NA	) NA	) NA	) NA	) NA	0
Equipment	) NA	) NA	) NA	) NA	) NA	) NA	0
Administration	) NA	) NA	) NA	) NA	) NA	) NA	0
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Equality Impact Assessment (EIA) Report – 2017/8

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to equality.

**Please refer to the 'EIA Report Form Guidance' while completing this form. If you need further support please contact [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk).**

<b>Where do you work?</b>
Service Area: Education
Directorate: People

**(a) This EIA is being completed for a:**

Service/ Function <input type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input checked="" type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input checked="" type="checkbox"/>
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**(b) Please name and describe here:**

**Ysgol Gyfun Gwyr Extension and Catchment Review Project**

Extension to provide increased capacity for Ysgol Gyfun Gwyr and replace sub-standard accommodation, together with review of partner primary schools to respond to demand, better balance location and demand for places, and address suitability and condition needs. There is currently insufficient capacity to admit pupils transferring from partner primaries.

- Backlog maintenance totalling £2.01m will be reduced.
- Removal of condition category C asset to condition category B.
- Mitigation of business continuity risks
- Sufficiency of basic need for Welsh-medium places in the right location
- Potential for community use of enhanced external facilities

**(c) It was initially screened for relevance to Equality and Diversity on: 19/03/2018**

**(d) It was found to be relevant to...**

Children/young people (0-18).....	<input checked="" type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Older people (50+).....	<input checked="" type="checkbox"/>	Gender reassignment.....	<input type="checkbox"/>
Any other age group .....	<input checked="" type="checkbox"/>	Welsh language.....	<input checked="" type="checkbox"/>
Disability .....	<input checked="" type="checkbox"/>	Poverty/social exclusion .....	<input checked="" type="checkbox"/>
Race (including refugees).....	<input checked="" type="checkbox"/>	Carers (including young carers).....	<input checked="" type="checkbox"/>
Asylum seekers.....	<input type="checkbox"/>	Community cohesion .....	<input checked="" type="checkbox"/>
Gypsies & Travellers.....	<input type="checkbox"/>	Marriage & civil partnership .....	<input type="checkbox"/>
Religion or (non-)belief.....	<input type="checkbox"/>	Pregnancy and maternity.....	<input type="checkbox"/>
Sex.....	<input checked="" type="checkbox"/>		

**(e) Lead Officer**

**Name:** Nicola Jones

**Job title:** School Project Business Case Development Officer

**Date:** 22/03/2018

Updated December 2018

Updated May 2019

Updated November 2019

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date:** 22/03/2018

## Section 1 – Aims (See guidance):

Briefly describe the aims of the initiative:

### What are the aims?

#### *Raising standards*

Our vision is that every child will have access to high quality teaching that helps them to make the most of their talents

#### *Better use of resources*

The decision is in line with the QEd vision that budgets should be spent on pupils and not wasted on empty places

#### *Quality of learning environment*

Quality learning environments have been shown to lead to improved performance by pupils

### Who has responsibility?

The project will be jointly funded by the Welsh Government (pending approval of a successful Final Business Case) and Swansea Council. The overall responsibility lies with Swansea Council.

### Who are the stakeholders?

Each stakeholder group requires a specific method of communication to promote key messages during the project. A broad approach for communications methods is outlined below. It draws on corporate methods of communicating to staff in general as well as some established meeting structures within the project.

Audience	Methods
Parents	Letters, media, social media, website
Governors	Face to face briefing, emails
Head and Management Team	Face to face briefing, emails,
Pupils	Face to face school visits, social media
Feeder School Heads	Face to face, letter, email, newsletter
Feeder school parents	Letter, website, parents' evenings, local media, social media
CMT	Face to face briefing, newsletter, email
Cabinet	Face to face briefing, newsletter, email
Group Leaders	Face to face briefing, newsletter, email
Ward Members	Email, phone call
Trade Unions	Face to face briefing, email
Evening Post	Face to face briefing, press release
Welsh Government	Letter, local media, email
Estyn	email
AMs/MPs	letter, email
School staff	Face to face, letter, Newsletter, media, social media, website
Rhieni dros Addysg Gymraeg (RhAG)	Termly meeting, email, website
Partneriaeth Addysg Gymraeg Abertawe (PACA)	Termly meeting, email, website
Swansea Bay Radio, Wave/Swansea Sound, BBC, ITV, Western Mail, BBC Cymru, Golwg 360	Press release
Education SLB/EDSLT/DMT	email, newsletter, face to face
O and S Chairs and V Chairs	Email, letter
Catering and cleaning staff	letter, face to face
Community groups	Letter and liaison with Community Regen,

		social media, website	
	All Council staff	Staffnet, website, social media	
	Swansea residents	Media, website, social media	
	Local businesses	Media, letters, website, social media	
	Bus operators	Email from Education/Transport	
	Taxi operators	Email from Education/Transport	

## Section 2 - Information about Service Users (See guidance):

Please tick which areas you have information on, in terms of service users:

- |                                   |                                     |                                      |                                     |
|-----------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| Children/young people (0-18)..... | <input checked="" type="checkbox"/> | Sexual orientation.....              | <input type="checkbox"/>            |
| Older people (50+).....           | <input type="checkbox"/>            | Gender reassignment.....             | <input type="checkbox"/>            |
| Any other age group .....         | <input type="checkbox"/>            | Welsh language.....                  | <input checked="" type="checkbox"/> |
| Disability .....                  | <input checked="" type="checkbox"/> | Poverty/social exclusion .....       | <input checked="" type="checkbox"/> |
| Race (including refugees) .....   | <input checked="" type="checkbox"/> | Carers (including young carers)..... | <input type="checkbox"/>            |
| Asylum seekers.....               | <input type="checkbox"/>            | Community cohesion .....             | <input type="checkbox"/>            |
| Gypsies & Travellers.....         | <input checked="" type="checkbox"/> | Marriage & civil partnership .....   | <input type="checkbox"/>            |
| Religion or (non-)belief.....     | <input type="checkbox"/>            | Pregnancy and maternity.....         | <input type="checkbox"/>            |
| Sex.....                          | <input checked="" type="checkbox"/> |                                      |                                     |

Please provide a snapshot of the information you hold in relation to the protected groups above:

	2015-2016	2016-2017	2017-2018
Percentage of total pupils on roll living in areas classed in Welsh Index of Multiple Deprivation (WIMD) as being in the most deprived 30% of all areas	10.9%	11.0%	10.9%
Percentage claiming Free School Meals	4.9%	5.4%	5.5%
Percentage with Special Educational Needs (SEN)	21.1%	21.3%	19.8%

<b>Breakdown of SEN Need</b>	<b>School Action</b>	<b>School Action Plus</b>	<b>Statement</b>	<b>Total</b>
<i>Attention Deficit Hyperactivity Disorder</i>	1	3	0	<b>4</b>
<i>Autistic Spectrum Disorders</i>	0	3	5	<b>8</b>
<i>Behavioural, Emotional &amp; Social Difficulties</i>	10	5	1	<b>16</b>
<i>Dyscalculia</i>	0	0	0	<b>0</b>
<i>Dyslexia</i>	37	5	1	<b>43</b>
<i>Dyspraxia</i>	3	2	2	<b>7</b>
<i>General Learning Difficulties</i>	49	8	0	<b>57</b>
<i>Hearing Impairment</i>	0	3	1	<b>4</b>
<i>Moderate Learning Difficulties</i>	22	2	3	<b>27</b>
<i>Multi-Sensory Impairment</i>	0	0	0	<b>0</b>
<i>Physical and Medical Difficulties</i>	6	5	6	<b>17</b>
<i>Profound &amp; Multiple Learning Difficulties</i>	0	0	0	<b>0</b>
<i>Severe Learning Difficulties</i>	0	0	0	<b>0</b>
<i>Speech, Language and Communication Difficulties</i>	22	7	12	<b>41</b>
<i>Visual Impairment</i>	0	5	1	<b>6</b>
<b>Total</b>	<b>150</b>	<b>48</b>	<b>32</b>	<b>230</b>

	<b>Stage A-C</b>	<b>Stage A-D</b>	<b>Stage A-E</b>
Percentage with English as an Additional Language (EAL)	0%	0%	0%

<b>Ethnic Background</b>	<b>Year 7</b>	<b>Year 8</b>	<b>Year 9</b>	<b>Year 10</b>	<b>Year 11</b>	<b>Year 12</b>	<b>Year 13</b>
Non White British	3.1%	2.5%	2.1%	2.6%	2.4%	4.0%	1.2%

Any actions required, e.g. to fill information gaps?

### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics.

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case.**

(0-18) – Ysgol Gyfun Gwyr is a 11-18 school. This project will have a very positive impact on the Education of all 11-18 year olds who attend the school in the future. Although this is very positive it is important to note that there will be some short-term disruption to those currently attending the school. This will be kept to an absolute minimum.

(Older People 50+/Any other age group) – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver education to all pupils.

Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.

Welsh – Ysgol Gyfun Gwyr is a Welsh medium comprehensive school and as a result this project will have a positive impact on the Welsh language.

Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school's facilities.

## Section 4 - Engagement:

Please consider all of your engagement activities here, e.g. participation, consultation, involvement, co-productive approaches, etc.

**What engagement has been undertaken to support your view? How did you ensure this was accessible to all?**

There will be on-going engagement with all stakeholders (as listed) as the project develops and is implemented. This will include meetings, newsletters and online material.

Any catchment changes will be subject to a full statutory consultation.

Gwyr pupils and staff at the school will be asked to complete a questionnaire telling the project what they would like to see in the remodelled and refurbished buildings. These will be collated and will be used by the project team as part of the design workshops with the school.

A school council update will be arranged where the outcomes can be discussed with them and discuss how they can/have been used in the design process. Further updates with the School Council will continue throughout the project and updated as part of the on-going web updates.

**What did your engagement activities tell you? What feedback have you received?**

We have engaged with the school and the Governing Body as to the requirements of the school to accommodate approximately 195 further pupil places. BB98 guidelines were used to identify areas of potential shortfall.

	<u>Actual school M2</u>	<u>BB recommended M2 for 968</u>	<u>Difference</u>
Total Basic Teaching Area	3647.73	3162.08	-485.65
Total Dining and Social	248.82	351.68	102.86
Total Halls and Studios	863.47	890.4	26.93
Total Learning Resource Area	159.48	405.72	246.24
Total Storage	525.61	548.48	22.87
Total Staff and Admin float	534.18	425.08	-109.1
	0	559.76	559.76
Net Building Area	5979.29	6343.2	363.91

This was then discussed with the school team to inform the design together with pre occupancy questionnaires which were completed by all pupils and staff at the school.

The pre application consultation was carried out between 5<sup>th</sup> November 2018 and 3 December 2018. Responses were considered as part of the pre-planning application report compiled to accompany the formal planning application submission. Full Planning application was submitted on 19 December and the outcome is expected at the end of February.

Over 300 leaflets were distributed to advise that Community engagement sessions were taking place in Ysgol Gyfun Gwyr, at the former Gowerton Infant school site, on 4<sup>th</sup> and 5<sup>th</sup> December between 3.30pm and 6.30pm each day, leaflets were also left at Gowerton library.

A copy of the leaflet was made available on the Ysgol Gyfun Gwyr project web page. Also a press release went out on the 23<sup>rd</sup> November informing of the proposed scheme and the engagement sessions.

Seven members of the public attended the drop in session of 4<sup>th</sup> December. Of these two were Community Councillors. A few concerns were raised regarding littering and noise coming from the current site. One member of the public voiced concerns over buses leaving their engines running. All expressed concerns over increased traffic in the area.

Five members of the public attended the drop in session on 5<sup>th</sup> December on the whole they were supportive of the proposal however asked questions regarding drainage and traffic in the area.

**How have you changed your initiative as a result?**

The project will not achieve sign off if it does not take account of the needs of users.

**Any actions required (e.g. further engagement activities, mitigation to address any adverse impact, etc.):**

The project team will continue to engage both in the design and construction phase with stakeholders to ensure that it is planned and implemented to maximise the benefits to stakeholders and ensure a positive impact on the protected characteristics

It is anticipated that the planning application will be submitted in December 2018 which is another opportunity for all stakeholders to share their views.

Planning application was submitted 19 December 2018. Consultations were carried out via the planning application process. We received 5 comments 3 objections and 1 in support. The objections were in regard to possible drainage issues and traffic impacts. As part of the planning application condition a detailed drainage scheme will be developed and submitted for approval. Highways were consultees to the process and reported “It was noted that there are existing congestion problems at certain junctions in Gowerton but it was not considered that this development would give rise to any highway safety concerns”

**Section 5 – Other impacts:**

Please consider how the initiative might address the following issues - see the specific Section 5 Guidance

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**Please explain any possible impact on each of the above.**

Impact on...
<b>Foster good relations between different groups</b>
There is already a lot of community use of the school’s facilities. The project will look to refurbish some of the school’s facilities and also look to create further opportunities for the community to make use of the facilities.
<b>Advance equality of opportunity between different groups</b>
Access for all pupils/teachers to an improved learning environment. Increased opportunities for community use through enhanced outdoor facilities and an upgraded dining hall and kitchen facilities. Page 22



<b>Elimination of discrimination, harassment and victimisation</b>
Secure by design – reducing the number of secluded settings within the school site that would allow opportunities for bullying etc.
<b>Reduction of social exclusion and poverty</b>
Modern learning environment encourages attendance and this leads to better outcomes for individual pupils and gives every child/young person a better start in life.
<b>What work have you already done to improve any of the above?</b> The school already has links with the community and this project will look to further enhance this work.
<b>Is the initiative likely to impact on Community Cohesion? Please provide details.</b> Yes. The school already has a positive impact on its community. The improvements proposed will provide an opportunity for the school to build on this through greater use of its facilities by the community.
<b>How does the initiative support Welsh speakers and encourage use of Welsh?</b> Ysgol Gyfun Gwyr is a Welsh-medium comprehensive school. Welsh-medium education provides opportunities for children and young people to achieve fluency in the Welsh language through studying a broad range of subjects and disciplines in Welsh.
<b>Actions (to mitigate adverse impact or to address identified gaps in knowledge).</b>

## Section 6 - United Nations Convention on the Rights of the Child (UNCRC):

Many initiatives have an indirect impact on children and you need to consider whether the impact is positive or negative in relation to both children's rights and their best interests. Please read the UNCRC guidance before completing this section.

**Will the initiative have any impact (direct or indirect) on children and young people (think about this age group holistically e.g. disabled children, those living in poverty or from BME communities)? If not, please briefly explain your answer here and proceed to Section 7.**

The initiative will have a direct impact on children and young people.

**All initiatives must be designed / planned in the best interests of children and young people.**

*Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*

**Please explain how you meet this requirement:**

The initiative is planned to improve pupils' school environment thus giving them the best opportunity of achieving to their full potential. The proposal relates to the following articles:

**Article 3** - All organisations concerned with children should work towards what is best for each child.

**Article 12** - Respect for the views of the child

**Article 18** - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.

**Article 28** - Children have a right to an education. Discipline in schools should respect

children's human dignity.

**Article 29** - Education should develop each child's personality and talents to the full.

**Article 30** - Children have a right to learn and use the language and customs of their families.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

## Section 7 - Monitoring arrangements:

Please explain the monitoring arrangements for this initiative:

**Monitoring arrangements:** All projects within the Quality in Education (QEd) Programme have a clear monitoring process in place. Regular progress meetings are held with the school and the contractors, a formal Project Board is held monthly to discuss key issues and make key decisions, any issues can then be escalated to the QEd Programme Board with the Strategic Programme Board (Corporate) having an overarching view of all Swansea Council projects.

**Actions:**

## Section 8 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to the guidance for further information on this section).

Outcome 1: Continue the initiative – no concern

Outcome 2: Adjust the initiative – low level of concern

Outcome 3: Justify the initiative – moderate level of concern

Outcome 4: Stop and refer the initiative – high level of concern.

**For outcome 3**, please provide the justification below:

**For outcome 4**, detail the next steps / areas of concern below and refer to your Head of Service / Director for further advice:

## Section 9 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Send this EIA report and action plan to the Access to Services Team for feedback and approval – [acesstoservices@swansea.gov.uk](mailto:acesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

## EIA Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Monitor the impact of the project on current staff and students and act on any concerns/issues raised	Project Manager	Throughout the project	Concerns/issues raised acted upon	

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**\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).**



## Contract Award Report

### For the Award of Contracts in Bands C and D

<b>Evaluation Panel members</b>	Maz Ward (Procurement) Nicola Jones (Client Department) Alayne Smith (Client Department) Jeff Pope (Agent Department) Alex Harries (Building Services) Neil Smith (Building Services) Lee Wyndham (Beyond Bricks & Mortar) Caritas Adere (Legal) Jayne James (Finance)
<b>Client Department/ Service Unit</b>	Education
<b>Agent Department/ Service Unit</b>	Building Services
<b>Name of Authorised Officer (AO)</b>	Jeff Pope
<b>Name of Responsible Officer (RO)</b>	Gordon Rees / Nigel Williams
<b>Contract Band</b>	Band D
<b>Contract title</b>	EXTENSION AND REMODELLING WORKS AT Y G GWYR , GOWERTON, SWANSEA
<b>Contract reference</b>	CCS/19/359
<b>eTenderWales Project Code</b>	42985
<b>Brief description of contract</b>	A new build accommodation to increase the current school capacity by approximately 195 pupil places. Minor remodelling of key areas of the existing site together with enhanced outdoor provision by installing artificial sports surfaces and a small provision for athletics

<b>Contract duration and extension option/s (Please include start and end date)</b>	18 Months June 2020 to Dec 2021
<b>Is this a reoccurring Procurement?</b>	No
<b>Date ITT issued</b>	30/09/2019
<b>Deadline for return of Tenders</b>	02/12/2019
<b>Number of Tenders sought</b>	6
<b>Number of Tenders received</b>	3
<b>Means of advertising (e.g. Sell2Wales/ OJEU)</b>	Mini-competition from Lot 8 East of the South West Wales Regional Contractors Framework
<b>Type of procedure</b>	Restricted
<b>Names of Bidders from whom Tenders received</b>	1. Tender 1 2. Tender 2 3. Tender 3 4. 5. 6. 7. 8. 9. 10.
<b>Tenders opened in accordance with CPRs?</b>	Yes
<b>Names of Opening Officers</b>	Maz Ward
<b>Were any Tenders disqualified at opening?</b>	No
<b>Price/Quality split (e.g. 70% Price, 30% Quality)</b>	70% - 30%

<b>Award Criteria</b>	<ol style="list-style-type: none"> <li>1. Price 2100</li> <li>2. Quality 900</li> <li>3.</li> <li>4.</li> <li>5.</li> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> <li>10.</li> </ol>
<b>Criteria stated in ITT and Contract Notice?</b>	Yes
<b>Details of Tenderers disqualified</b>	<p>Yes - Tender 1</p> <p>Failed to Provide a Master and any Sub-Programmes for the Project as per instructions in Quality Assessment question B-Q.4 that was contained within the Bid Document, and therefore scored a Zero. In accordance with Annex 1 of the Bid Document, this meant that their Bid was excluded from further consideration.</p>
<b>Stage Two/ Tender scores of Tenderer recommended for Award</b>	Restricted
<b>Have arithmetical checks been carried out?</b>	Yes
<b>Clarifications in accordance with CPR 11?</b>	Yes
<b>Full Term contract value</b>	£5,604,789.52
<b>Annual contract value</b>	£0
<b>Funding Stream</b>	The amount of £5,604,789.52 will be 65% grant funded from the WG C21st Schools Band B grant programme and 35% from CCS funds (either prudential borrowing or capital receipts).
<b>If grant funded, have all grant conditions been met?</b>	Yes
<b>Savings/increases against previous contract</b>	£0
<b>Actual budget provision Available</b>	The current C21st Schools Band B envelope includes £7.414m for the Gwyr scheme
<b>If Capital: Is it included in the Council's Capital Programme? Is there budget provision for the revenue consequences?</b>	<p>Yes</p> <p>No</p>
<b>Ongoing service/maintenance costs?</b>	Maintenance will be factored within future budgets
<b>Indemnity (insurance) levels confirmed</b>	Yes

<p><b>Comments on financial implications</b></p>	<p>After adding internal costs and fees to the tender sum, the overall project cost is £6,717,719.74</p> <p>This can be met from Band B of the 21<sup>st</sup>. Century Schools &amp; Colleges Programme envelope. Funding for the scheme is as follows, 65% grant funded from the WG C21st Schools Band B grant programme and 35% from CCS funds (either prudential borrowing or capital receipts).</p> <p>The capital ledger code is 01.701.70001.xxxxxx.00000.C01252</p>
<p><b>Comments on legal and procurement implications</b></p>	<p>The Responsible Officer is satisfied that the tender process has been conducted in accordance with Contract Procedure Rules and the award is recommended for approval on that basis.</p> <p>The contract award will need to be approved by Cabinet in accordance with CPR 13.10.</p> <p>Any contractual liabilities/obligations with the successful tenderer will be covered by appropriate contract documentation to be prepared and approved by the Head of Legal, Democratic Services and Business Intelligence.</p>
<p><b>Name of Tenderer/s recommended for Award</b></p>	<p><b>Tenderer No. 2</b></p>

# Agenda Item 8.



## Report of the Cabinet Member for Education Improvement, Learning and Skills

Special Cabinet – 23 January 2020

### Contract Award and Capital Programme Authorisation for the New Build Replacement of YGG Tirdeunaw

<b>Purpose:</b>	<ul style="list-style-type: none"><li>• To approve the scheme for the new build YGG Tirdeunaw subject to confirmation of grant and contract with Welsh Government</li><li>• To seek authorisation to award the construction contract to Tender Number 2 subject to the confirmation of grant and contract with Welsh Government.</li><li>• To note the requirement to modify the implementation date to enlarge YGG Tirdeunaw in line with the proposed contractor appointment and updated project timeline, and that a further report will be brought to Cabinet prior to the original January 2021 implementation date, to seek approval to the delay and of the modification to the implementation date.</li></ul>
<b>Policy Framework:</b>	<ul style="list-style-type: none"><li>• QEd Programme and Strategic Outline Programme for Band B of the 21<sup>st</sup> Century Schools and Colleges Programme</li><li>• Asset Management Plan</li><li>• Contract and Financial Procedure Rules</li><li>• The Revenue Budget 2019/2020 and the Capital Budget 2018/2019 to 2023/25 approved by Council on 28 February 2019.</li></ul>
<b>Consultation</b>	Access to Services, Finance, Legal, Corporate Building Services and Procurement.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet award the contract for the remaining design and construction of a new build for YGG Tirdeunaw on land in the ownership of the Council at Heol Gwyrosdd to Tender No.2, subject to confirmation of grant and contract with Welsh Government;



- 2) The capital scheme as detailed together with the financial implications is approved in line with FPR7, subject to confirmation of the grant and contract with Welsh Government.

**Report Author:** Louise Herbert-Evans

**Finance Officer:** Ben Smith

**Legal Officer:** Debbie Smith

**Access to Services Officer:** Rhian Millar

## 1. Introduction

- 1.1 The Welsh Government (WG) formally confirmed on the 7 December 2017 that the envelope for Band B of the Council's 21<sup>st</sup> Century Schools and Colleges / QEd Programme was approved in principle with an estimated programme envelope cost of £149.7 million, since amended to £149.5m, to reflect the reciprocal increase in the Band A programme. This is subject to the approval of individual project business cases.
- 1.2 The approval in principle of the Strategic Outline Programme for Band B does not commit the Council, since the final approval of any capital allocation from the WG is subject to the submission of further detailed business cases in respect of each specific project.
- 1.3 Swansea Council's Quality in Education (QEd) / 21<sup>st</sup> Century Schools and Colleges Band B Programme focuses on an investment need which reflects the challenges remaining across our schools. The Band B programme remains consistent with local policies, priorities and commitments, as well as the priorities and specific criteria set down by the WG as follows:
- To provide an efficient and effective educational infrastructure that will meet current and future demand for places by 2024
  - Ensuring the right size schools in the right location, with enough places to deliver Welsh and English medium education, whilst ensuring effective and efficient use of the educational estate
  - Reducing backlog maintenance costs by at least 50% whilst improving any category C or D condition buildings to A or B
- 1.4 The Council's 21<sup>st</sup> Century Schools and Colleges Programme Capital Expenditure & Financing 2018/19 - 2023/24 provides an outline spending profile for the priority projects. Included within this phase of priority projects is an enlarged and relocated school build for YGG Tirdeunaw and a Flying Start setting.

- 1.5 A joint strategic outline /outline business case (SOC/OBC) was approved by WG in November 2018 and a supplementary Welsh medium capital grant allocation approved in December 2018.
- 1.6 Planning consent for the re-development of part of the site at YGG Bryntawe to create the 2.5 form entry plus nursery and Flying Start new school accommodation was approved on 5 September 2019.
- 1.7 A statutory consultation process was carried out in order to increase the capacity of the school from 420 full time pupil places to 525. This was approved by Cabinet in March 2019, with an anticipated implementation date of January 2021. However, due to the extended period of design work and planning requirements the new school build is anticipated to be ready to open to pupils in autumn 2021. Following the contractor appointment and once works have progressed, there will be greater confidence around the proposed revised implementation date. The Governing Body of the school, in accordance with the School Organisation Code, will be formally consulted on the delay and proposed revised implementation date. A further report will then be brought to Cabinet seeking approval to the proposed revised implementation date. The approved catchment area changes will be unaffected.
- 1.8 Approval was given under a Delegated Powers Report in June 2018 to commit £301,291 to the capital programme to fund the development of the above project and design fees.
- 1.9 A Full Business Case (FBC) will be submitted to WG in January 2020, with ministerial outcome due in February 2020.

## **2. Description of the scheme**

- 2.1 The proposal is for a new purpose built 2.5 form entry (525 pupils plus nursery) Welsh medium school build to replace the existing primary school YGG Tirdeunaw, located at a separate site which is no longer fit for purpose, together with Flying Start facility which will provide 24 places per morning and afternoon sessions for pre-schoolers. The site location plan is attached at Appendix 1.
- 2.2 The site for the new school location is on land at YGG Bryntawe, Heol Gwyrosydd sitting within the predominantly residential area of Penlan, Swansea.
- 2.3 The Heol Gwyrosydd distributor road, links with the B4489 Llangyfelach Road, some 750m to the east and the A483 Carmarthen/ Pontarddulais Road which is located approximately 2km to the west.
- 2.4 The site which is generally level in nature extends to approximately 2.57 hectares and is located within an area of existing education and recreational uses. The site is bound to the north by the existing YGG Bryntawe school, to the south and south west by residential uses, a

social club and a Police Station, and to the east by the civic amenity site and sports pavilion.

- 2.5 The development will include a purpose-designed coach park that in the main will serve YGG Bryntawe, however, designed to accommodate the demand in growth and the school transport requirements for the Welsh medium primary school.
- 2.6 The development has been designed to meet with the Sustainable Drainage Policy (SUDs) which became enforceable from 7 January 2019.
- 2.7 The development will include the provision of two new junior pitches and a multi-use games area, which will be made available for community use, subject to the further development of a management user agreement in line with the Corporate Landlords lettings policy.
- 2.8 Provision will include a dedicated car park for staff and visitors with the provision of seven electric vehicle-charging points (EVCPs). (The charge and management arrangements for the EVCPs are subject to further review and agreement). To the frontage of the site there will be vehicle pick up and drop off points for parents, and appropriate highway safety improvements in accordance with planning conditions.

### **3 Objectives of the Project**

- 1. Provide sustainable, fit for purpose, 21<sup>st</sup> Century accommodation for YGG Tirdeunaw by autumn 2021
- 2. Provide replacement accommodation for the existing Flying Start setting at Mynyddbach, to accommodate 24 morning and afternoon session places.
- 3. Balance the demand and availability of Welsh-medium places by autumn 2021 to align with the Welsh Education Strategic Plan (WESP)
- 4. Reduce backlog structural maintenance by £1.332m by autumn 2021
- 5. By January 2022 remove condition category C assets mitigating business continuity risks.
- 6. Improve building efficiency maximising use of assets, improving operational efficiency and use of all relevant resources by autumn 2021.

### **4 Procurement**

- 4.1 The SWWRCF is due to expire on the 31 January 2020. Contracts based on this framework agreement are therefore required to be awarded before the end of the term of the framework agreement itself.
- 4.2 A mini tendering exercise has been undertaken through the e-tender portal which commenced on 4 October 2019 inviting six bidders from the SWWRCF Contractor Framework LOT10.

- 4.3 The tender was opened in accordance with the Council's Contract Procedure Rules on 6 December 2019.
- 4.4 Two tenders were returned and were evaluated in line with Contract Procedure Rules. A tender evaluation panel was held on 11 December 2019.
- 4.5 The Contract Award Report of 19 December 2019 and at Appendix 4 sets out the tendering procedure.
- 4.6 Tender 1 - £9,322,544.42 (including bond)  
Tender 2 - £9,614,551.00 (including bond)
- 4.7 The tender has been scored as detailed in the tender document.

There are two parts to the scoring process, with maximum points available as set out below.

Tender Assessment	Finance	Quality
Available Points	2100	900

Finance: this was assessed by the Corporate Building Services (CBS) Quantity Surveyor. Full points are awarded to the lowest tender and points are awarded to other tenders in proportion to the financial variance to the lowest tender.

Quality: the six quality questions each have a 20 point score. These questions were assessed by a panel of subject matter experts from CBS, Education and the consultant team. A weighting is applied to the average score for each question to give an overall question score as detailed in the tender document, scores are then totalled to give an overall quality score

Financial and Quality scores are then added together and the tenderer with the highest score is recommended for the award of contract.

Tender 1 = 2610  
Tender 2 = 2623

The Tender Evaluation Panel has recommended Tender No.2 is approved for contract award in accordance with the Council's Contract Procedure Rules.

- 4.8 Any contractual liabilities/obligations with the successful tenderer will be covered by appropriate contract documentation to be prepared and approved by the Chief Legal Officer.

4.9 The overall project cost falls within the WG cost standard for schools, taking account of extended site abnormal costs which include ;

- Sustainable drainage design
- Land remediation
- Bus park provision

Therefore officers are satisfied that the tender provides value for money.

## **5. Finance**

5.1 The financial implications summary is attached at Appendix 2.

### **5.2 Capital**

5.2.1 WG funding for Band B of the 21<sup>st</sup> Century Schools and Colleges Programme is being provided through £600m capital and £500m revenue funding for the whole of Wales. It is proposed that the capital investment project within this report is funded from traditional capital streams. It was announced by WG on the 21 November 2018, that for Band B the grant rate for capital projects will be increased to 65%. (The intervention rate for special schools and PRUs will be increased to 75%). However, the programme envelope remains the same.

5.2.2 The total cost forecast detailed in the Capital Budget as reported to and approved by Council on the 20 July 2017, and also included in the Band B approved Strategic Outline Programme was £10.938m. This was for a 2 form entry school (420 pupils plus nursery) with halls, nursery and other areas future proofed to 2.5FE plus Flying Start.

5.2.3 Additional Welsh medium capital funding of £1.27m was approved in principle by WG in December 2018. This was to increase the capacity to 2.5 form entry (525 pupils plus nursery).

5.2.4 The project scope also includes provision for;

- SUDs regulations released 7 January 2019.
- A new coach park to improve the existing traffic arrangements.
- Additional highway safety improvements
- Land remediation addressing biodiversity requirements.

5.2.5 The cost breakdown for the project as at 19 December 2019 is set out below.

	<b>Cost breakdown</b>	<b>£</b>
1	Construction	8,994,685.95
2	Surveys and external fees*	619,865.05
	<b>Sub- Total Contract Value</b>	<b>9,614,551.00</b>
3	Loose Furniture inc. signage	58,044.00
4	Additional Traffic Measures	330,000.00
5	Statutory Utilities (PS)	150,000.00
6	Electric vehicle charging points and pitch line marking	35,000.00
7	CBPS Fees	278,072.00
8	Education Fees	98,000.00
9	Digital Learning and fees	97,000.00
10	Decant/security and decommissioning of existing site	252,500.00
11	Pre-construction costs	301,291.00
	<b>Total</b>	<b>11,214,458.00</b>
12	Optimism bias @ 3%	336,433.74
	<b>Total</b>	<b>11,550,891.74</b>

5.2.6 The project value includes a provisional sum for retained risks identified at the time of reporting, which are;

- £150,000.00 to address the statutory undertakers (utilities) works
- £35,000.00 to implement electrical vehicle charging points and pitch line marking.

5.2.7 The Full Business Case will be submitted in early January for consideration by WG Capital Panel.

5.2.8 £10.281m is to be funded from Band B of the 21<sup>st</sup> Century Schools and Colleges Programme, based on the revised intervention rate of 65 % funding by WG and 35 % by the Council, which falls within the initial cost forecast.

5.2.9 The remainder is proposed to be funded from the Welsh medium grant of £1,270,000.00 which would be 100% funded by WG.

5.2.10 Based on the current cost-plan as referenced above this would require a local contribution of £3,598,000 from the overall net funding requirement based on a 35% contribution for the Band B element.

5.2.11 Until the Council receives the offer of the grant from WG, the successful contractor will not receive confirmation to proceed with the project.

5.2.12 The increase in cost of the project has since been incorporated within the Band B programme funding forecast submitted to WG in the 19 October 2019.

## 5.3 Revenue

- 5.3.1 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 floor area of the school will increase and this will result in an increase of budget share.
- 5.3.2 The estimated backlog maintenance of £1.332m which is a mix of both capital and revenue costs linked with the shared former Daniel James Community School buildings would be removed.
- 5.3.3 There will be an increase in business rates, energy costs and cleaning etc due to the increase in floor area, however the new buildings would be more energy efficient with the possibility of income from community use and the childcare facility. All additional revenue costs will be met from existing budgets.

## 6.0 Delivery Timescales

Key Milestones	Date / Month	Year
Contract Award	23 January	2020
Construction Start	11 March	2020
Construction Completion	30 August	2021
Set up period	31 August – 20 September	2021
Facility opens to pupils	21 September	2021

## 7 Education Service Delivery

- 7.1 A transition plan to the new facility will be further developed in line with the construction programme to minimise any disruption to teaching and learning.

## 8 Property Implications

- 8.1 The new YGG Tirdeunaw site is part of the larger YGG Bryntawe site which is Education land within Council ownership. The development area fronts Heol Gwyrosydd on land which is under- utilised by the secondary school, Leisure and the wider community.
- 8.2 The YGG Bryntawe Governing Body have been fully consulted and have agreed to the strategy for the development and release of the land to enable the construction of the Welsh Medium primary school.
- 8.3 The existing YGG Tirdeunaw building and the wider host site of the former Daniel James Community School will be fully decommissioned. The strategy for the re-development of this site is to be considered as part of the wider asset review and strategic development options

associated with the delivery of Swansea's 21 Century Schools and Colleges Programme.

## **9. Well Being of Future Generations**

- 9.1 As part of this process we have also considered the Well-being of Future Generations Act. The Act ensures that public bodies think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.
- 9.2 Band B of the 21<sup>st</sup> Century Schools and Colleges Programme is based upon a consistent and objective assessment of each sector and school catchment, reviewing current pupil numbers and capacities with projected future demand for places. This has demonstrated that there is a continued and sustained need for Welsh Medium Primary provision within Swansea
- 9.3 The new facility also provides extensive opportunities to provide additional family learning support during the day as it will be a valuable space within which will support a function of co-ordinated delivery of actions agreed by the multi- disciplined practitioners involved, to ensure that children and families receive an effective service which is regularly reviewed.
- 9.4 The development itself incorporates a hall and a studio; these capable of being available for community use subject to booking and letting arrangement with the Council. Externally, more appropriate recreational space is provided for pupils and provides opportunities to enhance community use of the site at YGG Bryntawe.
- 9.5 All projects have a communication plan, which is reviewed regularly. This includes the engagement strategy; in this case there has been extensive engagement with the other stakeholders including the wider community.
- 9.6 The school (governors, head, staff, pupils, parents) have been fully engaged since project inception, and this will continue throughout the lifecycle of the project to ensure that the views of stakeholders are fully taken into account.
- 9.7 The new building will not only offer greater opportunities for extended curriculum activities, it will also improve accessibility, safeguarding and security, and will be accredited to BREEAM excellent standard (Building Research Establishment Environmental Assessment Method) energy efficient and reduce current CO2 emissions in the environment.
- 9.8 The project will also be subject to community benefits targets, which will include;
- STEM Engagement target of 150 hours per million investment.



- Provide opportunities for NEETs and Long Term unemployed (benchmark of one FTE per million per construction project)
- Jobs created (52 weeks per million investment on each construction project)
- 25 person training weeks provided per million investment
- 1 apprentice per million investment per construction project.
- 85% of waste diverted from landfill
- Max 10 tonnes waste per million

## **10. Equality and Engagement Implications**

10.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
- 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.
- Our Equality Impact Assessment process ensures that we have paid due regard to the above.

10.2 An Equality Impact Assessment (EIA) has been completed and continues to be reviewed as the project progresses. An amended version is attached in Appendix 3. The proposals are found to be relevant to the following characteristics:

10.3 (0-18) – YGG Tirdeunaw is a Welsh-medium primary school. This project will have a very positive impact on the education of all the children who attend the school in the future. As we are looking to build the school on a new site this should avoid any disruption to those currently attending the school.

10.4 (Older People 50+/Any other age group) – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver education to all pupils and increase the opportunities for the wider school community to experience and use the Welsh language .

10.5 Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.

- 10.6 Welsh – YGG Tirdeunaw is a Welsh medium primary school and as a result this project will have a positive impact on the Welsh language. The project is part of the wider Welsh in Education Strategic Plan that is looking to increase the number of places available in Swansea's Welsh-medium schools.
- 10.7 Poverty/social exclusion – There are high levels of deprivation in this area and providing the children and the community with this improved facility could give access to courses for adults and access to additional extra-curricular activities. Due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are less than a mile apart by available walking route and any pupils more than 2 miles away or where there is no available walking route would be offered home to school transport.
- 10.8 Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school's facilities. Due to the possible changes in catchment areas it is important to consider the impact this could have on community cohesion as the schools moves (less than 1 mile) from one community to another. If the proposal goes ahead the school will work with all communities to ensure that the schools continue with its inclusive ethos that brings communities together for the benefit of all.
- 10.9 All stakeholders will continue to be involved as the project is delivered and the EIA will remain open and will continue to be updated throughout the project.

## **11. Legal Implications**

- 11.1 The South West Wales Regional Framework led by Carmarthenshire County Council has been established in accordance with EU legislation. The Contract Award is recommended for approval in accordance with the Council's Contract Procedure Rules.
- 11.2 Any contractual liabilities/obligations with the successful tenderer will be covered by appropriate contract documentation to be prepared and approved by the Chief Legal Officer.
- 11.3 The Council must ensure that it complies with the terms and conditions of any offer of grant funding issued by WG.

## **Background Papers:**

Quality in Education (QEd) – Emerging Proposals and Investment Priorities for the next band of the 21<sup>st</sup> Century Schools and Colleges Programme. Cabinet 20 July 2017

Delegated Powers Report to Cabinet Member for Education, the Chief Education Officer, the Head of Financial Services, and the Head of Legal, Democratic Services and Business Intelligence. Band B – Progression of early projects to Full Business Case YGG Tirdeunaw - 28 June 2018

**Appendices**

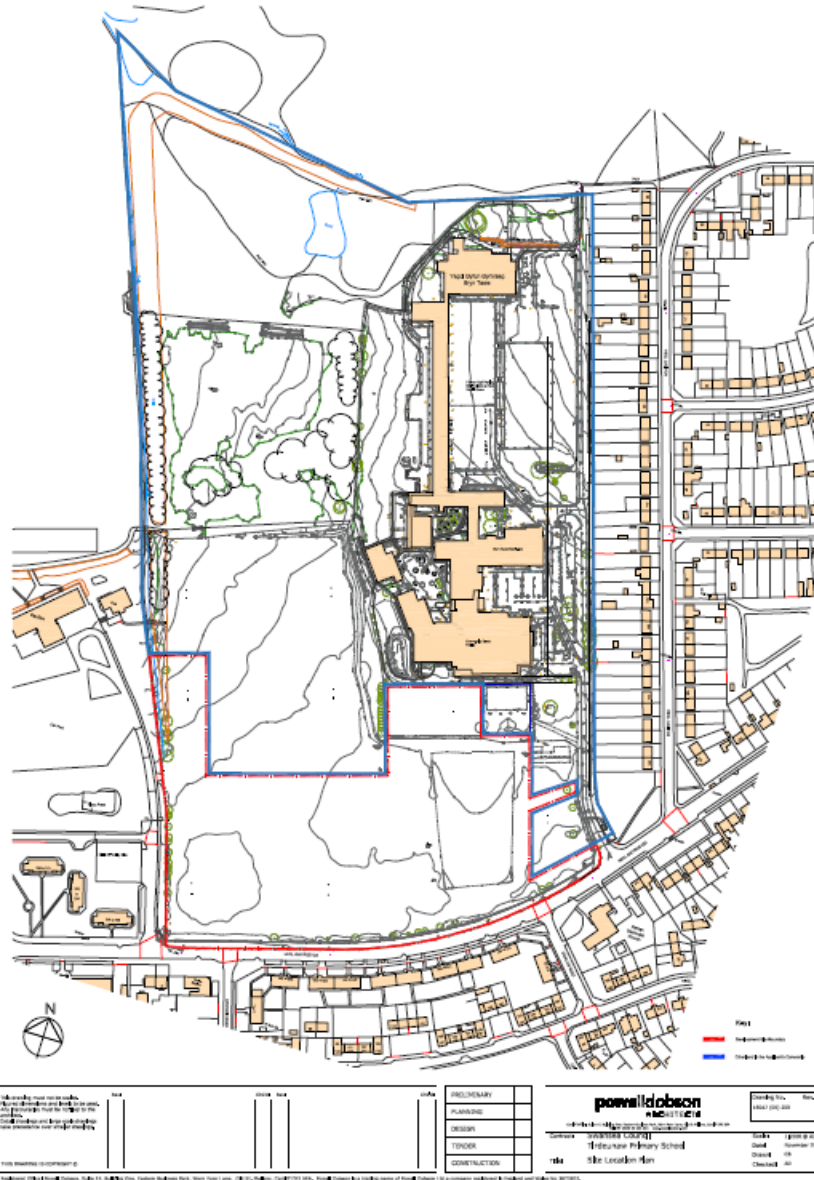
Appendix 1 Site Location Plan

Appendix 2 Financial Implications

Appendix 3 Equality Impact Assessment

Appendix 4 Contract Award Report

# Appendix 1 Site Location Plan



All works must be in accordance with the relevant Council rules and regulations. The client is responsible for obtaining all necessary consents and approvals.

NO.	DATE	DESCRIPTION	BY

PRELIMINARY	
PLANNING	
DESIGN	
TENDER	
CONSTRUCTION	

**powell duncan**  
 ARCHITECTS  
 100-102 WILSON STREET, AUCKLAND  
 TEL: 09 308 6000  
 FAX: 09 308 6001  
 WWW.POWELLDUNCAN.CO.NZ

PROJECT: Tekehuia Primary School  
 DRAWING: Site Location Plan

DATE: November 2010  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

## Appendix 2 Financial Implications

Financial Procedure Rule 7

Appendix 2

### FINANCIAL IMPLICATIONS : SUMMARY

**Portfolio: EDUCATION**

**Service** : PRIMARY /SECONDARY  
SCHOOL PROVISION

**Scheme** : Band B – YGG Tirdeunaw relocated new  
build 2.5FE

<u>1.1. CAPITAL COSTS</u>	2018/19 £'000	2019/20	2020/21	2021/22	2022/23	TOTAL £'000
<u>Expenditure</u>						
Pre-construction fees and construction costs.	165	252	8,028	2,923	183	11,551
<b>EXPENDITURE</b>	<b>165</b>	<b>252</b>	<b>8,028</b>	<b>2,923</b>	<b>183</b>	<b>11,551</b>
<u>Financing</u>						
100% WG WM Grant	0	0	1,252	18		1,270
65% WG 21 Century schools grant	0	0	6,564	0	119	6,683
35% LA contribution	165	252	212	2,905	64	3,598
<b>FINANCING</b>	<b>165</b>	<b>252</b>	<b>8,028</b>	<b>2,923</b>	<b>183</b>	<b>11,551</b>

<u>1.2. REVENUE COSTS</u>	2018/19 £'000	2019/20	2020/21	2021/22	2022/23	FULL YEAR £'000
<u>Service Controlled - Expenditure</u>						
Employees						0
Maintenance	N/A					0
Vehicle running costs						0
<b>NET EXPENDITURE</b>						<b>0</b>
<u>Financing</u>						
<b>FINANCING</b>	N/A					<b>0</b>

## Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to equality.

**Please refer to the 'EIA Report Form Guidance' while completing this form. If you need further support please contact [acesstoservices@swansea.gov.uk](mailto:acesstoservices@swansea.gov.uk).**

<b>Where do you work?</b>
Service Area: Education
Directorate: People

**(a) This EIA is being completed for a:**

Service/ Function  <input type="checkbox"/>	Policy/ Procedure  <input type="checkbox"/>	Project  <input checked="" type="checkbox"/>	Strategy  <input type="checkbox"/>	Plan  <input type="checkbox"/>	Proposal  <input checked="" type="checkbox"/>
--	--	--	--	--------------------------------------	---

**(b) Please name and describe here:**

### **Relocation and enhancement of capacity and facilities at YGG Tirdeunaw and necessary catchment area reviews**

There are significant condition and suitability issues at YGG Tirdeunaw. It could be rebuilt on its current site but this would lose the opportunity to relocate the school to an area, currently part of the YG Bryn Tawe site and so benefit from shared use of the wider facilities. The new location would be less than a mile from the current site and more central for the current pupils attending the school.

A 2 Form Entry (FE) new build was included within the 21<sup>st</sup> Century Schools Band B submission to Welsh Government, which would have been 'future proofed' to allow future expansion to 2.5FE as required. The further Welsh Government capital funding announced in December 2018 has facilitated the earlier delivery of additional Welsh-medium provision supporting the delivery of a 2.5FE new build for the school from the outset subject to statutory consultation process.

Work is continuing to seek to align the delivery of this new build to, as far as possible mirror the timescale for the new build YGG Tan-y-lan, but this is dependent on the funding model agreed within the detailed business cases and construction phase timelines.

There is potential for short term use of some of the additional capacity and facilities to support child care / wrap around care / adult Welsh classes etc. as well as facilitating the future development of a primary Welsh-medium Specialist Teaching Facility.

The proposal will also impact on the catchment area of YGG Tirdeunaw and a number of other Welsh-medium primary schools and by implication both Welsh-medium secondary schools in Swansea.

**(c) It was initially screened for relevance to Equality and Diversity on: 15/05//2018**

**(d) It was found to be relevant to...**

- Children/young people (0-18).....
- Older people (50+).....
- Any other age group .....
- Disability .....
- Race (including refugees) .....
- Asylum seekers.....
- Gypsies & Travellers.....
- Religion or (non-)belief.....
- Sex.....

- Sexual orientation.....
- Gender reassignment .....
- Welsh language.....
- Poverty/social exclusion .....
- Carers (including young carers).....
- Community cohesion .....
- Marriage & civil partnership .....
- Pregnancy and maternity.....

**(e) Lead Officer**

**Name:** Alayne Smith

**Job title:** School Project Business Case  
Development Officer

**Date:** 15/05/2018

**(f) Approved by Head of Service**

**Name:** Brian Roles

**Date:** 15/05/2018

UPDATED FOLLOWING THE CONSULTATION on 28<sup>th</sup> November 2018  
UPDATED FOLLOWING THE STATUTORY NOTICE on 25<sup>th</sup> February 2019  
UPDATES FOLLOWING PLANNING APPROVAL 5 SEPTEMBER 2019

## Section 1 – Aims (See guidance):

Briefly describe the aims of the initiative:

### What are the aims?

#### *Raising standards*

Our vision is that every child will have access to high quality teaching that helps them to make the most of their talents

#### *Better use of resources*

The decision is in line with the QEd vision that budgets should be spent on pupils and not wasted on empty places

#### *Quality of learning environment*

Quality learning environments have been shown to lead to improved performance by pupils

### Who has responsibility?

If approved by the council's Cabinet, the Welsh Government (pending approval of a successful Final Business Case) and Swansea Council would jointly fund the project. The overall responsibility would be with Swansea Council.

### Who are the stakeholders?

Each stakeholder group requires a specific method of communication to promote key messages during the project. A broad approach for communications methods is outlined below. It draws on corporate methods of communicating to staff in general as well as some established meeting structures within the project.

Audience	Methods
Parents	Letters, media, social media, website
Governors	Face to face briefing, emails
Head and Management Team	Face to face briefing, emails,
Pupils	Face to face school visits, social media
Neighbouring schools' Heads	Face to face, letter, email, newsletter
Neighbouring schools' parents	Letter, website, parents' evenings, local media, social media
CMT	Face to face briefing, newsletter, email
Cabinet	Face to face briefing, newsletter, email
Group Leaders	Face to face briefing, newsletter, email
Ward Members	Email, phone call
Trade Unions	Face to face briefing, email
Evening Post	Face to face briefing, press release
Welsh Government	Letter, local media, email
Estyn	email
AMs/MPs	letter, email
School staff	Face to face, letter, Newsletter, media, social media, website
Rhieni dros Addysg Gymraeg (RhAG)	Termly meeting, email, website
Partneriaeth Addysg Gymraeg Abertawe (PACA)	Termly meeting, email, website
Swansea Bay Radio, Wave/Swansea Sound, BBC, ITV, Western Mail, BBC Cymru, Golwg 360	Press release
Education SLB/EDSLT/DMT	email, newsletter, face to face
O and S Chairs and V Chairs	Email, letter
Catering and cleaning staff	letter, face to face



Community groups	Letter and liaison with Community Regen, social media, website
All Council staff	Staffnet, website, social media
Swansea residents	Media, website, social media
Local businesses	Media, letters, website, social media

## Section 2 - Information about Service Users (See guidance):

Please tick which areas you have information on, in terms of service users:

- |                                   |                                     |                                      |                                     |
|-----------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| Children/young people (0-18)..... | <input checked="" type="checkbox"/> | Sexual orientation.....              | <input type="checkbox"/>            |
| Older people (50+).....           | <input checked="" type="checkbox"/> | Gender reassignment.....             | <input type="checkbox"/>            |
| Any other age group .....         | <input checked="" type="checkbox"/> | Welsh language.....                  | <input checked="" type="checkbox"/> |
| Disability .....                  | <input checked="" type="checkbox"/> | Poverty/social exclusion .....       | <input checked="" type="checkbox"/> |
| Race (including refugees) .....   | <input checked="" type="checkbox"/> | Carers (including young carers)..... | <input type="checkbox"/>            |
| Asylum seekers.....               | <input type="checkbox"/>            | Community cohesion .....             | <input checked="" type="checkbox"/> |
| Gypsies & Travellers.....         | <input checked="" type="checkbox"/> | Marriage & civil partnership .....   | <input type="checkbox"/>            |
| Religion or (non-)belief.....     | <input type="checkbox"/>            | Pregnancy and maternity.....         | <input type="checkbox"/>            |
| Sex.....                          | <input checked="" type="checkbox"/> |                                      |                                     |

**Please provide a snapshot of the information you hold in relation to the protected groups above:**

The following information is collated as part of the annual pupil census that is carried out in January of each year. The below is from the January 2019 PLASC:

Number of pupils on roll:

School	N1	N2	R	1	2	3	4	5	6	Total
YGG Tirdeunaw	9	55	44	49	53	58	53	57	62	<b>440</b>

	2016-2017	2017-2018	2018-2019
Percentage of total pupils on roll living in areas classed in Welsh Index of Multiple Deprivation (WIMD) as being in the most deprived 30% of all areas	58.7%	60.2%	56.6%
Percentage claiming Free School Meals	16.2%	18.4%	18.9%
Percentage with Special Educational Needs (SEN)	20.3%	19.7%	15.9%

In January 2019 the breakdown for SEN was as follows:

Need	School Action	School Action Plus	Statement	Total
<i>Attention Deficit Hyperactivity Disorder</i>	1	1	0	2
<i>Autistic Spectrum Disorders</i>	1	0	0	1
<i>Behavioural, Emotional &amp; Social Difficulties</i>	0	4	1	5
<i>Dyscalculia</i>	0	0	0	0
<i>Dyslexia</i>	0	0	0	0
<i>Dyspraxia</i>	0	0	0	0
<i>General Learning Difficulties</i>	33	5	2	40
<i>Hearing Impairment</i>	0	0	0	0
<i>Moderate Learning Difficulties</i>	16	5	0	21
<i>Multi-Sensory Impairment</i>	0	0	0	0
<i>Physical and Medical Difficulties</i>	0	0	1	1
<i>Profound &amp; Multiple Learning Difficulties</i>	0	0	0	0
<i>Severe Learning Difficulties</i>	0	0	0	0
<i>Speech, Language and Communication Difficulties</i>	0	1	1	2
<i>Visual Impairment</i>	0	0	0	0
<b>Total</b>	51	16	5	72

	Stage A-C	Stage A-D	Stage A-E
Percentage with English as an Additional Language (EAL)	Page 48 0%	0%	0%

<b>Ethnic Background</b>	<b>Reception</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Year 6</b>
Non White British	0.0%	0.0%	2.0%	1.7%	0.0%	0.0%	0.0%

There are currently 34 teaching and support staff at the school.

This data can include headteachers, deputy headteachers, assistant head teachers, other qualified teachers, Higher Level Teaching Assistants (HLTAs), Teaching Assistants, Special needs support staff, Pastoral support staff, Matrons/nurses/medical staff (including NHS employees), Laboratory or workshop technicians, Librarians and library assistants, Examinations Officers, Other administration staff and School Business Manager or equivalent

#### **Any actions required, e.g. to fill information gaps?**

- Map use of the school by community groups in the community impact assessment. This is available here: <https://www.swansea.gov.uk/yggtirdeunawconsultation>.

#### **Impact Assessment – YGG Tirdeunaw**

<b>Community Aspect</b>	<b>Current</b>	<b>Impact Assessment</b>
<b>Community Services Provided by the school</b> (e.g. after school clubs, community library etc.)	Breakfast club is provided at the school.	It is envisaged that the breakfast club will continue on the new site.
<b>Facilities Accommodated by the School</b> (e.g. youth club, play group etc.)	YGG Tirdeunaw run the following school clubs for learners, Rugby, Urdd, Choir, Folk Dancing, Art and Sports Club.	It is envisaged that these clubs will continue.

#### **Would establishing a multi-school site be considered as a way of retaining buildings?**

Establishing a multi-school site would not achieve the objectives of this proposal (see consultation paper). There is very limited use of the school out of school hours. The local authority will work with the school on access to out-of-school hours clubs.

#### **Would alternatives to closure, such as clustering, collaboration or federation with other schools, be considered (taking account of the scope for use of ICT links between school sites)?**

These alternatives would not achieve the objectives of the proposal (see consultation paper). There is very limited use of the school out of hours.

#### **Have possibilities of making fuller use of the existing buildings as a community or an educational resource been explored (would it be feasible and economical to co-locate local services within the school to offset the costs of maintaining the school)**

These alternatives would not achieve the objectives of the proposal (see consultation paper). There is very limited use of the school out of hours.

#### **What is the overall effect of closure on the local community (including the loss of school based facilities which are used by the local community), particularly in rural areas or those receiving funding as part of regeneration activity?**

There is very limited used of the school out of hours. There is no funding from regeneration activity for this school.

### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics.

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case.**

(0-18) – YGG Tirdeunaw is a Welsh-medium primary school. This project will have a very positive impact on the education of all the children who attend the school in the future. As we are looking to build the school on a new site this should avoid any disruption to those currently attending the school.

(Older People 50+/Any other age group) – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver education to all pupils and increase the opportunities for the wider school community to experience and use the Welsh language .

Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.

Welsh – YGG Tirdeunaw is a Welsh medium primary school and as a result this project will have a positive impact on the Welsh language. The project is part of the wider Welsh in Education Strategic Plan that is looking to increase the number of places available in Swansea's Welsh-medium schools.

Poverty/social exclusion – There are high levels of deprivation in this area and providing the children and the community with this improved facility could give access to courses for adults and access to additional extra-curricular activities. Due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are less than a mile apart by available walking route and any pupils more than 2 miles away or where there is no available walking route would be offered home to school transport.

Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school's facilities. Due to the possible changes in catchment areas it is important to consider the impact this could have on community cohesion as the schools moves (less than 1 mile) from one community to another. If the proposal goes ahead the school will work with all communities to ensure that the schools continue with its inclusive ethos that brings communities together for the benefit of all.

## Section 4 - Engagement:

Please consider all of your engagement activities here, e.g. participation, consultation, involvement, co-productive approaches, etc.

**What engagement has been undertaken to support your view? How did you ensure this was accessible to all?**

As Swansea Council wants to increase the size of the school to 2.5FE a full statutory consultation has now taken place. Following this consultation Cabinet decided to publish a Statutory Notice that would provide a further opportunity for any objections to be made. During this period no objections were received and therefore Cabinet was asked to approve the proposal in March 2019..

### Statutory Consultation Process

The formal consultation processes ran from the 5 September to the 18 October 2018. Survey response forms could be completed on-line, or by hard copy, along with an invitation to respond directly.

Consultation took place as is required in the Welsh Government's School Organisation Code with the specified list of consultees, including:

- pupils, staff, governors and parents at YGG Tirdeunaw
- schools and parents affected by the catchment review
- Welsh ministers, AMs and MPs in the area, and local councillors
- Estyn
- Trade unions

Consultation meetings and drop-in sessions were held for the YGG Tirdeunaw proposal as follows:

Meeting for:	Venue	Date	Time	Attendance
Learners (School Council)	Tirdeunaw School	25/09/18	14:30 – 13:30	10
Staff	Tirdeunaw School	25/09/18	13:30 – 16:15	23
Governors	Tirdeunaw School	25/09/18	16:15 – 17:00	0
Drop-in for parents/public	Tirdeunaw School	25/09/18	17:00 – 19:00	2

A drop-in session was also held for all proposals and the wider catchment review on 2 October 2018 in the Civic Centre and was attended by 9 people.

A joint meeting was held for the school councils of the schools affected by the wider catchment review on 5 October 2018 and was attended by 10 school council members.

The following responses were received for the YGG Tirdeunaw proposal:

- 63 responses to an online survey
- 54 responses to an online pupil survey
- 4 written/emailed responses

YGG Tirdeunaw pupils and staff at the school have been asked to complete a questionnaire informing the project what they would like to see in the new school. Information was collated and used by the project team as part of the design workshops with the school. There will be on-going engagement with all stakeholders (as listed) as the project develops and is implemented. This will include meetings, newsletters and online material.

Further updates with the School Council will continue throughout the project and updated as part of any on-going web updates.

### **What did your engagement activities tell you? What feedback have you received?**

There was broad support for the proposal from those responding recognising the need for enhanced facilities. The detailed design for the new school will reflect Building Bulletin 99 guidelines as well as the available funding for the scheme.

Of the total responses received, 61 support the proposal, 4 object and 5 are undecided/unclear. 47 of the learner responses support the proposal, none object and 6 were undecided/unclear.

Concerns have been raised regarding the size of the new build if it cannot be 2.5FE from the outset, which was dependent on access to specific Welsh Government Welsh-medium capital grant. Since the end of the consultation period and following further discussions with the Welsh Government we have been now been successful in accessing the grant. This will enable a new build of 2.5FE or 525 places, allowing greater scope to respond to further demand for Welsh-medium provision and so supporting the national targets for Welsh speakers.

No proposed relocation will be considered ideal by everyone and some responses indicated a preference to stay at the current site. As part of the business case process there has been a detailed appraisal of site options which has demonstrated that it would not be feasible or cost effective to rebuild the school on its current site, as well as recognising the benefits of the proposed new location.

Responses have also expressed concern at the impact of the proposed changes to catchment areas. The Cabinet Report of June 2018 sets out clearly the need to rebalance the demand for and availability of Welsh-medium places across the county. The proposed catchment changes, whilst on paper significant, in practice largely formalise the choices already being made by parents and as such should not significantly de-stabilise intake numbers in future years. This is apparent from a comparison of the number and proportion of current pupils from within current catchment areas with the number and proportion after the proposed changes to catchment areas. 68.4% of current YGG Tirdeunaw pupils would be within the proposed new catchment area compared with 47.6% currently. The required capacity of each Welsh-medium primary school has been reviewed in order to, as closely as possible, mirror the number of places required for each pupil to attend their nearest school.

In addition to concerns regarding the size of the proposed school to meet future growth in demand, concerns were raised about the size being perceived to be too large if it were further expanded in the future. However, there are many successful schools in Swansea and Wales of this size and larger. Class teachers will support all learner needs appropriately with the school designed and built to deliver a 21<sup>st</sup> century education.

Concerns were raised about traffic around the area of the proposed new site and also the transport arrangements to the new site. As part of the planning approval process routes to the school have been assessed and traffic measures will be introduced where necessary. There will be a separate access to the site for the school and suitable drop-off and pick-up points. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are less than a mile apart by available walking route and any pupils more than 2 miles away or where there is no available walking route would be offered home to school transport.

A concern was raised about perceived larger classes but also recognition of current pressure on accommodation and facilities which this proposal is seeking to address. Class



sizes should not be generally higher than 30 and there is legislation to support this for Foundation Phase classes.

There is some concern about the potential future use of the current school site and also a perception that a future 3-18 school might be a possibility, however, there are no current proposals to establish a 3-18 school.

The project has now been given full planning consent (5 September 2019), there were no objections to the application. The local community, parent, pupils and staff affected were given opportunity to attend information sessions prior to the submission of the application.

**How have you changed your initiative as a result?**

The pupils at the school have shared numerous ideas of what they would like to see included in their proposed new school building. These will be considered by the projects team and used to develop the proposed design of the school.

We have been successful in accessing additional Welsh Government funding to build the new school as a 2.5 Form Entry school that will provide Tirdeunaw with a modern learning facility that will meet with Building Bulletin 99 Guidelines. There will also be more suitable access to external recreation and off -site parking for parents. .

**Any actions required (e.g. further engagement activities, mitigation to address any adverse impact, etc.):**

- Provide templates to school council to assist them with the ongoing engagement process with the wider school community

## Section 5 – Other impacts:

Please consider how the initiative might address the following issues - see the specific Section 5 Guidance

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**Please explain any possible impact on each of the above.**

Impact on...
<b>Foster good relations between different groups</b>
A new build school would look to create opportunities for the community to make use of the facilities and provide an increased number of Welsh-medium places
<b>Advance equality of opportunity between different groups</b>
Access for all pupils/teachers to an improved learning environment. Increased opportunities for community use
<b>Elimination of discrimination, harassment and victimisation</b>
Secure by design – reducing the number of secluded settings within the school site that would allow opportunities for bullying etc.
<b>Reduction of social exclusion and poverty</b>
Modern learning environment encourages attendance and this leads to better outcomes for individual pupils and gives every child/young person a better start in life.

**What work have you already done to improve any of the above?**

The school already has links with the community as is shown in the community impact assessment (<https://www.swansea.gov.uk/yggtirdeunawconsultation>) and this project will look to further enhance this work.

A project website has been set up, where information is provided regarding the construction period, timescales of the development and wider community benefits plan which is imbedded within the project's aims and objectives.

<https://www.swansea.gov.uk/yggtirdeunawproject>

**Is the initiative likely to impact on Community Cohesion? Please provide details.**

Yes. The school already has a positive impact on its community. The improvements proposed will provide an opportunity for the school to build on this through greater use of its facilities by the community. However, as mentioned previously, due to the possible changes in catchment areas it is important to consider the impact this could have on community cohesion as the school moves (less than 1 mile) from one community to another but in this case closer to the nucleus of where the majority of pupils are living. If the proposal goes ahead the school will work with all communities to ensure that the schools continue with its inclusive ethos that brings communities together for the benefit of all.

**How does the initiative support Welsh speakers and encourage use of Welsh?**

YGG Tirdeunaw is a Welsh-medium primary school. Welsh-medium education provides opportunities for children and young people to achieve fluency in the Welsh language through studying a broad range of subjects and disciplines in Welsh. The proposal to provide a new (possibly larger) facility on a new site will provide excellent facilities for the school and community as a whole as well as increasing the opportunities for children and the wider community to experience and use the Welsh language.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- As the project continues to develop include more detailed information on accessibility

**Section 6 - United Nations Convention on the Rights of the Child (UNCRC):**

Many initiatives have an indirect impact on children and you need to consider whether the impact is positive or negative in relation to both children's rights and their best interests. Please read the UNCRC guidance before completing this section.

**Will the initiative have any impact (direct or indirect) on children and young people (think about this age group holistically e.g. disabled children, those living in poverty or from BME communities)? If not, please briefly explain your answer here and proceed to Section 7.**

The initiative will have a direct impact on children and young people.

**All initiatives must be designed / planned in the best interests of children and young people.**

*Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*

**Please explain how you meet this requirement:**

The initiative is planned to improve pupils' school environment thus giving them the best opportunity of achieving to their full potential. The proposal relates to the following articles:

**Article 3** - All organisations concerned with children should work towards what is best for each child.

**Article 12** - Respect for the views of the child

**Article 18** - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.

**Article 28** - Children have a right to an education. Discipline in schools should respect children's human dignity.

**Article 29** - Education should develop each child's personality and talents to the full.

**Article 30** - Children have a right to learn and use the language and customs of their families.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

**Section 7 - Monitoring arrangements:**

**Please explain the monitoring arrangements for this initiative:**

**Monitoring arrangements:** All projects within the 21<sup>st</sup> Century Schools Programme have a clear monitoring process in place. Regular progress meetings are held with the school and the contractors, a formal Project Board is held monthly to discuss key issues and make key decisions, any issues can then be escalated to the Programme Board with the Strategic Programme Board (Corporate) having an overarching view of all Swansea Council projects.

**Actions:**

## Section 8 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to the guidance for further information on this section).

- |   |                                     |
|---|-------------------------------------|
| Outcome 1: Continue the initiative – no concern                   | <input checked="" type="checkbox"/> |
| Outcome 2: Adjust the initiative – low level of concern           | <input type="checkbox"/>            |
| Outcome 3: Justify the initiative – moderate level of concern     | <input type="checkbox"/>            |
| Outcome 4: Stop and refer the initiative – high level of concern. | <input type="checkbox"/>            |

**For outcome 3**, please provide the justification below:

**For outcome 4**, detail the next steps / areas of concern below and refer to your Head of Service / Director for further advice:

## Section 9 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Send this EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

## EIA Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Map use of the school by community groups	Project Manager	31 <sup>st</sup> August 2018	Current use of the school facilities by community groups mapped out	This has been done via the community impact assessment that was published alongside the consultation papers.
Report to Cabinet to decide if a statutory consultation will take place on increasing the size of the school to 2.5FE	Head of Service Programme Manager Project Manager	21 <sup>st</sup> June 2018	Cabinet approval to consult	Decision taken to go out to statutory consultation.
Report to Cabinet for approval to re-locate the school to a new site	Head of Service Programme Manager Project Manager	21 <sup>st</sup> June 2018	Cabinet approval	
Statutory consultation – to give all interested parties an opportunity to share their views	Head of Service Programme Manager Project Manager	18 <sup>th</sup> October 2018	Consultation completed	Report prepared for Cabinet
Report to Cabinet to decide if to go out to Statutory Notice	Head of Service Programme Manager Project Manager	20 <sup>th</sup> December 2018	Statutory Notice publication approved	Completed
Report to Cabinet following the statutory notice period	Head of Service Programme Manager Project Manager	21 <sup>st</sup> March 2019	Project approved to continue	
Report to Cabinet seeking	Head of Service	23 January 2020	Cabinet approval	

approval to notify stakeholders and Welsh Government of new implementation date	Programme Manager Project Manager			
Provide templates to school council to assist them with the ongoing engagement process with the wider school community	Project Team	December 2020	Increased communication with the wider school community	Ful engagement with pupils throughout the project . Survey questionnaires as part of BREEAM and WG Satisfaction surveys
As the project continues to develop include more detailed information on accessibility	Project Manager	September 2019	Details on the accessibility of the new build	The building is fully compliant and accessible , designed to BB99.It is two storey with a lift and is built on a flat site with direct access from the highway.

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**\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).**



## Contract Award Report

### For the Award of Contracts in Bands D

<b>Evaluation Panel members</b>	(Procurement) Maz Ward (Client Department) (Agent Department) Andrew Buller (Legal) Pamela Milford (Finance) Jayne James
<b>Client Department/ Service Unit</b>	Education
<b>Agent Department/ Service Unit</b>	Corporate Building Services
<b>Name of Authorised Officer (AO)</b>	Andrew Buller
<b>Name of Responsible Officer (RO)</b>	Nigel Williams
<b>Contract Band</b>	Band D
<b>Contract title</b>	YGG Tirdeunaw
<b>Contract reference</b>	42999
<b>eTenderWales Project Code</b>	Itt 77931
<b>Brief description of contract</b>	<p>A new build (2.5 form) 525 pupils plus nursery welsh medium primary school for YGG Tirdeunaw, the development will consist of associated external recreation and a staff car park.</p> <p>The creation of an adjacent bus/coach park to serve both the new primary and the existing YGG Bryntawe Secondary School.</p>
<b>Contract duration and extension option/s (Please include start and end date)</b>	Commence on site June 2020. Completion September 2021

<b>Is this a reoccurring Procurement?</b>	no
<b>Date ITT issued</b>	4/10/2019
<b>Deadline for return of Tenders</b>	6/12/2019
<b>Number of Tenders sought</b>	6
<b>Number of Tenders received</b>	2
<b>Means of advertising (e.g. Sell2Wales/ OJEU)</b>	SWWRCF Framework Lot 10 East
<b>Type of procedure</b>	Mini competition from SWWRCF Framework Lot 10 East contractors
<b>Names of Bidders from whom Tenders received</b>	1. Tenderer Number 1 2. Tenderer Number 2
<b>Tenders opened in accordance with CPRs?</b>	Yes
<b>Names of Opening Officers</b>	Maz Ward
<b>Were any Tenders disqualified at opening?</b>	No
<b>Price/Quality split (e.g. 70% Price, 30% Quality)</b>	70 % price 30% quality
<b>Award Criteria</b>	The tender is scored as detailed in the tender document. Financially, 2100 points are awarded to the lowest priced tender and points awarded to the other tenders in proportion to their variance to the lowest priced tender. The Quality questions are each scored out of 20 by a panel and their scores for each question averaged before a weighting is applied to the score to give an overall score to that question The scoring approach is detailed in the Tender document and is reflected in the attached Tender Scoring Matrix. The maximum Quality score achievable is 900 points.
<b>Criteria stated in ITT and Contract Notice?</b>	Yes



<b>Details of Tenderers disqualified at Stage One (Open Procedure only)</b>	Not applicable
<b>Stage Two/ Tender scores of Tenderer recommended for Award</b>	Restricted
<b>Have arithmetical checks been carried out?</b>	Yes
<b>Clarifications in accordance with CPR 11?</b>	Yes
<b>Full Term contract value</b>	£9,614,251.00
<b>Annual contract value</b>	£not applicable
<b>Funding Stream</b>	£1.27m WM Grant funding 100% funded by Welsh Government  £12,695,041 Band B funding split -: LA 35% WG 65%.
<b>If grant funded, have all grant conditions been met?</b>	Yes
<b>Savings/increases against previous contract</b>	£nil
<b>Actual budget provision Available</b>	£1,270,000 Welsh Medium Grant £12,695,041 Band B 21c Schools  Total £ 13,965,041.00
<b>If Capital: Is it included in the Council's Capital Programme? Is there budget provision for the revenue consequences?</b>	Yes  No
<b>Ongoing service/maintenance costs?</b>	Not applicable
<b>Indemnity (insurance) levels confirmed</b>	No but these will be checked prior to contract award.

<p><b>Comments on financial implications</b></p>	<p>After adding internal costs and fees to the tender sum the overall project costs are £11,550,891.74 This is can be met from Band B of the 21<sup>st</sup> Century Schools &amp; Colleges Programme envelope</p>
<p><b>Comments on legal and procurement implications</b></p>	<p>The Responsible Officer is satisfied that the tender process has been conducted in accordance with the Contract Procedure Rules and the Public Contracts Regulations 2015 (as amended), and recommends the award of the contract is recommended for approval in accordance with those rules.</p> <p>The contractual liabilities and obligations with the successful Contractor will be covered by the contract which is to be prepared by the Chief Legal Officer utilising the NEC3 option A contract terms (Priced contract with Activity Schedule)</p>
<p><b>Name of Tenderer/s recommended for Award</b></p>	<p><b>Tenderer No 2</b></p>

# Agenda Item 9.



## Report of the Cabinet Member for Delivery & Performance

Special Cabinet – 23 January 2020

### Corporate Complaints Annual Report 2018-2019

<b>Purpose:</b>	<p>To report on the number, nature and outcome of complaints made against the Authority, together with details of lessons learned and service improvements.</p> <p>The following reports have been prepared separately in conjunction with this report, and are appended for information purposes:</p> <ul style="list-style-type: none"><li>• Adult Social Services Complaints;</li><li>• Child and Family Services Complaints;</li><li>• Freedom of Information Act (FOI);</li><li>• Regulation of Investigatory Powers Act (RIPA).</li></ul>
<b>Policy Framework:</b>	None
<b>Consultation:</b>	Access to Services, Legal and Finance
<b>Report Author:</b>	Julie Nicholas-Humphreys
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

#### 1. Introduction

- 1.1 Swansea Council is a large organisation providing a variety of services and whilst every effort is made to carry out these services accurately and professionally, complaints are made for a number of reasons.
- 1.2 Members of the public complain for various reasons, such as lack of action/consultation, delay, staff attitude etc. Customers wishing to voice their

dissatisfaction or concerns are dealt with open-mindedly and impartially by the Complaints Team.

- 1.3 The Council recognises that in order to meet the needs and concerns of members of the public, the monitoring of complaints is a valuable resource in its requirement to continually improve services. All complaints are taken very seriously and the Corporate Management Team receives monthly updates on complaints received, providing valuable customer insight. **Appendix 1** contains all statistical tables referred to in this report.

## **2. Requests for Service (RFS)**

- 2.1 A request for service is not a complaint (e.g. a request for service could be a request to repair an unlit lamp post or missed bin collection). A complaint would only arise should the request for service not be properly dealt with.

## **3. The Corporate Complaints Process**

- 3.1 The current Corporate Complaints Policy was adopted on 01/04/2013 in line with the Welsh Government Model Complaints Policy issued in 2011 and the process can be viewed by visiting:  
<https://www.swansea.gov.uk/article/7326/Corporate-complaints-procedure>

### **3.2 Stage 1 Complaints**

- 3.2.1 The majority of Stage 1 complaints are dealt with by the relevant service areas. When a complaint spans several different service areas, the complaints team will coordinate the handling of the complaints and provide a single, substantive response. All stage 1 complaints should be responded to within 10 working days.
- 3.2.2 **1676** Stage 1 complaints were received (see Appendix 1) 46% were Not Justified and 38% were found to be either fully or partly justified, with the remaining either withdrawn, outcome unspecified or no response required. When service delivery is below the level we would normally expect, steps are taken wherever possible to learn from mistakes in order to improve future service delivery.
- 3.2.3 0.7% of the complaints received were made through the medium of Welsh, or related to Welsh Language issues. In accordance with legislative requirements this information is reported to the Welsh Language Commissioner.

### **3.3 Stage 2 Complaints**

- 3.3.1 If a complainant is dissatisfied with the outcome of a Stage 1 complaint, they may request that the matter be investigated by the Complaints Team, which is independent of the service department.
- 3.3.2 The Complaints Team will carry out an investigation, re-examining those issues with which the complainant remains aggrieved. This investigation will include a review of all relevant correspondence, often incorporates separate discussions

with both the complainant and relevant officers from the service department(s) concerned and should be responded to within 20 working days.

3.3.3 Complainants who remain unhappy with the outcome of the Stage 2 investigation by a Complaints Officer can refer their complaint to the Public Services Ombudsman for Wales

3.3.4 Of the 1676 Stage 1 Complaints received only 153 disagreed with the original investigation and appealed to Stage 2. 86% (131) were not justified and 14% (22) were either justified or partially justified.

#### **4. Social Services Complaints**

4.1 The handling of the majority of Social Services complaints is carried out under specific legislation and the Authority has a separate policy for such complaints, see <https://www.swansea.gov.uk/article/6520/Making-a-Comment-Complaint-or-Compliment-about-Swansea-Social-Services>

Full details of Social Services Complaints can be seen in **Appendix 2** (Adults) and **Appendix 3** (Childrens)

4.2 In some cases, complainants are not eligible to make complaints under the Social Services complaints procedure. In these cases their complaints are handled under the corporate procedure and as such they are included in this report.

#### **5. Corporate Complaints Received**

5.1 Appendix 1 (Table 1) shows details of complaints received at stages 1 & 2 during 2018-19.

5.2 The “Comments” section relates to cases where an individual has made a comment regarding a service as opposed to a complaint, which is then passed on to the relevant service unit for information. These comments may be negative or positive.

5.3 Although Complaints have increased (see Appendix 1, Table 2) requests for Service and Comments have decreased, indicating that Customers are using the correct form of contact according to their need.

#### **6. Cases reported to the Ombudsman**

6.1 Should a complainant remain dissatisfied following completion of the two internal complaint stages, they can take their complaint to the Ombudsman’s office for independent investigation.

6.2 The Ombudsman will usually check with the Authority whether or not the complaint has been through Stages 1 & 2 of the Authority’s complaints procedure. Where this has not been done, the Ombudsman will usually refer the complaint back to the Authority, to give an opportunity to attempt to resolve the complainant’s concerns through our internal complaints processes first.

6.3 The Ombudsman publishes an Annual Report and sends an annual letter to the Authority every year and full details of his report and letter for Swansea Council for 2018/19 can be viewed online at:  
<https://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>  
and <https://www.ombudsman.wales/annual-letters-2018-2019/> (see Appendix 6)

6.4 In summary, there have been a total of **83** complaints to the Ombudsman (there were 62 cases in 2017/18). However, of the total complaints received by the Ombudsman this year **only 1 was upheld**, 1 was not upheld, 9 were resolved by quick fix/voluntary settlement and all the others were either out of their jurisdiction, premature, or closed after initial consideration. There were no s16 Public Interest Reports during this year.

## **7. Service improvements introduced following complaint investigations**

7.1 Lessons can usually be learned from complaints received where complaints are upheld. Redress measures have included the issuing of apologies, small compensation payments, additional training for staff and the introduction of new procedures.

7.2 The Complaints Service receives an Internal Audit every three years to ensure its undertaking its functions correctly.

## **8. Compliments**

8.1 When compliments are received they are acknowledged and forwarded to the Head of Service for the relevant service area. A selection are highlighted for the staff newsletter, The Weekly. This has a positive impact on staff morale and allows departments to recognise good practices. Examples of the many compliments received are shown in Appendix 1 (Table 3).

## **9 Subject Access Requests**

9.1 A Subject Access Request is a request made by an individual under the Data Protection Act for personal data held on them. A total of **135** Subject Access requests were received this year, (which is higher by 83 on the previous year) and it is highly likely that since the £10 fee has been removed and the promotion and understanding of GDPR, that this will be an area that will increase on an annual basis.

9.2 Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2018-2019 (**Appendix 4**)

## **10. Regulation of Investigatory Powers Act**

10.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity where it is required for the purpose of preventing or detecting crime or of preventing disorder. This is now subject to Magistrates Court approval.

10.2 Analysis of RIPA activity this year can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2018-2019 (**Appendix 5**)

## **11. Conclusion**

11.1 Whilst the resource levels are reducing, the demand continues to grow year on year across the service, it is worth noting, based on the statistical evidence provided, that there are no trends to cause concern.

## **12. Equality and Engagement Implications**

12.1 The Authority reports to the Welsh Language Commissioner on the number of complaints received concerning compliance with Welsh language legislation and those made through the medium of Welsh. This year, just under 0.4% of all complaints fell into this category.

## **13. Financial Implications**

13.1 All costs incurred in dealing with complaints have to be covered from within existing budgets.

## **14. Legal Implications**

14.1 None.

**Background papers:** None.

### **Appendices:**

Appendix 1 - Corporate Complaints 2018/19 - statistical data

Appendix 2 - Adult Services Complaints Annual Report 2018/19;

Appendix 3 - Children's Services Complaints Annual Report 2018/19;

Appendix 4 - Freedom of Information Act (FOI) Annual Report 2018/19;

Appendix 5 - Regulation of Investigatory Powers Act (RIPA) Annual Report 2018/19.

Appendix 6 - PSOW Annual Letter 2018/19

**TABLE 1: Complaints recorded from 1 April 2018 to 31 March 2019 by Service Department**

<b>Service Area</b>	<b>Stage 1 Complaints 2018/19</b>	<b>Stage 1 Complaints 2017/18</b>	<b>Stage 2 Complaints 2018/19</b>	<b>Stage 2 Complaints 2017/18</b>	<b>Requests for Service 2018/19</b>	<b>Request for Service 2017/18</b>	<b>Comments 2018/19</b>	<b>Comments 2017/18</b>
Commercial Services	0	1	0	0	1	0	0	0
Communications & Customer Engagement	63	43	2	3	7	2	3	9
Corporate Building & Property Services	139	105	7	9	61	56	6	7
Cultural Services	73	48	4	7	35	46	9	23
Economic Regeneration & Planning	84	66	17	13	14	23	5	5
Education	19	20	4	1	9	3	1	3
Financial Services	62	57	5	7	73	95	4	2
Highways & Transportation	301	279	47	17	144	244	22	34
Housing & Public Protection	242	213	48	29	186	187	8	9
HR & OD	11	9	0	0	4	8	4	1
Information & Business Change	5	1	0	1	2	2	0	4
Legal & Democratic Services	12	7	0	2	7	7	0	4



Poverty, Wellbeing & Communities	<b>2</b>	2	<b>0</b>	0	<b>0</b>	0	<b>0</b>	0
Social Services Corporate	<b>52</b>	48	<b>In SS figures</b>	1	<b>46</b>	47	<b>0</b>	3
Waste Management & Parks	<b>611</b>	639	<b>19</b>	10	<b>187</b>	349	<b>21</b>	49
<b>Totals</b>	<b>1676</b>	<b>1538</b>	<b>153</b>	<b>95</b>	<b>776</b>	1069	<b>83</b>	153

**TABLE 2: Comparison of total enquiries received with the Previous Year**

	<b>1 April 2017 to 31 March 2018</b>	<b>1 April 2018 to 31 March 2019</b>	<b>Difference (+ or -)</b>
<b>Stage 1</b>	1538	1676	+138
<b>Stage 2</b>	95	153	+58
<b>Requests for Service</b>	1069	776	-293
<b>Comments</b>	153	83	-70
<b>Total</b>	<b>2885</b>	<b>2688</b>	<b>-197</b>

**Adult Services Complaints  
Annual Report 2018-2019**

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Adult Services for the period 1 April 2018 to 31 March 2019.
<b>Report Author:</b>	Julie Nicholas-Humphreys
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

## 1.0 Introduction

- 1.1 Swansea Council's Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to voice their concerns in relation to the exercise of Social Services functions.
- 1.2 With effect from 1 August 2014 revised legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. The Social Services Complaints Policy reflects the requirements of the new legislation and full details of the new policy can be viewed online at: <https://www.swansea.gov.uk/article/6520/Making-a-Comment-Complaint-or-Compliment-about-Swansea-Social-Services> . The legislation requires the reporting of additional information which has been incorporated into this report.
- 1.3 SC Adult Services are committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this process are fed back to relevant teams and used wherever possible to improve future service delivery.

- 1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.6 Appendix 1 contains all tables referred to in this report.

## **2. Total Complaints received during the reporting period**

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Adult Social Services with the previous two years' figures for comparison. The total number of Stage 1 complaints received this year has increased by in comparison with figures for the previous year.
- 2.3 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year has decreased to four.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**. Complaints need to be acknowledged within 2 working days, and in **91%** of cases where complaints proceeded to conclusion, discussions took place within 10 working days, this was slightly down on the previous year at **94%**.
- 3.2 Complaints have been broken down by individual service team this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.

## **4. Stage 2 Complaints**

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where we have not been able to resolve the issues to the complainant's satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.
- 4.2 Both the old and new social services complaint regulations give an eligible complainant a statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1.

- 4.3 An independent person is commissioned for a Stage 2 investigation. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time.
- 4.7 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process. There have been 7 complaints taken to Stage 2 in this reporting period.
- 4.8 **Summary of Stage 2 complaints**
- 4.9 Case 1: Adult Corporate – dissatisfaction with consultation. 6 Complaints, none upheld
- 4.10 Case 2: Community Support Team
- Dissatisfaction with service 7 complaints of which 4 were partially upheld, one upheld, and 2 not upheld. This complaint impacted on one service user as was in relation to meeting with friends from a previous service.
- 4.11 Case 3: Care Home Quality Team.
- Dissatisfaction in relation to the care a relative received a care home. None of the complaints were upheld.
- 4.12 Case 4: Community Support Team
- Financial Issues relating to Direct Payments.
- There were 16 complaints, of which 6 were upheld in part, 9 were not upheld and 1 was resolved. An apology was offered for the delay in receiving the

assessment in a timely manner and the number of Social Workers that have dealt with the case. It was also recommended that the direct payments hours should be clarified and reviewed to ensure that the hours provided are a realistic amount for the purposes of supporting the service user to reduce isolation and to participate in the community.

## **5 Complaints made to the Public Services Ombudsman for Wales (PSOW)**

- 5.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the PSOW can be found at <http://www.ombudsman-wales.org.uk>
- 5.2 The PSOW has produced his Annual Letter for 2018/19 which can be seen online at:  
<https://www.ombudsman.wales/wp-content/uploads/2019/08/Swansea.pdf>  
The council received 13 queries from the Ombudsman in relation to social services, none of which were investigated. Two of which were referred back into the complaint process to be investigated via stage 2 of the complaint process and one was referred back for a new assessment.

## **6. Reasons for complaints and their outcome**

- 6.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, complaints have been grouped under 'best fit' generic headings for reporting purposes.
- 6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 27% of complaints were justified/partly justified this year, slightly down on last year (32%)

## **7. Advocacy**

- 7.1 Advocacy services exist to represent service recipient's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services for all clients.
- 7.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **8 Compliments**

- 8.1 Adult Services have received in excess of **98** compliments over the course of the year. At the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process. Set out in **Table 5** are examples of some of the compliments which have been passed to the complaints team in relation to Adult Services. The individual staff members have been made aware of the compliments concerning them, as has the Head of Service.
- 8.2 Compliments received are an equal reflection of individual and team efforts and Adult Services teams should be encouraged by their successes having regard to compliments received.

## **9. Equality and Engagement Implications**

- 9.1 There are no direct equality and engagement implications arising from this report.

## **10. Financial Implications**

- 10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 10.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2018/19 for Adult & Directorate Services was **£7,695**, (down £7,165 on the previous year)

## **11. Legal Implications**

- 11.1 Complaints should be administered in accordance with the regulations outlined in paragraph 1.2 above.

**Background papers:** None

**Appendices:** Appendix 1 – Statistical Data Tables

## Appendix 1 – Statistical data in Tables

<b>Table 1 - Total number of complaints received by Complaint Team</b>				
	<b>Year</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/2019</b>
Service Requests		29	27	27
Corporate		19	18	25
Stage 1		100	138	135
Stage 2		4	7	4
Ombudsman		5	7	13
<b>Totals</b>		<b>157</b>	<b>197</b>	<b>204</b>

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult- Commissioning & Partnership	0
Adult- Community & Intermediate Care Services	0
Adult- Health & Home Care	1
Adult Safeguarding	1
Bonymaen Residential Home	1
Care Home and Quality Team	4
Central Hub	7
Client Property and Finance	0
CMHT 1	0
CMHT 3	3
CMHT 4	0
Community Alarms	1
Community Services Hub	6
Community Support Team	3
Contracting	2
Cwmbwrla Day Service	0
Dcas Central Hub	6
Dcas North Hub	3
Dcas West Hub	0
Direct Payments	1
Deprivation of Liberty (DoLs)	2
Financial Assessments	0
Financial Issues	12
Hospital social work team	5
Intake Team-CAP MDT	2
Llanfair	0
Long Term Home Care Team	2
Long term care and complex team	1
Morrison Hospital	1
North Hub	28
Occupational Therapy Service	1

Occupational Therapy Unit	1
Older People Community mental health	1
Older people, residential & day services	1
Other Agency	4
Referred to Health	3
Safeguarding	5
Safeguarding and wellbeing	1
Ty Einon	1
Unknown	18
West Hub	5
Western Bay Adult Safeguarding	1
Whitehorn IDS	1
<b>Total number of Stage 1 SS complaints</b>	<b>135</b>

<b>Table 3 – Stage 2 Social Services complaints by Service Area</b>		<b>Total</b>
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
Budget Consultation	6 complaints, none upheld	Case 1
Community Support Team	7 complaints, 4 partially upheld, 1 upheld, 2 not upheld	Case 2
Care Home Quality Team	No complaints upheld	Case 3
Community Support Team (financial issues re Direct Payments)	16 Complaints, 9 not upheld, 6 partially upheld, 1 resolved	Case 4





Safeguarding concerns														5				
Staff attitude		1		1						1				2				
Unhappy with action taken	2	1	2	2					1		2	1	1			1	1	
Unhappy with charges levied	2	3		1														
Unhappy with decision		1								1					1			
Unhappy with level of service	4	3	2				1			1								
Unhappy with response					1		1								1			
Unknown				18														
Withdrawal of service	1							1										
Totals	27	20	10	27	6	0	3	5	3	7	5	1	3	4	7	1	5	1

**Table 5 – Examples of Compliments Received**

Teams	Compliments Received
Cwmbwrla OPMHT	We are both very grateful to you....it is so refreshing to meet a professional who understands the importance of not just person centred care but also relationship centred care. You captured the essence of mum as a person from a few occasions of meeting her when clinical staff had 7 weeks and still could not see what we were saying. A huge thank you from the bottom of our hearts.
Hospital SW team	A has been brilliant during this time. She has been so professional, patient and kind. She has been available on a daily basis constantly updating me either via email or phone. My cousin is not what you would describe an easy man to deal with and Anna has been calm and stoic with handling his behaviour. She has managed the situation with a great sense of humour and firmness. A has now secured a wonderful placement so that he can continue to convalesce and I am hoping he will continue to progress after his discharge today
Bonymaen House	You and your staff have given us our life back, and for that we are grateful to a degree that we can't put into words. Your service is outstanding, and the standards to which you work are superior to any we had encountered in previous months. We sincerely hope that you all will continue with the work that you do with passion, and with all your heart - and that is, probably, what makes the greatest difference of all!
Cwmbwrla Day Centre	Letter from Ambulance Service thanking Day Service driver for calling 999, looking after patient until help arrived and then driving patient to the hospital and providing support that was above and beyond what would normally have been expected.
North Hub	M is relatively new to adult services and was covering duty social worker on Monday of this week. We had an issue with one of our service users . M went to Clydach to visit Mrs X to discuss a possible placement and found her condition to have deteriorated further. He telephoned 999 and the family and remained with her, liaising with the first responder and then waiting until almost 8pm for the ambulance to arrive. During this time he provided Mrs X with reassurance and care including giving her sips of water. His attitude was one of caring, consideration and great concern for a very vulnerable elderly lady. I was extremely grateful to him and impressed with the lengths he went to which was over and above what would generally be expected. I believe that he should be commended on his service and supported to continue with the amazing attitude to his job that he has.
Central Hub	I would like to thank L for listening and taking into account my concerns when assessing my mother. She has also recognised the need for increased care at home. I am confident that going forward L and I can work together to provide my mum with the care she needs. L's pragmatic approach and willingness to work with me has been greatly appreciated.
West Cross Day Service	People are very quick to complain about services these days - I would like to applaud one of Swansea's services and give credit where it is well and truly due. Yesterday I attended an 'awards ceremony' for the service users at West Cross Day Service for adults with various learning difficulties. My daughter attends

	<p>and has done for several years. At the ceremony each and every individual's various achievements were recognised and applauded. The atmosphere was truly one of celebration, inclusion and fun. It was most enjoyable and worthy of praise. However what was missing was applause for the incredible staff who work on a daily basis with the service users. People who attend have complex and profound difficulties of varying degrees, especially with communication. And yet each and every person was totally involved, aware and appreciative of the proceedings. It was a pleasure to witness adults who have difficulty making contact being included and participating. The staff obviously know each one and how to include them and encourage them to not only take part but also to really enjoy the experience. I was more than impressed. I know from my own experience how my daughter has 'blossomed' under the care of the people who work with her. This is entirely due to their dedication, hard work and sense of who she is and what motivates her. I imagine it is the same for the other service users. The staff certainly seem to be performing 'magic' as far as I am concerned. So I just wanted to record my thanks, and to bring to your notice the excellent service provided by these workers. Thank you!</p>
Local Area Co-ordinator	<p>It was great seeing you I don't know what it is but I am always on a high when I have been up to see you, it's hard to explain but when I was thinking of ending my life when I was really poorly in the early days &amp; when you started working with me you helped me a lot, then I started to think just maybe life was worth living after all and look at me now, I still have my off days but not as much as I was before so thank you for giving me my life back</p>
Social Worker	<p>Thank you card and email - thank you for the care and attention over the last 14 months, it's been very much appreciated. C - you have been involved with Dad's Care since August 2017 and have supported both Dad and myself during this time and for that we will be forever grateful. Your professionalism and skill throughout has been exemplary and has mitigated any anxiety we would expect to encounter on what is a bewildering journey to the uninitiated in elderly care. I would be grateful if you could forward on my email to your manager as this praise is well deserved and should be recognised.</p>
Long Term Homecare Team	<p>I wanted to thank you and all the carers in your team for the care given to my Aunt over many years. My Aunt would not have attained such a great age without the superb care she received and the diligence, respect and professionalism of the Carers have been absolutely tremendous. Please pass on our very deep gratitude and most sincere appreciation to your colleagues for the tremendous job you all do.</p>
Local Area Co-ordinator	<p>When A came into my life, I can honestly say I was at a point of sheer desperation. I am an 83 year old active lady who looks after my 85 year old severely disabled husband who has vascular dementia. My friend suggested I telephoned A although I didn't know what at the time she could do for me. She has</p>

	<p>been a ray of sunshine in my life, sorting out a smoke alarm, talking to me about what's available, taken me to the carers centre, re introduced me to clubs I had previously been a member of and most importantly facilitating a sitter for my husband for me to go to the hairdressers and old age club once a week. Without her intervention I really don't know what I would have done as I was absolutely exhausted and depressed. Had I not met her, I honestly believe that such was my exhaustion I would probably have ended up in hospital and my husband in a care home, a situation I pray every night won't happen as we have been married for 63 years and never been apart.</p>
Central Rehab team	<p>My mother (91) fell and broke her shoulder and I'd like to thank the team who swung into action. Not only did they provide support for my parents but also for my dad (who is 95 with vascular dementia) but also to my brother and I. Special mention to the ladies who made a difficult time for the family a little easier. All three showed a genuine sympathy and professionalism when sorting things out for us. I know that social services come in for all manner of criticism but I cannot thank your team enough.</p>
Hospital Social Work Team	<p>I just wanted to say thank you for what you did for dad this year. We still have the four carers a day but they are living at home and getting out on the bus - dad can walk with 2 sticks a good distance! He is doing an exercise class every week and loves it and we have got him regular private physio. All of this is down to the call you made to let us take him home. We have all lost weight and sleep, particularly that first horrendous month. You did prepare me though and said it would be tough- boy, it was! But regardless of what happens in the future you gave him the chance to recover from the delirium, which we all know wouldn't have happened if he went into a home in that state! I am emailing you as I think it important you know what a difference you make, as did the Ward Sister, who like you, believed in us.</p>
Re-enablement	<p>I would like to convey my thanks and appreciation to the team without which I would not have been able to return to my own home after a recent operation. Their cheerful happy faces brighten up my day and blow away any depressive thoughts. Nothing is too much trouble for them all, many thanks once again.</p>
Re-enablement	<p>I thought it important to inform you of what is happening at the grassroots of the Social Services Domiciliary Care. Re-enablement Team, Gorseinon Hospital, for 6 weeks from the 5th January 2019 the above team of Community Care Assistants had been visiting our home three times daily to care for my 86 year old husband. Their dedication to their work was very impressive, demonstrating very high standards of care and ensuring his dignity at all times. Their kindness and understanding to ensure his needs were met was greatly appreciated. I was extremely grateful for their support as I am his main carer and have been for many years</p>



## Appendix 3

### Children's Services Complaints Annual Report 2018-2019

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Childrens Services for the period 1 April 2018 to 31 March 2019
<b>Report Author:</b>	Julie Nicholas-Humphreys
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

#### 1.0 Introduction

- 1.1 Swansea Council's Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to voice their concerns in relation to the exercise of Social Services functions.
- 1.2 With effect from 1 August 2014 revised legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. The Social Services Complaints Policy has been revised to accommodate the requirements of the new legislation and full details of the new policy can be viewed online at: <https://www.swansea.gov.uk/sscomplaints>. The legislation requires the reporting of additional information which has been incorporated into this report.

SC Children's Services are committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this

process are fed back to relevant teams and used wherever possible to improve future service delivery.

- 1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.6 Appendix 1 contains all tables referred to in this report.

## **2. Total Complaints received during the reporting period**

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Childrens Services with the previous two years' figures for comparison. The number of Stage 1 complaints received this year has dropped 27% compared to last years' figure.
- 2.3 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year remains relatively low and the same as last years' figure of 7 received.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**. Complaints need to be acknowledged within 2 working days, and in 79% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, down 16% on the previous year.
- 3.2 Complaints have been broken down by individual service team this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.
- 3.3 Due to continuing changes in the structure of Childrens Services it is possible that the teams shown below have since been reorganised and may no longer exist as the teams set out below. Adjustments will be made to the team names year on year as required to reflect any such changes.

## **4. Stage 2 Complaints**

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where we have not been able to resolve the issues to the complainant's

satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.

- 4.2 Both the old and new social services complaint regulations give an eligible complainant a statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1.
- 4.3 An independent investigator person is commissioned for a Stage 2 investigation, with the work of the investigator overseen by an independent person to ensure the investigation is carried out in a fair and proper way. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time.
- 4.7 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process.
- 4.8 There were 7 complaints received in this reporting period that went to investigation at Stage 2.
- 4.9 **Summary of Stage 2 complaints**

#### **Case 1 - Looked after children's team**

The complaint was made as the parent was unhappy regarding services to her son in respect of a residential placed for respite and that a proper matching exercise had not been carried out, which resulted in a safeguarding investigation and poor communication between the parent and the social work team. Of the 12 complaints, 6 were upheld, 2 were upheld in part and four were not upheld.



## **Case 2 - Swansea East Team**

This was a very lengthy stage 2 complaint investigation which significantly exceeded the timeframe due to the number of complaints made, in total 66. This complaint was also the most expensive investigation ever (since 2006) in terms of cost. The complaints were in respect of dissatisfaction with assessments carried out, delay, poor communication and staff attitude. Of the 66 complaints 22 were not upheld, 11 were upheld in part, 15 upheld, in 13 of the complaints the investigator was unable to make a finding. The remaining 4 complaints were matters which had already been to court so the investigator was unable to investigate those points.

## **Case 3 & 4 - Swansea West Team**

Not pursued and not subsequently upheld

## **Case 5 - Foster Swansea**

This complaint was brought by a foster carer in respect of his interaction with the social work team during a safeguarding investigation via the All Wales Child Protection Procedures. The complaint was investigated via the corporate complaint process. In all 16 complaints were made, none of which were upheld. This person also took the complaint to the Public Services Ombudsman for Wales who declined to investigate.

## **Case 6 – Child Disability Team – not upheld**

Unhappy with level of service

## **Case 7 - Friends & Family – not upheld**

Unhappy with level of service

## **5 Complaints made to the Public Services Ombudsman for Wales (PSOW)**

- 5.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the PSOW can be found at <http://www.ombudsman-wales.org.uk>
- 5.2 The PSOW has produced his Annual Letter for 2018/19, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. 12 cases were referred to the Ombudsman this year however there have been no findings of maladministration. The Ombudsman's letter can be seen online at: <https://www.ombudsman.wales/wp-content/uploads/2019/08/Swansea.pdf>

## **6. Reasons for complaints and their outcome**

- 6.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, complaints have been grouped under 'best fit' generic headings for reporting purposes.
- 6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 38 complaints (30%) were found to be justified/partly justified this year, which is slightly higher than the equivalent figure for 2017/18 though the number of complaints received actually fell considerably.

## **7. Advocacy**

- 7.1 Advocacy services exist to represent children's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services.
- 7.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **8 Compliments**

- 8.1 Children's Services have received in excess of **46 compliments** over the course of the year. Set out in **Table 5** are some examples of the compliments which have been passed to the complaints team this year in relation to Childrens Services. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.
- 8.2 As well as substantial acknowledgements of thanks from service users that are given to staff at the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process.
- 8.3 Many complaints are often accompanied by compliments for other elements of service provision.
- 8.4 Compliments received are an equal reflection of individual and team efforts and Childrens Services teams should be encouraged by their successes having regard to compliments received.

## **9. Equality and Engagement Implications**

- 9.1 There are no direct equality and engagement implications arising from this report.

## **10. Financial Implications**

- 10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 10.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2017/18 for Children's Services was **£25,445** (an increase of £12,720.51 on the previous year)

## **11. Legal Implications**

- 11.1 Complaints have be administered in accordance with the regulations outlined in paragraph 1.2 above.

**Background Papers:** None

**Appendices:** Appendix 1 – Statistical Data Tables

## Appendix 1 – Statistical data in Tables

<b>Table 1 - Total number of complaints received by Complaint Team</b>				
	<b>Year</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Service Requests</b>		16	20	20
<b>Corporate</b>		28	30	26
<b>Social Services Stage 1</b>		118	172	125
<b>Social Services Stage 2</b>		3	7	7
<b>Ombudsman</b>		4	3	10
<b>Totals</b>		<b>169</b>	<b>232</b>	<b>188</b>

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Bays	<b>3</b>
CCARAT-IAA	<b>4 (2 corporate)</b>
Child and Family general	<b>2</b>
Child Disability Team	<b>4</b>
Conference Chairing	<b>1</b>
EDT	<b>3 (corporate)</b>
Foster Swansea	<b>3 (1 corporate)</b>
Contracting	<b>1</b>
Friends & Family	<b>5 (1 corporate )</b>
LAC	<b>20 (5 corporate)</b>
LAC 14+	<b>5 (2 corporate)</b>
Penderry Team	<b>8 corporate (3 )</b>
Safeguarding Team	<b>1</b>
Swansea East Team	<b>15 (1 corporate)</b>
Swansea Valley Team	<b>25 (4 corporate )</b>
Swansea West Team	<b>15 (1 corporate )</b>
Townhill Team	<b>14 (2 corporate)</b>
Unknown	<b>14</b>
Western Bay Adoption Agency	<b>8 (1 corporate )</b>
<b>Total</b>	<b>151</b>

<b>Table 3 – Total Stage 2 complaints by Service Area</b>		
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
Looked after Children	The complaint was made as the parent was unhappy regarding services to her son in respect of a residential placed for respite and that a proper matching exercise had not been carried out, which	<b>Case 1</b>

	<p>resulted in a safeguarding investigation and poor communication between the parent and the social work team. Of the 12 complaints, 6 were upheld, 2 were upheld in part and four were not upheld.</p>	
Swansea East Team	<p>The complaints were in respect of dissatisfaction with assessments carried out, delay, poor communication and staff attitude. Of the 66 complaints 22 were not upheld, 11 were upheld in part, 15 upheld, in 13 of the complaints the investigator was unable to make a finding. The remaining 4 complaints were matters which had already been to court so the investigator was unable to investigate those points.</p>	<b>Case 2</b>
Swansea West Team	<p>Not pursued at the time and then not upheld</p>	<b>Case 3 &amp; 4</b>
Foster Swansea	<p>This complaint was brought by a foster carer in respect of his interaction with the social work team during a safeguarding investigation via the All Wales Child Protection Procedures. The complaint was investigated via the corporate complaint process. In all 16 complaints were made, none of which were upheld. This person also took the complaint to the Public Services Ombudsman for Wales who declined to investigate.</p>	<b>Case 5</b>
<b>Child Disability Team</b>	<p>Unhappy with level of service – Not upheld</p>	<b>Case 6</b>
<b>Friends &amp; Family</b>	<p>Unhappy with level of service – Not upheld</p>	<b>Case 7</b>



**Table 5 – Examples of Compliments Received**

Teams	Nature of Compliment
Safeguarding	Just emailing to thank you both for today; it's been quite difficult getting some professionals to recognise how well the family have been doing. I feel that despite some negative comments all professionals were able to reflect, which prevented the children being re-registered. Thank you for all your support with this case, I can't believe how far the family have come.
Family Support Team	Mother was very complimentary of B's skills as a worker in the way he has been working with herself and Child over the past few weeks which have been very difficult. She felt that B's skills in being able to help her see what needed to change, rather than telling her what to do, have made a huge difference to her motivation.
Looked After Children	I just wanted to provide some feedback the inspectors provided yesterday. Child X wrote a letter for them – unfortunately they weren't able to give me a copy – stating how much she had valued your support and the commitment you had shown her. The inspectors were very impressed that a young person had taken the time to express their thoughts in writing. I am also very impressed. You have both clearly made an impact on this young person and their life in a very positive way. There is not much else you can ask of a SW. This was obviously a fantastic piece of SW practice so very well done both.
Supported Care Planning	My daughter's social worker has over the last 2 years consistently supported my daughter and navigated a path (through emotional and difficult relationships) which has resulted in a positive outcome for my daughter. Mrs R, Social worker, has gone beyond the 'normal' duties of her role and would wish this level of commitment and professionalism be recognised by the Authority
Social Worker	I am emailing from X Council to say how much we appreciated the support from Swansea children's services with regards to children X living in your area and care order to us. We have been assisted for over 12 months with welfare checks and visits. There was never any hesitation to assist and I know how busy you must be.
Service & Performance Quality	I just wanted to say that recently I have had some tremendous support from the IRO's and their commitment to the children they are supporting through their role is amazing. I just wanted to say a big thanks to you and your team on behalf of myself and the children I work with.
ALNU	I am a local Swansea mum who has had the pleasure of the most fantastic service and help from H. My son was offered an STF placement September in X primary school. I just wanted to let u know I was probably one of the worst parents so apprehensive about everything but respected H expertise so greatly I made the choice to risk moving my son's school. It has been the best decision I have ever made X school is absolutely fantastic he is so happy!!! I'm so grateful for the hard work and expertise of all your staff who were and are involved with my son. I think H is the most amazing, clever and kind person who clearly cares about children, an absolute asset to the city and county of Swansea also the team at X primary who are bringing my son on so well I understand the strain you are all under with no budget but thank you all

	from the bottom of my heart for every
Supervised Contact Team	2 Thank you Cards received - one from mum and one from dad from a family W has been working with, on the Supervised Contact Team. W has done some wonderful work with the whole family, to enable contact to move on to supervised contact with the social worker in the community, and with the further hope to progress to unsupervised contact.
Looked After Children	Thank you card J received re child X's - It is not often we receive thank you cards from the parents especially when the plan is not to rehabilitate home. I feel this shows how J has been able to establish a positive relationship through his hard work and commitment.
Social Worker	I just wanted to pass over some comments that was made by the foster carers yesterday during supervision. They said that B was one of the most hands on social workers that they have ever met and that the children really like him. He visits regularly, keeps them all up to date on what is happening and shows a genuine interest in how they are feeling. The carers never struggle to get hold of him and he commits to the arrangements he makes with them.
Supported Care Planning	Thank you card received from a family - The case was in PLO and could have well escalated to court due to the significant concerns in respect of mother and father's drug use. C's work, openness and honesty about our worries with parents as well as the co-ordination of support for parents which sometimes resulted in her visiting several times a week following the child's birth with a clear safety plan allowed this family to be able to remain as a unit and parents to evidence their ability to make and sustainable change.
Looked After Children	I wanted to send an email to thank S for all her hard work on a recent court case. S has supported the victim through a really traumatic and emotional time, when the YP needed to give evidence in court. This case was ready for closure really, but S wanted to see through this emotional support and be available to the YP, who has limited family support and a really strong relationship with S. I'm sure this support was invaluable and will have given the YP a major boost of resilience to see through this tough time in her life. We are delighted the male involved has been found guilty and the YP has had some of the justice she deserves.
East 2	I just wanted to make you aware of a positive relationship with A. Child X is now in a stable placement, accessing education and has just managed to sit in a room of professionals and communicate his views to everyone.



**Freedom of Information (FOI)  
Annual Report 2018-2019**

<b>Purpose:</b>	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2018 to 31 March 2019
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Legal, Finance.
<b>Report Author:</b>	Julie Nicholas-Humphreys
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

**1. Introduction**

- 1.1 The Freedom of Information (FOI) Act 2000 places a duty on all Public Authorities to comply with the general right of access to all types of “recorded” information held by the Authority (unless an exemption applies under the Act). This right of access to information came into force on 1 January 2005.
- 1.2 The FOI process can be found at:  
<https://www.swansea.gov.uk/freedomofinformation>
- 1.3 The FOI Act is fully retrospective and applies to all information held by the Council. The Council adopted a Corporate Policy on Freedom of Information and on Records Management in December 2004.
- 1.4 The FOI policy sets out the Council’s commitment to making information publicly available unless there are sound operational or public interest reasons for not doing so or there are legal reasons preventing it.

- 1.5 The Complaints Manager is ultimately responsible for all FOI Reviews required under the Act, which arise if the requester is unhappy with the response. The FOI decision is reviewed in conjunction with a Legal Officer and where appropriate a representative from the relevant Department.
- 1.6 Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

## 2. Information Request Statistics

- 2.1 Table 1: Information requests received this year, broken down by Service Area:

TABLE 1 – Information Requests By Service Area					
Service Area	FOI Requests	Subject Access Requests	FOI /SAR Reviews	Appeals to Information Commissioner	Totals
Information/Communication Technologies	61	0	3	0	64
Social Services (Children Services)	65	30	2	0	97
Social Services (Adult Services)	106	53	5	2	166
Communications	9	1	1	0	11
Corporate Building Services	4	3	0	0	7
Corporate Property Services	51	0	3	0	54
Culture & Tourism	71	0	4	0	75
Environment	118	3	3	1	125
Waste Management	65	4	0	0	69
Financial Services	204	7	1	0	212
Human Resources	55	2	1	0	58
Housing	90	6	2	0	98
Legal & Democratic Services	61	1	2	0	64
Planning	77	3	11	1	92
Education	177	7	4	0	188
Commercial Services & Procurement	7	0	0	0	7
Transportation & Engineering	182	15	5	1	203
<b>Totals</b>	<b>1403</b>	<b>135</b>	<b>47</b>	<b>5</b>	<b>1590</b>

3. Table 2 : Shows the rise in information requests since 2016/17.

Financial Year	Requests Received (FOI, EIR & SAR)	Year on Year Difference
2016/17	1327	-27
2017/18	1361	+34
2018/19	1538	+177

4. Table 3: Timeliness of Responses to FOI & EIR Requests

- 4.1

Financial Year	Answered within 20 days	% answered within 20days
2016/17	917	74.9%
2017/18	987	75.9%
2018/19	907	65%

- 4.2 The decrease in responses within statutory timescales, can only be attributed to a perfect storm of increased demand (11%) with less resources available within service areas.

## 5. Type of Applicant

- 5.1 FOI requests are received from a variety of sources. The table below gives a breakdown of the type of applicant that made the FOI Request.

<b>Table 4 - FOI Request by Type of Applicant</b>	
<b>Type of Applicant</b>	<b>No.</b>
Commercial Organisation	229
Freelance Journalist	5
Individual	810
Media	212
Not for Profit	93
Politician	52
Solicitors	2
<b>Total</b>	<b>1403</b>

## 6. Responses to FOI Requests

- 6.1 Table 5 below shows a breakdown of the type of response that the Council gave to the FOI Requestor. **1073** of the **1403** (76%) were either fully disclosed or mainly granted. This statistic clearly shows the Council's continued commitment to openness and transparency.

<b>Table 5 - Type of Response given to FOI Requestor</b>	
<b>Type of Response</b>	<b>No.</b>
Full Disclosure	936
Completely Refused	103
Data not held	99
Mainly Granted	137
Mainly Refused	46
Not Pursued / Withdrawn	63
Timed Out *	3
Ongoing / Incomplete	16
<b>Total</b>	<b>1403</b>

\* The "Timed Out" category is used where an applicant did not respond to a request for clarification, therefore the request could not be processed.

## 7. Responses where Exemptions were necessary to withhold Information

- 7.1 Table 4 below shows a breakdown of the exemptions used under the FOI Act to withhold information.

<b>Table 4 - Number of and List of FOI Exemption Used</b>		
<b>Section</b>	<b>Exemption</b>	<b>No.</b>
<b>12</b>	Cost of Redacting & Extracting Information	53
<b>14</b>	Vexatious & Repeated Requests	2
<b>21</b>	Information accessible to applicant by other means	10
<b>22</b>	Information intended for future publication	1
<b>30</b>	Investigations & Proceedings	2
<b>31</b>	Law Enforcement	9
<b>32</b>	Court Records	0
<b>36</b>	Effective Conduct of Public Affairs	2
<b>38</b>	Health & Safety	1
<b>40</b>	Data Protection	22
<b>41</b>	Information provided in confidence	1
<b>42</b>	Legal professional privilege	1
<b>43</b>	Commercial Interest	40
<b>Totals</b>		<b>144</b>

**Note:** In some cases more than one exemption was used to withhold data requested.

## **8. Reviews and Appeals**

- 8.1 There were **37** FOI Reviews carried out during 2018/19. Of the reviews conducted, the original decision was upheld in **32** of those cases.
- 8.2 The Requester appealed to the Information Commissioner's Office (ICO) in **9** of those cases. Details of the ICO appeals and their outcome is summarised in Table 5 below.

<b>Table 5 - Appeals to the Information Commissioner's Office (ICO)</b>		
	<b>Information Requested</b>	<b>Outcome of Appeal</b>
	Taxi Licensing	We reversed our position and released the information in an amicable agreement
	Taxi Licensing	We reversed our position and released the information in an amicable agreement
	Pay for Care Work	We reversed our position and released the information in an amicable agreement
	Employment	We reversed our position and released the information.
	Employment	Not upheld by ICO– though more clarification required when responding

Child & Family	Not Upheld by ICO
Trees	We reversed our position and released the information.
Call Recording	Not upheld by ICO
S106 Agreement	Not upheld – clarification sent

## **9. Looking Forward**

- 9.1 The IGU and Complaints Team will review it's processes in the handling of information requests with a view to further improving both the quality of responses and the percentage of cases replied to within 20 working days.

## **10. Equality and Engagement Implications**

- 10.1 This report provides a breakdown of information concerning requests for information for the prescribed period as such reflects current practice and involves no changes to service delivery. Consequently, there is no requirement for an Equality Impact Assessment.

## **11. Financial Implications**

- 11.1 All costs incurred through dealing with FOI are covered within existing budgets.

## **12. Legal Implications**

- 12.1 None

**Background Papers:** None

**Appendices:** None

**Regulation of Investigatory Powers (RIPA)  
Annual Report 2018-2019**

<b>Purpose:</b>	To report on the operation of the Authority's use of covert surveillance, conducted under the provisions of The Regulation of Investigatory Powers Act (RIPA) 2000 for the period 1 April 2018 to 31 March 2019
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Legal, Finance.
<b>Report Author:</b>	Julie Nicholas-Humphreys
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

**1. Introduction**

- 1.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity in circumstances where it is for the purpose of preventing or detecting crime or of preventing disorder. It also allows local authorities to acquire communication data from Communication Providers.
- 1.2 The process must be in accordance with the Home Office's Code of Practice for Covert Surveillance and Code of Practice on Acquisition of Communication data and this report has been prepared in line with best practice.
- 1.3 This report will provide an overview to the Cabinet of the Authority's practices and activity regulated by RIPA.

**2. Service Delivery**

- 2.1 A list of authorised officers is shown in Appendix 1. (Table 3)
- 2.2 Table 1 below shows the types of surveillance permitted under RIPA for Local Authority use, comparing annual usage over the last 5 years.

<b>TABLE 1 - Surveillance Permitted Under RIPA</b>					
	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-2019</b>
Directed	1	1	0	0	0
Interception of Communications	0	0	0	0	0
Acquisition / Disclosure of Communications Data	0	0	0	0	0
Covert Human Intelligence Source	0	0	0	0	0

## 2.3 Process & Procedure

- 2.3.1 The Process & Procedure that Swansea Council must follow is available on: <https://www.swansea.gov.uk/staffnet/ripaoverview>. The policy is currently being reviewed with a view to any update or amendments being made in Jan 2020.

## 2.4 Acquisition and Disclosure of Communications Data

- 2.4.1 Since 8 February 2012, the City & County of Swansea (CCS) has subscribed to the National Anti-Fraud Network (NAFN)'s Single Point of Contact Services to acquire this information. Annual Returns are provided to the Interception of Communications Commissioner's Office on a calendar year basis.

## 2.5 Surveillance Activity

- 2.5.1 Table 2 below shows the use of RIPA by services and its purpose within Swansea Council

<b>TABLE 2 - Use of RIPA</b>		
<b>Directed Surveillance</b>		
	0	
<b>Covert Human Intelligence Source</b>		
	0	
<b>Acquisition and Disclosure of Communications Data</b>		
	0	

- 2.5.2 CCS operates an extensive Closed Circuit Television (CCTV) system to provide a safer environment for the community. The system is managed and developed in partnership with the South Wales Police. The use of CCTV is not covered by the same regulations as the surveillance reported on above as it is an overt not covert method of observation. A separate code of practice applies to the CCTV system and are public documents.

**3. Equality and Engagement Implications**

3.1 There are no equality and engagement implications

**4. Financial Implications**

4.1 All costs incurred in dealing with RIPA have to be covered within existing budgets.

**5. Legal Implications**

5.1 As set out in the Report

**Background Papers:** None

**Appendices:** Appendix 1 – Authorised Officers




## Appendix 1


<b>TABLE 3 – RIPA Authorised Officers.</b>	
<b>Name</b>	<b>Department / Section</b>
Lynda Anthony	Environmental Health
Peter Richards	Environment Health (Trading Standards)

Our ref: NB

Ask for: Communications

 01656 641150

Date: 7 August 2019

 communications  
@ombudsman-wales.org.uk

Councillor Rob Stewart  
Council Leader  
Swansea Council

**By Email Only**  
cllr.rob.stewart@swansea.gov.uk

Dear Councillor Rob Stewart

### **Annual Letter 2018/19**

I am pleased to provide you with the Annual letter (2018/19) for the Swansea Council. This year I am publishing my Annual Letters as part of my Annual Report and Accounts. I hope the Council finds this helpful and I trust this will enable it to review its own complaint handling performance in the context of other public bodies performing similar functions across Wales.

Whilst overall the number of complaints received relating to local authorities across Wales increased from 794 to 912, I am pleased that local authorities continue to work with my office to resolve many of these complaints at an early stage. This provides complainants with appropriate and timely remedies avoiding the need for my office to fully investigate complaints.

A summary of the complaints of maladministration/service failure received relating to the Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

The Public Services Ombudsman (Wales) Act 2019 has now been introduced. I am delighted that the Assembly has approved this legislation giving the office new powers aimed at:

- Improving access to my office
- Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare
- Allowing me to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.

I am very much looking forward to implementing these new powers over the coming year.

**Action for the Council to take:**

- Present my Annual Letter to the Cabinet to assist Members in their scrutiny of the Council's performance
- Work to reduce the number of cases which require intervention by my office
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by **31 October 2019**.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely



Nick Bennett  
Public Services Ombudsman for Wales

CC: Adam Hill, Deputy Chief Executive  
Julie Nicholas-Humphreys, Contact Officer

## Factsheet

### A. Complaints Received and Investigated with Local Authority average adjusted for population distribution

Local Authority	Complaints Received	Average	Complaints Investigated	Average
City and County of Swansea 2018/19	83	70	0	2
City and County of Swansea 2017/18	62	61	1	2
Blaenau Gwent County Borough Council	8	20	0	0
Bridgend County Borough Council	33	41	0	1
Caerphilly County Borough Council	65	51	1	1
Cardiff Council	115	103	0	2
Carmarthenshire County Council	49	53	1	1
Ceredigion County Council	23	21	0	0
Conwy County Borough Council	41	33	2	1
Denbighshire County Council	26	27	1	1
Flintshire County Council	50	44	2	1
Gwynedd Council	32	35	2	1
Isle of Anglesey County Council	31	20	2	0
Merthyr Tydfil County Borough Council	15	17	0	0
Monmouthshire County Council	20	27	0	1
Neath Port Talbot County Borough Council	38	40	1	1
Newport City Council	38	43	0	1
Pembrokeshire County Council	35	35	0	1
Powys County Council	67	38	4	1
Rhondda Cynon Taf County Borough Council	36	68	0	2
Torfaen County Borough Council	12	26	1	1
Vale of Glamorgan Council	24	37	0	1
Wrexham County Borough Council	45	38	3	1
<b>Grand Total</b>	<b>886</b>		<b>20</b>	

## B. Complaints Received by Subject

City and County of Swansea	Complaints Received
Adult Social Services	13
Benefits Administration	2
Children Social Services	12
Complaints Handling	8
Environment and Environmental Health	5
Housing	15
Planning and Building Control	15
Roads and Transport	10
Various Other	3

## C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

Local Authority	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution / Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report - Upheld in whole or in part	Public Interest Reports
<b>2018/19</b>								
Swansea	17	23	30	8	-	-	2	-
Swansea (adjusted)	13	22	24	9	-	1	1	-
<b>2017/18</b>								
Swansea	15	16	19	10	-	1	1	-
Swansea (adjusted)	11	17	21	8	-	1	1	-

#### D. Number of cases with PSOW intervention

Local Authority	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW intervention
City and County Swansea 2018/19	10	80	13%
City and County Swansea 2017/18	11	62	18%
Blaenau Gwent County Borough Council	2	7	29%
Bridgend County Borough Council	6	36	17%
Caerphilly County Borough Council	8	68	12%
Cardiff Council	19	110	17%
Carmarthenshire County Council	4	48	8%
Ceredigion County Council	5	24	21%
Conwy County Borough Council	5	39	13%
Denbighshire County Council	4	30	13%
Flintshire County Council	16	56	29%
Gwynedd Council	6	35	17%
Isle of Anglesey County Council	5	31	16%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	0	23	0%
Neath Port Talbot County Borough Council	4	40	10%
Newport City Council	7	43	16%
Pembrokeshire County Council	6	33	18%
Powys County Council	11	64	17%
Rhondda Cynon Taf County Borough Council	4	34	12%
Torfaen County Borough Council	1	12	8%
Vale of Glamorgan Council	7	30	23%
Wrexham County Borough Council	8	43	19%

**E. Code of Conduct Complaints Closed**

Local Authority	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
<b>2018/19</b>								
Swansea	4	-	-	1	-	-	-	5
<b>2017/18</b>								
Swansea	6	-	-	-	-	-	-	6

**F. Town/Community council Code of Conduct Complaints**

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Gorseinon TC	2	-	-	-	-	-	-	2
Mumbles CC	1	-	-	-	-	-	-	1

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2018/19, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2018/19. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2018/19, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by our office in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2018/19.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

### **Feedback**

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent via email to [communications@ombudsman-wales.org.uk](mailto:communications@ombudsman-wales.org.uk)



# Agenda Item 10.



## Report of the Cabinet Member for Homes, Energy & Service Transformation

Special Cabinet - 23 January 2020

### More Homes Development Programme Update

<b>Purpose:</b>	To set out the Council's ambition to deliver new affordable homes over 10 years.
<b>Policy Framework:</b>	More Homes Strategy, Local Housing Strategy.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  <ol style="list-style-type: none"><li>1. The Council sets a target to deliver 1000 new Council homes via the Housing Revenue Account (HRA), and a further 4000 affordable homes as part of its ambition to deliver more than 5000 new affordable homes over the period from 2021 to 2031.</li><li>2. In line with WG grant funding requirements, a 3 year rolling programme of development schemes is produced setting out where the homes will be delivered and is it noted that any changes in the financial assumptions presented in this report will result in an increase or decrease in the number of units that the Council can afford to deliver.</li><li>3. Any further decisions relating to the process above will be delegated to the Director of Place and the Cabinet Members for Homes, Energy and Transformation, and future development schemes are detailed and approved via the annual HRA Capital Budget report.</li></ol>
<b>Report Author:</b>	Carol Morgan / Paul Lilley
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Lyndsay Thomas
<b>Access to Services Officer:</b>	Rhian Millar

## **1. Introduction**

- As well as investing just under £500m in improving its existing housing stock to ensure that homes meet the Welsh Housing Quality Standard,
- 1.1 the Council also has a clear ambition to deliver more affordable housing in Swansea. The More Homes Development Plan, which was agreed by Cabinet in February 2019, sets out short term plans to build 142 new council houses up to 2023. Beyond this, the current Housing Revenue Account (HRA) Business Plan includes an indicative £5m per year from April 2023 which has been set aside to fund new homes.
- 1.2 The Welsh Government (WG) has set a target of delivering 20,000 more affordable homes across Wales during this term. To support this, WG have removed the HRA borrowing cap as additional borrowing is seen as a key factor in achieving their ambition. The removal of cap provides the opportunity to consider increasing borrowing to fund further new Council housing.
- 1.3 In wider terms, there are various mechanisms in place to increase the supply of much needed affordable housing in Swansea. The LDP sets out the provision to deliver a minimum of 3,310 affordable homes over the period of the plan. This is achieved through a variety of mechanisms as follows;
- On-site provision of affordable housing to be delivered as part of new developments via Section 106 agreements.
  - Through Local Needs Housing Exception Sites or Rural Exceptions sites which will deliver over 50% or 100% of affordable housing on these sites.
  - Bringing empty homes back into use
  - Acquiring properties to bring back into use as council housing.
- 1.4 Another major delivery route for affordable housing supply is via Registered Social Landlords (RSLs) who are zoned to develop in Swansea. There are 4 RSLs currently operating in Swansea and between them they project to deliver over 4000 new homes over the next 10 years.
- 1.5 Various scenarios have been modelled and it has been concluded that it is feasible to increase the Council housing stock by an additional 1000 properties in the 10 years from April 2021, making a significant contribution to the overall ambition to deliver 5000 new homes. This report sets out the various factors that need to be considered.

## **2. Affordability within the HRA Business Plan**

- 2.1 Based on current build costs of the agreed Swansea Standard specification, it is estimated that building 1000 new homes will cost around £180m over the ten year period from 2021/22. A mixture of WG grants and cross subsidy from planned mixed tenure developments could reduce the amount that the Council would have to directly fund through additional borrowing.

- 2.2 The WG Affordable Housing Supply Review has recommended radical changes to the current grant funding regime for social housing. These include making Social Housing Grant available to local authorities and introducing a new flexible 3 year Affordable Housing Supply Partnerships model. The detail of how this could operate and the level of grant funding is not yet clear, however it is likely that a gap funding model will be introduced. This will require organisations to submit a 3 year programme of named housing development schemes, and identify the grant requirement to make them viable.
- 2.3 In addition, the HRA development plan also includes delivery of proposed mixed tenure schemes. Via a separate report, the Council is recommending to Cabinet that the HRA procures a partnership or joint venture approach to deliver affordable and market housing on a package of sites and use land value and sales values to cross subsidise the cost of delivering more Council housing.
- 2.4 It is difficult to determine exactly what level of grant and cross subsidy will be achieved over the 10 year period, and it is therefore difficult to determine the full extent of the additional borrowing that will eventually be required, however it is estimated to be in the region of between £180m and £90m depending on the level of grant and cross subsidy.

### **3. Other factors to consider within the HRA Business Plan**

- 3.1 The affordability of the new housing must be considered in the context of the overall HRA Business Plan that is required to maintain the existing housing stock and operate the housing service. Legally, the HRA cannot fall into deficit and a prudent level of reserves must be maintained. An increase in borrowing to fund new build will incur additional annual revenue costs. The current HRA Business Plan, that does not include the additional borrowing described in this report, forecasts that HRA borrowing will be £243m by 2023 with an annual revenue cost of £15m.
- 3.2 The revenue cost of the additional borrowing needed to fund the scheme is the key factor. A substantial increase in borrowing to fund new build will significantly increase the annual revenue cost to finance the debt for the long term. Annual revenue costs could rise to £30m, however this figure would reduce depending on the level of grant received. This increase in finance costs would significantly reduce the amount available to directly fund future capital programmes via Revenue Contribution to Capital Outlay (RCCO).
- 3.3 There is currently significant uncertainty around many of the assumptions built into the current HRA Business Plan which make it difficult to forecast the affordability of additional borrowing. These include;
- Economic Factors – Current economic uncertainty makes it difficult to forecast future rates of inflation and interest with any degree of accuracy. Changes to interest rates in particular could have a significant impact on the revenue cost of borrowing.

- Income from Rents and Grants – The WG Affordable Housing Supply Review has made several recommendations and these have been broadly accepted by the Minister. The recommendations include the retention of a formal rents policy which is similar to the current system but the detail of the actual rent increases which will be allowed under the system have not yet been published. In addition, rent income will also continue to be affected by welfare reform. The impact of Universal Credit has already led to an increase in the bad debt provision from 4% to 5% within the Business Plan. This may need to be adjusted further should rent collection rates continue to fall. The review has also recommended some additional conditions which could be attached to the annual £9.2m Major Repairs Allowance (MRA) Grant.
  - Emerging National Policy including Decarbonisation - WG have announced some outline decarbonisation targets for housing in Wales, and although specific requirements for social housing have not yet been set, indications are that energy rating targets will be considerably higher than current levels. It is too early to provide accurate forecasts of the investment needed to retrofit our existing stock to meet the new targets. An initial estimate to achieve an EPC rating A for existing stock across 13,500 homes is in excess of £500m. There has been no indication from WG on whether any additional funding will be provided to fund the investment required.
  - Redevelopment Projects - There are plans post 2020 for regeneration schemes at Tudno Place and Heol Emrys and Griffiths John Street which will require substantial investment. Whilst the Business Plan has made some provision the full cost of these schemes has not yet been determined.
  - The Swansea Standard Specification – build costs have modelled on this specification, a Fabric First approach, which is thermally efficient and 25% above current building regulations. The Better Homes, Better Wales, Better World report states that by 2021, all homes developed with public sector funding should be built to zero carbon standards, with new houses across all other tenures achieving this target by 2025. Current discussions with the Building Research Establishment (BRE) indicate that the Swansea Standard will meet these requirements. The Swansea Standard can also be combined with renewable technologies to improve the energy efficiency even further should these requirements change.
- 3.4 It must be noted that any changes in these assumptions will result in an increase or decrease in the number of units that the Council can afford to deliver.

#### **4. Next Steps**

- 4.1 As soon as the new WG national rent policy and the new grant funding regime have been agreed it is proposed that a rolling 3 year development programme in line with the WG new funding regime is reported to

Cabinet. This programme will set out how the Council will meet the ambition to deliver 1000 new affordable homes. This new rolling programme starting in April 2021 will overlap with or supersede the current HRA development programme that projects 142 new council homes up to 2023. Of the 142 new homes projected to 2021, it is likely that approximately 85 of these will be delivered by 2021, so this figure will be in addition to the 1000 new homes target.

- 4.2 The Council is also undertaking a procurement exercise to appoint a partner to undertake a Joint Venture approach to develop mixed tenure housing on larger HRA sites. This will form a significant contribution to the delivery plan.
- 4.3 The Council has also commissioned a masterplan for the regeneration of Heol Emrys and Tudno Place, and this will also include an element of new build housing. There are also plans to deliver new housing on vacant land following the refurbishment of the Griffith John Street area. Both these schemes, along with other infill areas will be considered for development to contribute to the target.
- 4.4 Partnerships and collaboration will also be a factor in WG determining grant awards, and it is likely that the HRA may be able to deliver larger sites on public or private land by working in partnership with regionally zoned Registered Social Landlords. All such opportunities will be explored to ensure full contribution to the development plan.

## **5. Equality and Engagement Implications**

- 5.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
  - 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 5.2 An EIA Screening Form has been completed and a full EIA report is not required at this stage. Each site will need to be considered in detail once the development proposals are known. This will be subject to a further report.
- 5.3 Delivery of affordable homes is a good example of the 5 Ways of Working promoted by the Wellbeing of Future Generations (Wales) Act 2015 and will make a significant contribution to the 7 well-being goals. It is an example of collaborative working between the public and private sector in a sustainable way resulting in a long term partnership with the

objectives of developing homes within the city for the benefit of future generations.

- 5.4 Increasing the supply of affordable housing will assist in the regeneration of areas, and stimulating economic growth, addressing issues such as poverty, inequality, jobs and skills which directly contributes to the council's obligations to act in a sustainable way pursuant to the WFGA.

## **6. Financial Implications**

- 6.1 The current HRA Business Plan includes a budget of £5m per annum for More Homes over the next 30 years. Any potential grant funding opportunities will be explored as part of the process. WG are currently reviewing the financing of affordable housing delivery, so at present assumptions cannot be made about any potential grant subsidy to support the schemes.
- 6.2 An increase in borrowing required to fund the new build programme could significantly increase the revenue costs of supporting the HRA borrowing. The current HRA Business Plan forecasts that HRA borrowing will be £243m by 2023 with an annual revenue cost of £15m. Depending on the level of additional borrowing, annual revenue costs could rise to £30m.
- 6.3 As set out in Section 3, there is a significant uncertainty around a number of factors, including rental income, which makes long term investment planning difficult. In addition, the future investment needed for existing HRA housing stock to meet the WG's decarbonisation targets is currently unknown. As such, this report represents a high level strategic ambition based on preliminary forecasts with many issues and factors which need to be detailed and considered before the ambition can be realised.

## **7. Legal Implications**

- 7.1 All external goods and services will be procured in line with Contract Procedure Rules and European procurement regulations as appropriate.
- 7.2 Any appropriation, acquisition and disposal in respect of HRA land will be done in accordance with the powers in the Housing Act 1985 and in accordance with the Constitution.
- 7.3 Any powers and works need to be carried out in line with the Well-being of Future Generations Act (Wales) 2015

## **8. Conclusion**

- 8.1 It is possible to demonstrate that delivering 1000 new homes over the 10 year period could be affordable within the HRA business plan however there remains uncertainty on a number of issues, especially around income, grants and the emerging decarbonisation agenda.

**Appendix 1 - EIA Screening Tool**

**Background Papers - Cabinet Report 21/219 - Development Programme Part 1 (HRA)**

# Equality Impact Assessment Screening Form – 2017/8

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).**

## Section 1

Which service area and directorate are you from?

Service Area: Housing and Public Protection

Directorate: Place

### Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**(b) Please name and describe here:**

**More Homes Development Programme Update**

### Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input checked="" type="checkbox"/> (L)

### (b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input checked="" type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

### Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

**Please provide details below – either of your planned activities or your reasons for not undertaking engagement**

Statutory Consultation via the Planning Process.



**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility  
 (H)

Medium visibility  
 (M)

Low visibility  
 (L)

**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?**  
*(Consider the following impacts – legal, financial, political, media, public perception etc...)*

High risk  
 (H)

Medium risk  
 (M)

Low risk  
 (L)

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

**If yes, please provide details below**

Procurement, Legal, Finance, Highways and Planning will all be involved in the developments.

**Q7 HOW DID YOU SCORE?**

*Please tick the relevant box*

**MOSTLY H and/or M → HIGH PRIORITY →  EIA to be completed  
Please go to Section 2**

**MOSTLY L → LOW PRIORITY / NOT RELEVANT →  Do not complete EIA  
Please go to Q8 followed by Section 2**

**Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.**

An EIA screening form has been completed and reviewed. The agreed outcome was that a full EIA report is not required at this time. This will be reviewed as the projects progress and all developments will be subject to normal planning procedures and the council's EIA process.

**Section 2**

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

<b>Screening completed by:</b>
Name: Carol Morgan
Job title: More Homes Development Manager
Date: 02.12.19
<b>Approval by Head of Service:</b>
Name: Mark Wade
Position: Head of Housing & Public Health
Date: 02.12.19

# Agenda Item 11.



**Cabinet Member for Homes, Energy & Service Transformation**

**Special Cabinet – 23 January 2020**

## **Marketing of Housing Revenue Account (HRA) Sites and Joint Venture Opportunity**

<b>Purpose:</b>	To outline the Council's intention to undertake a procurement exercise to appoint a development partner or partners to deliver mixed tenure housing schemes on a range of HRA sites as a joint venture arrangement.
<b>Policy Framework:</b>	More Homes Strategy, Local Housing Strategy.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1. The Council proceeds to undertake a procurement exercise to appoint a development partner or partners to develop a selection of HRA sites</li><li>2. Prior to commencing the procurement exercise, the Council undertakes the due diligence required.</li><li>3. Appropriate legal, financial and planning support to support the process will be procured as necessary.</li><li>4. Any further decisions relating to the process will be delegated to the Director of Place and the Cabinet Members for Homes, Energy and Transformation.</li></ol>
<b>Report Author:</b>	Carol Morgan
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracy Meredith
<b>Access to Services Officer:</b>	Rhian Millar

## **1. Introduction**

- 1.1 As part of the Council's ambition to return to house building at scale, the More Homes strategy outlined opportunities to deliver mixed tenure new housing schemes by procuring a partner or partners to work with the Council. This approach has been explored as a means of developing larger HRA sites for mixed tenure housing. This is in addition to the direct build projects to deliver 100% social rented units on smaller HRA sites.
- 1.2 High level valuation, viability and market testing of all potential HRA development sites to determine the feasibility and appetite from the private sector for working with the Council has been undertaken. A two stage process was adopted. Stage 1 was the high level viability and valuation of HRA land to inform a programme and/or packaging of development sites. Stage 2 is intended to be the procurement of a partner or partners to deliver the programme of development.
- 1.3 This report sets out a proposed way forward to secure a Joint Venture partner or partners and seeks authority to proceed with a formal OJEU marketing exercise via Sell2Wales inviting offers from developers through following a competitive tendering procedure.

## **2. Background**

- 2.1 Informed by the work carried out during the Stage 1 study, the Council published a Prior Information Notice (PIN) in April 2019 to gauge interest in the proposals and the 30 sites that had been included in the study. A total of 36 expressions of interest were received for the HRA PIN. Officers have met informally with a number of parties responding to the PIN.
- 2.2 These meetings have proved useful in determining the appetite in the market to work with the Council and to better understand the capacity and various delivery models that could be applied to the HRA development programme. This has informed the process as follows:
  - A number of delivery models are available that can be explored.
  - There are a range of developers and housing associations who may be potential partners. All however have different attitudes, aims and objectives which influence their appetite to work with the Council.
  - There are different views on sites, locations, and levels of market and affordable housing.
  - The package of sites that has been compiled could, pending further investigations, require additional subsidy, over and above land value, to maximise delivery of affordable housing numbers.
  - A range of external expert advice is required to protect the Council's interest and advise the Council prior to and during the development process.
  - Due diligence processes will need to be commenced to better inform the desktop viability studies that have been completed on the development sites.

- Some sites have the potential to support and encourage commercial developments on the sites or on adjacent land.

2.3 In addition to the meetings about the sites above, the Council has received enquiries from a local Housing Association which is keen to explore working in partnership with the Council on the development sites within the Penderry ward. Further consideration will be given to removing the sites located in the Penderry ward from the proposed package and exploring the feasibility of developing these sites in partnership with a Registered Social Landlord as part of the regeneration framework.

### **3. HRA Development Sites to be marketed**

3.1 From the 30 sites within the Stage 1 study and based on the valuation, viability study and market testing carried out 9 sites were identified as priority sites to be included in the potential development programme. These are as follows:

#### **Potential Development Programme – 1-5 years**

Ty Draw Road/Llanerch Road (55 dwellings)

Penrhos Place (60 dwellings)

Scurlage Monksland (25 dwellings)

Skomer Place/Westdale Road (28 dwellings)

Milford Way (40 dwellings)

Milford Way – Site B (54 dwellings)

Brokesby Road South (40 + dwellings)

Land at Graigola Road (25 dwellings)

Tanycoed Road (20 dwellings)

3.2 The study determined that these sites have the potential to provide around 347 dwellings of which approximately 61 would be affordable assuming all are LDP policy compliant. However the Council would like to explore the potential to maximise the affordable (social rented) housing on the sites to around 40%. Initial desktop studies indicate this could be viable, however detailed studies would be required and additional subsidy may be needed to achieve this. Based on a 40% affordable social rented housing split, would mean that there is potential for 138 affordable units and 208 market sale units across the 9 sites.

3.3 Property Services have also published a PIN to explore opportunities for a Joint Venture approach to building for commercial sale on a package of sites owned by the General Fund. Depending on the outcome of this, an opportunity may exist to combine some of the General Fund sites within the HRA package, through the HRA acquiring specific general fund sites at market value.

#### **4. Procurement Options**

4.1 The proposal is to market up to 9 sites for delivery over 8 years involving approximately 350 properties of which up to 40% would be affordable.

4.2 These could be delivered by either of the following methods:

- a Contractual Joint Venture (JV) where the Council procures a contractor/s to develop the Council's masterplan and build out the houses, or
- a Corporate JV where the land transfers to the JV partner/s and the land could be treated as equity for the purposes of a revenue share.
- any other appropriate model which would result in the delivery of the Council's objectives.

4.3 With these options the contractor/s would take the risk and sell the market housing for profit, and an agreed percentage of housing would be returned to the HRA as council housing stock.

4.4 The next steps will be to select a Joint Venture partner or partners through a Competitive Process. However, prior to marketing this opportunity, further due diligence work will be required in the form of the studies referred to in paragraph 3.2, before progressing to a formal procurement process.

4.5 Expert advice will need to be engaged to support the Council through the process including Planning Consultants, specialist site surveys on habitat and ground conditions and architectural design in terms of site massing and design. Expert legal and financial advice will also be required to protect the Council's interest in any partnership arrangement. The Council has identified expert legal advisors for the Council's Strategic Sites procurement exercise, so it is proposed that these advisors are also used for the HRA exercise.

4.6 Further preparation work will also need to be done to ensure that there is sufficient information available regarding the sites and the Councils proposals. This will include:

- Providing relevant property information (including plans, surveys, site investigations, identifying opportunities and constraints) together with reports on title and planning policy background for each site that would be uploaded to a data room to be shared with potential bidders so that they have sufficient information to be able to develop their proposals, prepare appraisals and formulate a financial offer.
- Understanding viability of the sites as a package to estimate the level of subsidy required to achieve the Council's objectives of achieving a mix of 40% council housing across the sites.
- At the time of writing, under the Housing Act 1985 only secure tenancies can be offered under the HRA. This will mean that any other affordable

products which may be required or determined as part of the overall package or mix of housing (such as shared ownership or Rent to Own) may need to be offered or sold by the partner/s, which could be private developers or Registered Social Landlords.

- Agreeing a specification for the affordable housing. It is assumed for the purposes of this report that the affordable housing will be built to Welsh Government Design Quality Requirements (DQR), and any council housing will also be built to the agreed Swansea Standard. WG are also considering decarbonisation standards for affordable and market housing, and this will need to be factored in when negotiating standards.
- Understanding the type of JV that the Council wants to enter into and the level of control that it wants to retain. WG are currently reviewing the HRA guidance with regard to Housing developments within and outside the HRA (such as a JV), and this will inform how the model will operate, and how the land and properties will be treated within the arrangement.

4.7 In order for the process to run smoothly governance is a key issue that needs to be addressed, and it is proposed that a Project Board is set up comprising officers from Housing, Planning, Legal, Procurement and Finance that will report through Housing Futures Programme Board and Members Steering Group.

4.8 It is envisaged that a competitive process will could take between 12 and 18 months.

4.9 Once a preferred bidder or bidders have been identified then a report would be brought back to Cabinet outlining the bids received and providing detailed information on the terms proposed by the preferred bidder/s for a decision on whether to proceed to enter into the JV agreement/s.

## **5. Equality and Engagement Implications**

5.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
- 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

5.2 An EIA Screening Form has been completed and a full EIA report is not required at this stage. Each site will need to be considered in detail once

the development proposals are known. This will be subject to a further report.

- 5.3 This project is a good example of the 5 Ways of Working promoted by the Wellbeing of Future Generations (Wales) Act 2015 and will make a significant contribution to the 7 well-being goals. It is an example of collaborative working between the public and private sector in a sustainable way resulting in a long term partnership with the objectives of developing key sites within the city for the benefit of future generations.
- 5.4 This is a major public and private sector investment programme, assisting in the regeneration of vacant HRA sites, looking to develop affordable and market houses in areas that have in the past attracted little interest from developers. It is hoped that this approach will stimulate the housing market and promote economic growth, addressing issues such as poverty, inequality, jobs and skills which directly contributes to the council's obligations to act in a sustainable way pursuant to the WFGA.

## **6. Financial Implications**

- 6.1 The HRA Business Plan includes a budget of approximately £5m per annum for More Homes over the next 30 years. At present, it is difficult to know what additional subsidy, over and above the land may be required as a result of developing mixed tenure schemes, as this will be subject to negotiation as part of the joint venture. A full analysis of the financial implications will be detailed in a future report.
- 6.2 It is also assumed that any advice required prior to or during the procurement exercise will be met from the More Homes HRA revenue budget. It is estimated that a sum of £100k is allowed for this.
- 6.3 Any potential grant funding opportunities will be explored as part of the process. WG are currently reviewing the financing of affordable housing delivery, so at present assumptions cannot be made about any potential grant subsidy to support the schemes.

## **7. Legal Implications**

- 7.1 The competitive process to appoint a partner/s will be undertaken in accordance with the provisions of the Public Contracts Regulations 2015.
- 7.2 The Council must consider how it will evaluate any proposals submitted by the bidders. This will require a detailed prior understanding of the various models that are available and their potential financial and legal benefits and risks.
- 7.3 The Council proposes the appointment of specialist external legal advisors with significant experience in this legally complex area to assist in house

lawyers with this project. The appointment process will be progressed separately in accordance with the Council's Contract Procedure Rules.

- 7.4 External legal costs will be met from the More Homes budget and any additional resources required will be shared with the other Council JV projects where appropriate. It is recommended that the same legal advisors are appointed for the procurement for both HRA/General Fund sites and the Strategic Sites. It is envisaged that the appointment of the same legal advisors on both projects will result in economies of scale, consistency of advice and avoid duplication of resources wherever possible.

**Appendix 1 -** EIA Screening Tool

**Background Papers:** None



# Equality Impact Assessment Screening Form – 2017/8

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).**

<b>Section 1</b>
Which service area and directorate are you from?
Service Area: Housing and Public Protection
Directorate: Place

**Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?**

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**(b) Please name and describe here:**  
**Marketing of Housing Revenue Account (HRA) Sites and Joint Venture Opportunity**

**Q2(a) WHAT DOES Q1a RELATE TO?**

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input checked="" type="checkbox"/> (L)

**(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?**

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
x <input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

**Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...**

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?**

**Please provide details below – either of your planned activities or your reasons for not undertaking engagement**  
 Statutory Consultation via the Planning Process.

# Equality Impact Assessment Screening Form – 2017/8

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility  
 (H)

Medium visibility  
 (M)

Low visibility  
 (L)

**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?**  
*(Consider the following impacts – legal, financial, political, media, public perception etc...)*

High risk  
 (H)

Medium risk  
 (M)

Low risk  
 (L)

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes

No

**If yes, please provide details below**  
Procurement, Legal, Finance, Highways and Planning will all be involved in the developments.

**Q7 HOW DID YOU SCORE?**

*Please tick the relevant box*

**MOSTLY H and/or M → HIGH PRIORITY →  EIA to be completed  
Please go to Section 2**

**MOSTLY L → LOW PRIORITY / NOT RELEVANT →  Do not complete EIA  
Please go to Q8 followed by Section 2**

**Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.**

An EIA screening form has been completed and reviewed. The agreed outcome was that a full EIA report is not required at this time. This will be reviewed as the projects progress and all developments will be subject to normal planning procedures and the council's EIA process.

**Section 2**

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

<b>Screening completed by:</b>
Name: Carol Morgan
Job title: More Homes Development Manager
Date: 13.11.2019
<b>Approval by Head of Service:</b>
Name: Mark Wade
Position: Head of Housing & Public Health
Date: 13.11.2019

# Agenda Item 12.



## Report of the Cabinet Member for Education Improvement, Learning & Skills

Special Cabinet – 23 January 2020

### Update on Progress for Education Directorate Priorities 2018-2019

<b>Purpose:</b>	For Cabinet to receive an update on the progress in meeting the priorities set for the 2018-2019 academic year and outline priorities set for 2019-2020 academic year.
<b>Policy Framework:</b>	Estyn Common Inspection Framework.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet notes the progress update.
<b>Report Author:</b>	Nick Williams
<b>Finance Officer:</b>	Chris Davies / Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 All local authorities' education services for children and young people in Wales are inspected by Estyn under the Common Inspection Framework. Swansea Council was last inspected in June 2013 and the report was published in September 2013.
- 1.2 Until 2017, reports provided updates on progress made on the recommendations from the 2013 inspection. Reports now provide updates on new and emerging priorities, in accordance with the Council's Policy Commitments and the Estyn framework, New Inspection Arrangements for the inspection of Local Government Education Services.

- 1.3 Following a self-evaluation using the Estyn Common Inspection Framework and a review of the progress against priorities from the previous academic year, five priorities were set for the 2018-2019 academic year. These were:
- Improve teaching and learning with a particular focus on reducing inequalities for the most vulnerable
  - Improve leadership and school governance
  - Work in partnership to develop a sustainable education system
  - Embed the new Additional Learning Needs (ALN), wellbeing and behaviour strategies
  - Ensure all learning opportunities take place in safe environments
- 1.4 Progress on these priorities have been regularly reported to the Chief Executive's Improvement Board, the Cabinet Member for Education Improvement, Learning & Skills, the Education Strategy Group, the School Improvement Partnership and at headteacher meetings.

## **2. Progress on addressing the five priorities and further work required**

Key to ratings:

Green – Very good progress, addressing the recommendation in nearly all aspects.

Yellow – Strong progress, addressing the recommendation in most aspects. Only minor aspects require further attention.

Amber – Satisfactory progress, addressing the recommendation in many aspects. A few significant aspects require significant attention.

Red – Limited progress, does not address the recommendation. All or many aspects still awaiting attention.

### **2.1 Priority 1: Improve teaching and learning with a particular focus on reducing inequalities for the most vulnerable**

#### **Status: Yellow**

Strong progress, addressing the priority in most aspects. Only minor aspects require further attention

#### **Summary**

##### **Successes**

- Nearly all schools inspected during the 2018-2019 academic year received an 'excellent' or 'good' judgement for teaching and learning experiences.
- Standards and particularly at key stage 4 are strong relative to Wales and similar local authorities. Support for improving the quality of teaching is well received by schools. Focused, direct observation of teaching to support schools with their own monitoring is provided.
- The spring term cross-phase headteachers meeting had a strong focus on supporting vulnerable learners. Research evidence was given from Education Endowment Foundation, alongside input from Sir Alastair McDonald and best practice shared by three schools.

- Strong secondary networks facilitated by LA have considered research based evidence on teaching and learning.
- The implementation of new professional standards for teachers have been monitored.

### **Challenges**

- Providing more opportunities for pupils to work independently and to make choices in relation to their learning by promoting the teaching/ learning principles outlined in the new Curriculum for Wales and in new professional standards.
- Ensuring that teachers make effective use of assessment outcomes to plan suitable next steps in their pupils' learning by monitoring schools' use of tracking information in planning for pupils and disseminating good practice in this area.
- End of key stage 4 performance data showed a decline in pupils who are eligible for Free School Meals (FSM) performance in 2018-2019 academic year.
- Sharing the best features of teaching effectively across schools via the good practice directory, networks, conferences and meetings.
- Providing more opportunities for pupils to work independently and to make choices in relation to their learning by promoting the teaching/ learning principles outlined in the new Curriculum for Wales and in new professional standards.
- Ensuring that teachers make effective use of assessment outcomes to plan suitable next steps in their pupils' learning by monitoring schools' use of tracking information in planning for pupils and disseminating good practice in this area.
- Ensuring that teachers continue to target the most vulnerable learners with effective strategies to support learning by evaluating the quality of school provision/interventions/planning for Looked after Children (LAC), FSM, English as an Additional Language (EAL) learners.
- The young people Not in Education, Employment or Training (NEETs) audit has been shared at the Secondary Wellbeing Network and with the Youth Support Services Manager. Recommendations include reviewing the vulnerability assessment profile.

### **Further work required**

- Strategic implementation plan for Curriculum for Wales 2022.
- Implementation of recommendations of the Policy Development Committee (PDC) on the effective use of PDG.

## **2.2 Priority 2: Improve leadership and school governance**

### **Status: Yellow**

Strong progress, addressing the priority in most aspects. Only minor aspects require further attention

## **Summary**

### **Successes**

- Inspection outcomes for leadership in 2018-2019 as a whole were rated as good and excellent in all but one school.
- Good programme in place for new and acting headteachers that is now aligned to the national leadership programme.
- Good programme in place for primary deputy headteachers
- A 100% success rate for headteacher qualification from Swansea candidates.
- Strong secondary networks for senior leaders on curriculum and self-evaluation in place.
- A proactive approach to mandatory governor training has resulted in an increased attendance from 71 governors attending in autumn 2017 to 214 governors attending in autumn 2018.
- The one school rated with adequate leadership by Estyn inspection has a coherent action plan for improvement. Estyn found that the school was already working on the recommendations within their school development plan and that standards and provision at the school were good.
- Intelligence gathering on additional risks affecting schools is strong, with appropriate actions taken.

### **Challenges**

- Supporting leadership of a transformational curriculum and schools as learning organisations.
- Non-mandatory governor training sessions are positively received by those in attendance however, attendance figures are low compared to the number of governors / governing bodies.
- A few Estyn inspections have identified issues with governors. However, in nearly all cases leadership was judged to be good or excellent.
- Ensuring that all leaders and managers monitor, evaluate and plan for improvement rigorously in their areas of responsibility and act more effectively on their findings.
- Ensuring that all schools develop as learning organisations by raising awareness of the need to have a strong vision for teaching/learning and use of external influence to improve, for example through primary headteacher meetings, secondary curriculum network and making the connection to evidenced based research clearer via the newsletter.

### **Further work required**

- Completion of programme for new and acting headteachers in 2019-2020.
- Support schools with effective evaluation processes in the absence of requirement for self-evaluation reports to Estyn.
- Develop Swansea minimum standards for peer review between schools.

- Strengthen governing body effectiveness by developing a culture of regular self-review which will better equip governors and governing bodies to manage their responsibilities.
- Supporting leadership of a transformational curriculum.
- Review governor training programme in collaboration with heads of primary and secondary units.
- New evaluation and improvement reforms will lead to new ways of measuring school performance.

### 2.3 **Priority 3: Work in partnership to develop a sustainable education system**

#### **Status: Yellow**

Strong progress, addressing the priority in most aspects. Only minor aspects require further attention

#### **Summary**

#### **Successes**

- Maintaining the quality of educational provision for learners against a challenging financial context and continuing funding uncertainty.
- Continuing to engage constructively with stakeholders through the School Budget Forum, School Improvement Partnership and other working groups, encouraging an increasingly 'self-supporting' school network, sharing good practice, experience and ideas.
- Continuing to prioritise (relatively) the delegated schools budget and areas of pupil-specific support, maintaining the consistent longer-term 'one education budget' strategy and the principles approved within the Council Budget.
- Successful review and implementation of new models of service provision, in line with budget strategy and medium term financial plan as far as possible enhancing mainstream capacity within schools.
- Successfully progressing statutory school proposals to better balance the demand for, and availability of appropriate provision for learners.
- Successfully developing, submitting and gaining approval to detailed business cases in order to access capital investment from the Welsh Government (WG) and benefit learners at the earliest opportunity.
- Delivery of approved capital schemes in line with programme and project timelines and available funding

#### **Challenges**

- Continuing uncertainty regarding level of funding available to schools towards externally driven cost and demand pressures such as teachers pay and pension costs, particularly for future years.
- Continuing late announcement and allocation of significant grant streams for schools which undermine the effective planning and use of this funding as well as artificially enhancing published year end reserves figures.
- Uncertainty regarding the funding arrangements to support the new model of ERW provision and the contributions expected from

authorities as well as the funding available to devolve directly to schools.

- Continuing growth in demand for statutory educational provision and support for pupils as well as raised expectations by WG.
- Severe limitations for further radical reviews of service delivery models with a largely core statutory minimum level of non-delegated service provision which is already demonstrating a lack of resilience and capacity in a number of areas.
- Maintaining the speed of progress to deliver enhanced facilities and accommodation for learners against a context of continuing capacity issues across the Council (e.g. legal, corporate building services, finance, procurement and within Education teams).

#### **Further work required**

- Delivery of required Medium Term Financial Plan (MTFP) savings targets and continuing to as far as possible mitigate the significant continuing demand and cost pressures across a number of service areas, recognising:
  - The increasing likelihood of legal challenges to proposed changes in educational provision and school organisation.
  - The extended planning, consultation and implementation timescales (often phased to protect existing learners) required to deliver further radical changes and transformation as well as the need for benefits to be embedded for each year group before the full picture becomes apparent.
- Progressing further radical service reviews to identify models of provision to better reflect the needs of learners.
- Further business cases to submit to WG to access capital investment.
- Proceeding with delivery of approved capital schemes in accordance with agreed timelines.
- Working with stakeholders to continue to press the case with the WG for adequate funding settlements which fully reflect the cost implications of national decisions and choices.

## **2.4 Priority 4: Embed the new ALN, wellbeing and behaviour strategies**

### **Status: Amber**

Satisfactory progress, addressing the priority in many aspects. A few significant aspects require significant attention

### **Summary**

#### **Successes**

- All schools inspected during the 2018-2019 academic year received an 'excellent' or 'good' judgement for care, support and guidance.
- The Draft Behaviour Policy has been approved by the Education Otherwise than At School (EOTAS) Steering Committee, setting out a graduated response to meeting the emotional and behavioural needs of learners in Swansea with an emphasis on understanding needs at an early stage so as to align interventions that prevent an escalation



that requires statutory services, education otherwise than at school or independent/out of county education.

- Well-being Strategy is drafted in terms of a definition, principles, model of understanding but does now need an implementation plan that aligns with the proposed developments in integrated family support services.
- The ALN Strategy is in place and satisfactory progress has been made in raising awareness and engaging schools with the school readiness survey. There has been well-regarded contributions at a regional level and new regional strategy has been developed. An ALN Steering Group has been set upon and met twice.
- PRU was inspected and achieved good judgement in all areas.
- The review of EOTAS services has progressed and a structure approved by EOTAS Steering Group.

### **Challenges**

- Capacity over the academic year in Education and in particular in the ALN team has been constrained, which has hampered further development work.
- The impact of the implementation of the ALNET Act 2018 and Code has been identified as presenting a corporate risk. It is unlikely savings against this area would be realised in the medium term to 2023.
- The contractor for the new build PRU went into receivership delaying the delivery of the new build.

### **Further work required**

- The Behaviour Policy has been approved and is subject to translation and circulation shortly. Consultation has been undertaken with headteacher colleagues and other key stakeholders through the EOTAS Steering Group, policy and plan has been approved by Corporate Management Team (CMT).
- Due to capacity issues work on the Well-being Strategy has been delayed, however, this will be picked up from January by Helen Morgan-Rees, Head of Service who is organising a workshop for key stakeholders to complete.
- Emotional and mental well-being is a key theme for the Education priorities. Good progress has been made against the ALN Strategy last year as reviewed by the ALN Strategy Steering Group. A revised Strategy has been drafted which sets out the plan for the next three years to enable the Local Authority to meet additional learning needs for children and young people across Swansea through the transformation required by the ALNET Act 2018.
- The new structure for EOTAS Services has been approved and consultation is starting this term.

## **2.5 Priority 5: Ensure all learning opportunities take place in safe environments.**

### **Status: Yellow**

Strong progress, addressing the priority in most aspects. Only minor aspects require further attention

## Summary

### Successes

- All schools inspected by Estyn during the 2018-2019 academic year met requirements and gave no cause for concern for safeguarding.
- Good quality child protection training has been provided in Swansea schools with 98% positive feedback rate.
- Safeguarding and child protection training has been reviewed and is now more aligned with the messages being delivered corporately and on a multi- agency level.
- Improved collaboration between the Child Protection and Safeguarding Officer in Education and the Health & Safety Officer for Schools will improve the oversight of the LA on safeguarding and general safety in schools.
- Access to level 2 child protection training has improved.

### Challenges

- Not all schools have recruited safely but these are few in number. Safe recruitment training is provided by HR.
- Review and implementation of school's Strategic Equality Plan.
- Access to restraint training.

### Further work required

- Conduct safeguarding reviews and developing peer reviewers on a rolling programme.
- Ensure that all schools receive Violence against Women and Domestic Abuse (VAWDA) training.

## 3. Priorities for 2019-2020 Academic Year

3.1 Following a thorough self-evaluation using Estyn guidance and evaluation of last year's priorities, the following priorities have been set for the 2019-2020 academic year:

- Further develop specialist provision and placements to meet current and future demand for severe and complex needs.
- Ensure children and young people's needs are identified and appropriate provision is available across Swansea in line with the ALNET Act 2018.
- Improve teaching and learning by developing schools as learning organisations.
- Improve leadership of schools by developing partnerships for school improvement.
- Implement the behaviour strategy to focus on prevention and early intervention for schools.
- Work in partnership to develop a sustainable education system.
- Ensure all learning opportunities take place in safe environments.

#### **4. Equality and Engagement Implications**

4.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
- 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

4.2 Whilst there are no specific equality and engagement implications associated with this report, specific areas of work resulting from the recommendations will be subject to the Equality Impact Assessment (EIA) process (which incorporates the UNCRRC). For example, an EIA report has been developed for the EOTAS review.

#### **5. Financial Implications**

5.1 There are no immediate financial implications arising from this report, although a number of the actions referred to could result in additional expenditure at a future time. This does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future' and the medium term financial plan.

#### **6. Legal Implications**

6.1 There are no immediate legal implications associated with this report.

#### **Background Papers:**

Common Inspection Framework

<https://www.estyn.gov.wales/inspection/inspection-explained/common-inspection-framework>

Estyn Guidance for the inspection of Local Government Education Services

<https://www.estyn.gov.wales/inspection/inspection-guidance/local-government-education-services>

City and County of Swansea LAESCYP Inspection Report 2013

<http://www.estyn.gov.uk/download/publication/291263.7/inspection-report-city-and-county-of-swansea-2013>

Annual self-evaluation of Local Authority Education Services for Children and Young People

[www.swansea.gov.uk/estyninspections](http://www.swansea.gov.uk/estyninspections)

**Appendices:** None

# Agenda Item 13.



## Report of the Cabinet Member for Delivery and Performance

Special Cabinet – 23 January 2020

### Proposed Appropriation of 70-72 Alexandra Road, Gorseinon, Swansea

<b>Purpose:</b>	To decide whether 70-72 Alexandra Road, Gorseinon should be appropriated under s122 Local Government Act 1972 for the purposes of Housing. The land proposed to be appropriated is currently held by the Council as social services land and is considered to be surplus to requirements for those purposes.
<b>Policy Framework:</b>	Council Constitution
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet notes that the property identified on the plan at Appendix B is surplus to requirements and no longer required for social services purposes;  2) The property identified above is appropriated under s122 Local Government Act 1972 for the purposes of Housing, namely the provision of two residential units for council housing.
<b>Report Author:</b>	Richard John MRICS
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 There is no delegated authority for the appropriation of a surplus property between departments. Consequently, Cabinet approval is required.

## **2. Background**

2.1 The Director of Social Services has declared 70-72 Alexandra Road, Gorseinon, surplus to Social Services operational requirements and consequently, it is scheduled for disposal **(Appendix A)**.

2.2 As part of implementing the optimal model for adult social care in Swansea, services have been remodelled to focus on:

- Short term support that promotes prevention, rehabilitation, recovery and progression.
- Long term support for individuals with complex needs.
- Respite for carers.

In order to deliver this transformed model, services were best delivered from particular sites and as such, Alexandra Road became surplus to requirements.

2.3 In turn, the Head of Housing and Public Health has confirmed that the Housing Department wishes to re-configure the building to provide two units of Council Housing to satisfy demand in this geographic location **(Appendix B)**.

## **3. General Issues**

3.1 It is agreed between the services that the proposed appropriation would take place at Market Value.

3.2 Market Value is accepted as being £225,000.

3.3 The terms of the prospective acquisition will be in accordance with the principles of best value.

3.4 The Director of Place certifies that he is satisfied that the property represents a reasonable proposition for purchase at the provisionally agreed price.

## **4. Equality and Engagement Implications**

4.1 The Council is subject to the Public Sector Equality Duty (Wales) 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 Act.
- 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

4.2 Housing advise that they will look to refurbish the properties to WHQS standards and make the properties accessible. There is huge demand for general needs larger properties and accessible housing. Once appropriated a detailed option appraisal will be carried out to determine the exact designs.

4.3 An EIA screening form has been completed and reviewed (**Appendix C**). The agreed outcome was that a full EIA report was not required as there are no equalities and engagement implications at this time. Any developments will be subject to normal planning procedures.

## **5. Financial Implications**

5.1 The Housing Department have advised that the proposed purchase is within the budgetary constraints previously agreed for them by Cabinet and that they have a budget in place to complete the proposed purchase.

5.2 The capital receipt is not “ring fenced” for any specific purpose and will therefore be allocated to the General Fund.

5.3 There are no further financial implications associated with this report.

## **6. Legal Implications**

6.1 Section 122(1) of the Local Government Act 1972 provides that a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation.

6.2 The key procedural points are:

- a. The land must already belong to the Council;
- b. The land must no longer be required for the purpose for which it is currently appropriated; and
- c. The purpose for which the Council is appropriating must be authorised by statute.

6.3 The case of *Dowty Boulton Paul v Wolverhampton Corporation (1973)* established that the Local Authority is the sole judge of whether or not the land in question is not required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith.

6.4 The Council must be able to demonstrate the purpose for the appropriation and that it has taken all the relevant considerations into account and not taken any irrelevant considerations into account.

- 6.5 The Council's decision must be based on the available evidence and be rational in the sense that it cannot be said that no reasonable local authority could, on the evidence before it, have arrived at that decision: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223).
- 6.6 The proposal to appropriate must be the subject of a report and decision record or minute, which should evidence that the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972. It must also be recorded that the land is no longer required for the purpose for which it is currently appropriated.

**Background Papers:** None

**Appendices:**

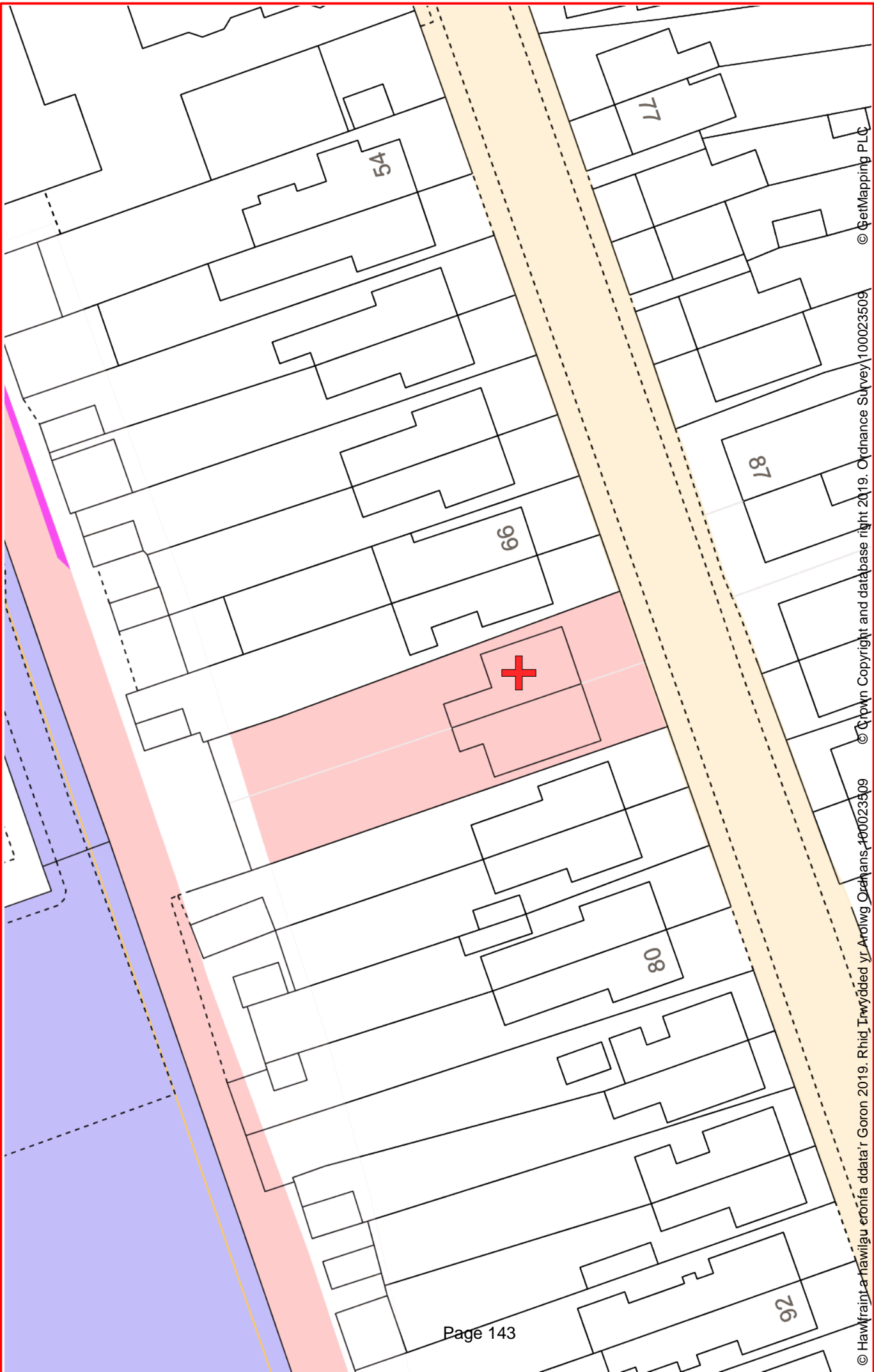
Appendix A: Site Photo

Appendix B: Site Plan

Appendix C: EIA Screening Form







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ID Plan 70 72 Alexandra

This plan is for illustrative purposes only and should not be used as a legal document.



Scale: 1:500  
Date: 25/11/2019  
Created by: Richard John

# Equality Impact Assessment Screening Form – Appendix C

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact your directorate support officer or the Access to Services team (see guidance for details).**

## Section 1

Which service area and directorate are you from?

Service Area: CORPORATE PROPERTY

Directorate: PLACE

### Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### (b) Please name and describe below

Appropriation of a vacant surplus property at 70-72 Alexandra Road, Gorseinon, Swansea, SA4 4NU from Social Services to Housing

### Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

### (b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input checked="" type="checkbox"/> (L)

### Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?

YES       NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below

# Equality Impact Assessment Screening Form – Appendix C

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
---	---	---

**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?**  
*(Consider the following impacts – legal, financial, political, media, public perception etc...)*

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
---	---	---

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No      **If yes, please provide details below**  
 It will provide additional Council Housing for rent.

**Q7 HOW DID YOU SCORE?**  
*Please tick the relevant box*

**MOSTLY H and/or M → HIGH PRIORITY →**  EIA to be completed  
**Please go to Section 2**

**MOSTLY L → LOW PRIORITY / NOT RELEVANT →**  Do not complete EIA  
**Please go to Q8 followed by Section 2**

**Q8 If you determine that this initiative is not relevant for a full EIA report, you must provide adequate explanation below. In relation to the Council's commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.**

A vacant Social Services building that has been declared surplus is to be re-furnished and converted to a residential use, in order to provide Council housing. Families will be housed. There appear to be no obvious Welsh language implications. Housing advise that they will look to refurbish the properties to WHQS standards and make the properties accessible. There is huge demand for general needs larger properties and accessible housing. Once appropriated a detailed option appraisal will be carried out to determine the exact designs.

**Section 2**

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

<b>Screening completed by:</b>
Name: Richard John MRICS
Job title: Disposals surveyor
Date: 25/11/2019
<b>Approval by Head of Service:</b>
Name: Geoff Bacon
Position: Head of Service
Date: 10/12/2019

# Agenda Item 14.



## Report of the Chief Legal Officer

Special Cabinet – 23 January 2020

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No's</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	15	13, 14.
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith – Chief Legal Officer(Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

#### 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the

grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p><b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b></p> <p><b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b></p> <p><b>(b) To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

# Agenda Item 15.

By virtue of paragraph(s) 13, 14 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

Document is Restricted



By virtue of paragraph(s) 13, 14 of Schedule 12A  
of the Local Government Act 1972  
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of the Local Government Act 1972  
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