

**Report of the Cabinet Member for
Children, Education & Lifelong Learning**

Cabinet - 20 July 2017

**PROGRESS UPDATE ON THE IMPLEMENTATION OF THE NEW
MODEL OF PROVISION FOR EDUCATION OTHER THAN AT SCHOOL
(EOTAS) AND FEEDBACK FROM THE RECENT STAKEHOLDER
CONSULTATION**

Purpose: To provide an update on the implementation of the new model of provision for Education Other Than At School (EOTAS) and feedback from the recent stakeholder consultation

Policy Framework:

- Corporate Priority
- Improving pupil attainment

Consultation:

- Parent / Carer/ Learner engagement sessions April 2016
- Stakeholder workshop May 2016
- Access to Services
- Finance
- Legal
- Corporate Property Services

Recommendation(s): It is recommended that:

- 1) The feedback from the consultation and mitigation measures are noted.
- 2) The proposals for the interim Halfway House are noted.
- 3) The progress towards the long term accommodation is noted, and a further report is back to Cabinet once the design is finalised and cost certainty achieved.

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1. Introduction

- 1.1 Cabinet on 15 December 2016 gave their approval for the City and County of Swansea to extensively overhaul its entire EOTAS service to provide a sector leading practice. The objective is to reconfigure the service to build on existing good practice, transforming the provision to support vulnerable children and their families and to meet the requirement to provide suitable full time education, in a timely manner, to those children and young people who need to be educated other than at school. This must also be seen in the context of emerging national policy, including the recent report from Estyn (June 2016) as well as the continuing national and local budget pressures.
- 1.2 Recommendations presented in December 2016 included the proposed restructure of Swansea PRU into three strands (ABC), educated in a fit – for-purpose learning environment.
- 1.3 PRU A: a nurture provision for young people with significant mental health difficulties encompassing the provision currently available through the Step-Ahead Centre.
- 1.4 PRU B: a provision for young people with social, emotional and behavioural difficulties (SEBD) encompassing the key stage 4 Education Centre, Brondeg House and the Education Centre at Afryn.
- 1.5 It was also agreed that this new environment should also include PRU C a ‘halfway’ house model and a multi-agency approach so that the needs of the majority of learners with social, emotional and behavioural difficulties (SEBD) are met through mainstream education with central provision only being made for those learners with the most severe SEBD needs.

2. Consultation Feedback

- 2.1 Consultation sessions were held with stakeholder groups early in the spring term in order to obtain their opinions on the proposed future direction of travel as agreed by Cabinet in December 2016. The Head of Learner Support Services gave presentations to stakeholder groups and all feedback was recorded.
- 2.2 Consultation sessions were held with the following groups:

Date	Groups	Centre Base
16 February 2017	Pupils, parents and carers	Arfryn Education Centre
15 February 2017	Pupils, parents and carers	Key Stage 4 Education Centre and EOTAS Pathways
15 February 2017	PRU Staff	All

17 February 2017	Pupils (no parents or carers attended)	Step-Ahead Education Centre
17 February 2017	Cross –phase head-teachers	

2.3 Stakeholder feedback to the development of a new behaviour and wellbeing strategy with an overhaul of current systems and practice in dealing with vulnerable pupils was well received and generally positive.

2.4 Themes emerging focused primarily on staffing, teaching approaches and the suitability and sufficiency of the new accommodation. This information is provided in the tables below.

Table 1 Outlines the positive feedback received

Table 2 Outlines the issues raised and how the key objectives of the new strategy addresses these concerns

Table 3 Pupil feedback

Table 4 Head-teachers' feedback

Table 1

Positive feedback in relation to the new model
The proposed new model of service delivery is a good strategy.
The move to the proposed new site is a good strategy.
The proposed half-way house is a positive addition.
The proposed new model of service delivery and proposed new site would be a significant improvement on the current model and accommodation.
The development of a new behaviour and wellbeing strategy with an overhaul of current systems and practice in dealing with vulnerable pupils is a good strategy.

Table 2

Issues raised in relation to the new model	Proposed action/ resolution
Concerns that accommodating all current groups of PRU pupils with a wide range of ages and emotional difficulties on one site could be problematic.	This issue is being dealt with in the design of the building. It is proposed that while there will be one building this will be designed, operate and feel like distinct units both internally and ensuring that all learners feel safe in their environments. The design of the building ensure appropriate delineation of the different areas which ensures that only staff can move between them
Concerns that the proximity of an existing comprehensive school to the proposed new	We see this as being beneficial and we will be keen to work collaboratively with the school going forward.

site could be problematic.	
What happens if the PRU is over-subscribed?	The introduction of the half-way house, the multi-agency team and a new behaviour strategy is likely to reduce demand for the PRU. In addition, funding is being devolved to schools at key stage 3 to assist with in-house provision.
There is a lack of clarity as to the structure and role of the new support team in the new model of service delivery.	The structure and role of the team is being developed in line with the needs of the learners.
There is a lack of clarity around the future of the current Pathways service and the role of current staff in the future model of operation.	Any changes will be in line with ensuring that learners have the best possible educational opportunities.
Concerns around the delay in implementing a new staffing structure and move to a new site with unresolved issues with current accommodation and uncertainty for staff.	Progression towards a final plan for the accommodation should allow for early identification of the future staffing structure – some recruitment is due to start shortly.
Where will the multi-agency team be located?	The design of the building has dedicated space for support staff, including the newly formed support team, the Behaviour Support Team and Home Tuition Team to work from. Additional space in the form of meeting rooms and a community room will allow for greater flexibility in how teams work, providing the best possible service to the pupils and schools.
What is the future role of Pathways lead workers	The role of the lead workers will be in line with ensuring that all learners have the best possible educational opportunities.
Concerns around the ability for schools to be able to manage pupils in mainstream in order to reduce planned places at the PRU.	The introduction of the half-way house, the multi-agency support team and a new behaviour strategy is likely to reduce demand for the PRU. In addition, funding is being devolved to schools at key stage 3 to assist with in-house provision.

Table 3

Key Stage 4/ EOTAS Pupil feedback	Proposed action/ resolution
More outdoor facilities for recreation and sport with opportunities for gardening are required.	The proposed design incorporates separate bespoke outdoor space for each phase. Doors from the classrooms will open directly out onto this space. In addition, there will be two large courtyards

	<p>within the proposed building to allow easy access to safe outdoor areas in addition to providing light and a direct view into the courtyards from the interior. A large additional ecology area will also provide significant outdoor space. A large hall is proposed in order that more sporting opportunities can be provided internally.</p>
<p>Better provision for vocational activities (workshops beauty room and a garage) is required.</p>	<p>Whilst it has not been possible to provide capacity for these options to be delivered within the proposed building, links with external providers will continue to be sought to ensure that we build on the current broad range of vocational opportunities already offered. The proposed building also offers specialist teaching areas where more vocational skills such as cookery and design and technology could be delivered in-house.</p>
<p>Better catering and a proper canteen are required.</p>	<p>The proposed building has full catering facilities in order that meals can be cooked on site. Two halls, in addition to potential break-out areas provide a range of options for pupils to eat lunch.</p>
<p>Quiet spaces/ chill out rooms are needed.</p>	<p>Each phase will have its own dedicated break-out rooms, therapy rooms and quiet areas for pupils to use.</p>
<p>They would like to introduce animals and animal care on site.</p>	<p>This is something that could be considered in the future, in addition to developing the ecology area to attract wildlife. In addition, the proposed site is very close to the City Farm, which could offer exciting links for working in partnership.</p>
<p>Arfryn Education Centre Pupil feedback</p>	
<p>They would like better sporting, leisure and recreational equipment and provision.</p>	<p>The proposed design incorporates separate bespoke outdoor space for each phase. Doors from the classrooms will open directly out onto this space. In addition to this, there will be two large courtyards within the proposed building to allow easy access to safe outdoor areas in addition to providing light and a direct view into the courtyards from the interior. A large additional ecology area will also provide significant outdoor space. A large hall is proposed in order that more sporting opportunities can be provided internally</p>

They wanted specialist curricular facilities such as design and technology workshop, science laboratories, and food technology / kitchen facilities.	The proposed building offers specialist teaching areas where provision for design and technology, science, and food technology could be delivered.
They wanted improved quality of lunches with on-site catering.	The proposed building has full catering facilities in order that meals can be cooked on site.
They felt there should be more expert teachers able to manage challenging behaviour.	There will be on-going recruitment and training plans to ensure that we continue to build on the capacity of all staff to promote positive behaviour and manage challenging behaviour.
They would like a school crossing patrol.	There are currently pedestrian crossing options on the roads directly leading to the proposed site for the new build, limiting the need for a school crossing patrol.
They would like quiet, de-escalation and a soft sensory room.	Each phase has their own dedicated break-out rooms, therapy rooms and quiet areas for pupils to use.
Step-Ahead Centre Pupil feedback	
They would like to keep the number of pupils in the centre to 30.	The maximum number planned for this phase is 35, which is only slightly bigger than the current number who attend the Step-Ahead Centre.
They would like Staff to have a better understanding of autism, depression and anxiety.	Staff currently have a very good understanding of these issues, but are always looking to build on this through relevant training, and working in partnership with pupils and their families.
They would like to do the same work as in mainstream.	The proposed new building allows greater options for staff to share their curricular expertise and provide a greater range of curriculum opportunities for pupils.
Quiet spaces/ chill out rooms are needed.	Each phase has their own dedicated break-out rooms, therapy rooms and quiet areas for pupils to use.
They would like a wider set of option choices.	The proposed new building allows greater options for staff to share their curricular expertise and provide a greater range of curriculum opportunities for pupils.
They would like to introduce animals and animal care on site.	This is something that could be considered in the future, in addition to developing the ecology area to attract wildlife. In addition, the proposed site is very close to the City Farm, which could offer exciting links for working in partnership.

Table 4

Head-teachers' feedback	Service delivery aims and objectives
There should be provision for more vocational provision for PRU pupils with more emphasis on practical and life skills needed and less emphasis on academic outcomes?	Pupils who are in KS4 are currently referred to either the KS4 Education Centre or EOTAS Pathways. Pupils who are referred to Pathways currently already follow a mainly vocational pathway. As we move forward, it is planned to merge the 2 provisions for KS4, and offer a bespoke package of academic and vocational provision based on individual needs
More planning for curriculum reform (Successful Futures) is required and a more pupil centred curriculum should be developed.	This is already underway, with staff working on key areas of implementation of the DCF, in addition to work to refine planning across the PRU to begin the process to align teaching and learning with 'Successful Futures.
Improved links with local businesses and organisations are needed.	There are already many operational links with local businesses and organisations, but work will continue to build on this to benefit our pupils.
There is a need for more training for mainstream staff in identifying and managing the needs of pupils at risk of needing EOTAS services.	Work to provide relevant and meaningful training, in addition to support, is being undertaken as part of the development of an overall Behaviour and Well-Being Strategy
There is a need for greater collaboration between PRU and mainstream staff .	Work to support this is being undertaken as part of the development of an overall Behaviour and Well-Being Strategy
There is a need to raise the status of the PRU in order to attract and retain high quality staff.	Work to achieve this, including work to recruit and appoint new highly skilled staff to build PRU capacity is being undertaken as part of the development of an overall Behaviour and Well-Being Strategy
Improved tracking of pupil progress is required.	Work is currently underway to develop this area
Better record keeping is required in mainstream schools.	This is something that we would encourage all schools to do
The use of pastoral support programmes needs to be improved.	This is something that we would encourage all schools to do
Earlier intervention and improved links to Child and Adolescent Mental Health Services (CAHMS) is necessary.	Early intervention will form the bedrock of the Behaviour and Well Being Strategy
There is a need to develop a core	Work to do this will be part of the

set of values and principles.	development of the Behaviour and Well Being Strategy
Currently there is inconsistent use of behaviour and tracking systems in schools.	Work to do this will be part of the development of the Behaviour and Well Being Strategy
Improved entry and exit strategy to the PRU with better reintegration is required.	Work to do this will be part of the development of the Behaviour and Well Being Strategy
The pupil voice should be developed.	Work to do this will be part of the development of the Behaviour and Well Being Strategy
Capacity with parents needs improving upon.	Work to do this will be part of the development of the Behaviour and Well Being Strategy

3. **New Accommodation and Business Case Development**

3.1 **Design Brief**

3.1.1 Cabinet in December approved additional funding to undertake a feasibility study for new accommodation at the Cockett House site. This report has now been received and additional funding secured to progress the design development to enable a planning application to be submitted.

3.2 **Design Progress**

3.2.1 Following the appointment of the consultants; Aecom and the sub-consultants Architects Powell Dobson Partnership, there have been several workshops / review meetings internally, including those with the appointed Head of Swansea PRU and with the consultants' team to refine the brief.

3.2.2 The initial feedback from the consultants was that it was not feasible to remodel the existing buildings to accommodate the entire PRU service.

3.2.3. At the time that the original review of available site options was undertaken, it was with the expectation that a remodel / refurbish / extension of existing premises could be feasible. In view of the fact that the consultants were advising that this was not feasible a further review of alternative sites has been undertaken which has confirmed that the Cockett House site is still the preferred option / best fit

3.2.4 An options appraisal for the development of the Cockett site itself has now been completed and Aecom have produced their RIBA (Royal Institute of British Architects) Stage 1 report which contains indicative costs for the preferred way forward; that being the demolition of buildings to the rear part of the site, the redevelopment of the area and building of a new facility which should have limited impact on the immediate land surrounding Cockett House.

- 3.2.5 The proposed new facility would be accommodated within one building which has distinct provision for each PRU with appropriate separation from each other with suitable access to inner courtyards. Externally each will have access to its dedicated recreational space, with sufficient vehicular pick up and drop off points. Within the building there will also be suitable agile working office accommodation for the Behaviour Support and Home Tuition teams thus providing more effective on site support.
- 3.2.6 The facility is being designed in accordance Building Bulletin 104(BB104) (SEND special education needs and disability) and alternative provision: area guidelines, but also considering the ability to future proof it, so that if required it can be provide the flexibility to meet the changing needs.
- 3.2.7 The design is now being progressed to the point that a planning application can be submitted, and wherever possible tasks are being progressed in parallel to minimise the timescales involved.
- 3.2.8 Further stakeholder engagement sessions have been held with staff, pupils and the PRU management committee to gain their views on the current concept design layout.
- 3.2.9 The findings of the first stage report will be incorporated in the business case to Welsh Government, and that process will run alongside the development of the proposal.
- 3.2.10 The initial concept plan is attached at Appendix A.

4. Financial implications

4.1 Capital

- 4.1.1 The December 2016 Cabinet report indicated a rough indicative estimate of £6.5 million.
- 4.1.2 The report stressed that the £6.5m figure was a very rough estimate as no feasibility had been undertaken at the time, and before a more accurate cost estimate could be provided an appropriate RIBA stage 1 master plan options report would be required. This is a unique facility and so, unlike a new build for a school, does not make for easy benchmarking in terms of cost planning without having undertaken the more detailed feasibility that has now been completed.
- 4.1.3 The accommodation brief on which that indicative budget was based was drafted in September 2016, and was based on the requirements identified by the Service at that time. This was mindful of the need to consider the option to remodel the existing buildings on the preferred Cockett House site, and also intended to reflect building bulletin

requirements. However this was without having undertaken a full feasibility assessment.

- 4.1.4 The SOP is to be submitted to Welsh Government by the 31 July 2017 and it is anticipated that all authorities will receive feedback in the Autumn. Once the SOP has been approved the Outline Business Case for the EOTAS proposal can be submitted for consideration by Welsh Government (WG) with the objective that we receive an approval in principle to proceed to tender stage.
- 4.1.5 If WG approve the EOTAS proposal, it is expected that this would be on the basis of 50% capital funding, so that the cost would be funded 50% by the authority and 50% by WG.
- 4.1.6 As part of the financial approval processes both prior to the contractor's appointment and construction stage, the final costs for the development will then form part of the second iteration of the business case process and submission (FBC) to WG and will feature within a further FPR7 report to Cabinet in planned for June 2018.

4.2 Planned capital expenditure up to and including a planning application

- 4.2.1 Consultants fees, site appraisals, ground investigations, ecology survey, planning application and internal fees equate to the sum of £189k.

4.3. Development stages and forecast capital cost plan

Stage	£m estimate
December 2016 Indicative estimate	£6.5m
RIBA Stage 1 (Aecom estimate)	£11.2m
21 Century Schools Band B submission (including all costed risks and internal fees and decant costs)	£11.831m
Outline Business Case (OBC)	£11.831m
Final Business Case (FBC)	TBC

- 4.3.1 Factors which have impacted on the cost include an increase in the size of the building to take account of BB104 (in full), to provide suitably sized classrooms, adequate classrooms for the required pupil ratios and appropriate hall provision taking account of the fact that there are in fact four PRUs operating in one building. Furthermore, the design responds to the suitable arrangement and separation of internal rooms and external space in order to co-locate all four PRUs.
- 4.3.2 Within the cost-plan produced for the 21st Century Schools Strategic Outline Programme (SOP) Band B proposals a revised sum of £11.83M is contained for the EOTAS proposal.
- 4.3.3 To ensure that funds are distributed fairly and that schools offer a consistent standard across Wales, WG advise that schools are designed

according to the maximum of BB98 (secondary) and BB99 (primary). For a PRU, we are advised by WG that we should refer to BB104.

4.3.4 An analysis of the proposed design has been undertaken and this shows that it is larger than a single provision for 135 pupils based on BB104 guidance. However, although the four PRUs are being located on one site and in one building each does require certain distinct facilities, whilst some aspects can be shared such as the office areas and hall provision for example where appropriate. This co-located solution is therefore 650m² smaller than the area which would be required for four separate provisions based on BB104.

4.3.5 Furthermore, once the size of a school is established, WG requires that standardised costs are to be applied to as many of the elements of the build as possible. This results in a maximum value for a school that can be benchmarked and inflated year on year to provide a maximum funding envelope.

There are a number of different elements to this:

- Proposed standard price per m²
- Furniture, fitting and Equipment
- ICT

4.3.6 Using construction price indices, the all in construction cost is £2,500 per m² in 2016 and £2,775 per m² for the start of Band B in 2019. In practice, where a project exceeds this value, the Welsh Government grant would be capped at the threshold indicated above. However, it may be that there are 'abnormal' costs which may cause the cost / m² to be higher which may not result in such a cap provided that they are appropriately justified.

4.3.7 In this case the costs for the construction element alone equate to £3,097 per m² and the overall cost for the project which includes ICT, off-site highways alterations and internal fees equates to £3,380.31 per m². This is in line with the recent Band A new school builds, and reflects anticipated 'abnormal' costs such as demolition of the existing building including asbestos removal, possible substructure and drainage issues, the additional costs of the enhanced design, specification and security measures relating to the client group and the additional "one-way" road layout.

4.4 **Revenue**

4.4.1 The range of options and revenue implications for the new service delivery were reported to Cabinet in December 2016. The preferred model would continue to require the existing revenue costs and also additional revenue costs.

- 4.4.2 This would equate to revenue costs of £4.71m in FY2017-2018, costs of £5.08m in FY2018-2019, over 5 years to £23m and over 10 years to £44.5m.
- 4.4.3 It is estimated that the maximum additional revenue required for FY2017-2018 will be in the region of £1.9m.
- 4.4.4 The preferred model would ensure children and young people who still need to be educated in EOTAS settings will be accommodated in a high-quality learning environment, taught by a well-qualified, highly-skilled workforce with support from a multi -agency team to ensure the highest academic and wellbeing outcomes for children, young people and their families.

5 **Risks**

The following key risks and mitigation measures have been identified

- 5.1 If the agreed funding path is via Band B programme and Welsh Government do not approve the Outline Business Case in December this year then the project may not be delivered by September 2019.

Mitigation measure- Maintain regular dialogue with Welsh Government to determine the outcome of the Strategic Outline Programme which is to be submitted by the 31 July 2017.

- 5.2 The ground investigations are yet to be carried out and the outcome may require expensive remedial measures which will impact on the current cost plan.

Mitigation measure – The cost plan already contains a provisional sum to carry out an element of civil engineering work to effectively deal with any potential ground issues; optimism bias has been applied at a rate of 5%.

- 5.3 There are pre-existing traffic issues in the locality of the development. Consequently, there may be additional highways measures required which would also be likely to be a condition of any planning approval. Unexpected additional work may have a financial impact on the project.

Mitigation measure – There has been early dialogue with Highways to determine any potential implication, a provisional sum is included within the current cost plan; optimism bias has been applied at a rate of 5 %.

6. **Business continuity issues**

- 6.1 The KS4 provision operating out of Brondeg House is not sustainable given the current teaching capacity and pupil numbers, the building requires significant investment, suitable adaptations for KS4 only would not be economically viable; The 2015/16 summary of backlog maintenance for this building alone was £2,139,918.00.

6.2 The Step-Ahead building at the Gors Primary School site is not fit for purpose and likely to have a detrimental impact on attendance and engagement of pupils; additionally, the present setting is restricting curriculum opportunities which could be afforded to pupils if they were to be educated in a more suitable building; the 2016/16 backlog maintenance summary for the education centre building was £138,603.00.

6.3 Should either centre close temporarily or permanently then the City and County of Swansea would not be able to fulfil their Statutory Obligations short to medium term.

7. **Timescales**

Key Milestones

Key Milestones	Date / Month	Year
Cabinet report	15 December	2016
Service consultation feedback period	February	2017
Concept design complete	July /August	2017
Cabinet	20 July	2017
21c Schools Band B submission	July	2017
21C Schools Band B feedback	October	2017
Business case submission	October / November	2017
Formal planning application submission	September	2017
Business case approvals	December	2017
Formal planning consent received	January	2018
Tender period (single stage)	January - March	2018
Cost certainty report & business case preparation	April	2018
FPR7 cabinet approval	June	2018
Final business case submission & WG Scrutiny Panel	June	2018
WG Capital Panel approval	July	2018
Technical design stage	August	2018
WG Award of Funding	August	2018
Construction start	September	2018
Construction completion	September	2019
Set up period	September/ October	2019
Facility opens to pupils	October	2019

8. **Procurement Process**

The current commission with AECOM and their appointed sub-consultants will allow for the scheme to be developed to enable a planning application to be submitted. Following the submission of a

planning application an appropriate procurement process will be sought via the South West Wales contractor framework. Once the successful contractor has been established, the project/design development to date can then be progressed to full design proposal.

9. **Halfway House**

9.1 The implementation date for the new service model for EOTAS is September 2017.

A review of possible options has been undertaken, however none of the options that provide accommodation are now likely to be capable of delivery by September 2017, and will require capital investment.

The preferred option is therefore to establish a Mobile Interim Support Team. This would;

- support building capacity/expertise within mainstream
- not require any additional capital costs
- could reduce the need for transport costs.
- the costs of the interim mobile support team will be fully met from within the additional revenue funding approved within the base budget for 2017-18.

9.2 **Proposed operation of mobile Halfway House Support**

- The model will need to be delivered at the school that the pupil attends.
- The proposal is for the team to work with 8 pupils at a time, with each pupil being provided with 1 member of staff for 0.4 of a week this will deliver intensive support, which is what makes it very different from the support that can be delivered via the Behaviour Support Team (BST).
- As part of this work, supporting the pupils with their behaviour, building capacity within the school and setting up any other support interventions such as Team around the Family (TAF) or referrals to the BST if not already in place, will be the focus.
- Every Wednesday, the staff will return to the Centre to meet with the deputy Head-teacher of the PRU to review progress and outcomes, and plan the next steps.
- The mechanism for accessing support would need to be decided by EOTAS panel.
- The Head-teacher and Deputy Head-teacher of the PRU will work together on development of protocols, criteria and Memorandum of Understanding in readiness to present to the July Steering Group. Based on feedback, a revised proposal will be able to go to the September Steering Group, and if agreed can be shared with Head-teachers through Ysgolion Cynradd Abertawe (YCA) and Swansea City and County Association of Secondary Head teachers (SCCASH) in either September or October 2017.

9.3 It should be noted that there are risk factors to this being implemented to the planned timescale, which is dependent upon the ability to recruit suitably experienced and skilled staff.

10. **Corporate Asset Management**

10.1 The current Cockett Campus site is occupied by a number of different services, namely Social Services Training, SQU, elements of Home Tuition and the supervised contact facility in a separate building.

10.2 As part of the previous Asset Management strategy, which released this site for potential development, proposals have been under consideration for some time to identify alternatives for these specific activities within the existing Council estate. This would be on the basis that it would not be at an additional cost to the wider authority with regards to ongoing running costs and unlimited capital investment.

10.3 The current proposals as presented would add urgency and specific timelines which would potentially have to accelerate any discussions and these are currently ongoing. It does need to be made clear that these discussions will have to ensure that there is a mitigation of any risk to the current occupation of Social Services Training, Supervised Contact and Service Quality Unit (SQU) to ensure minimal service disruption. If, in order to mitigate any risk, there are additional financial implications these would have to be considered as a cost to this project.

10.4 More widely consideration will have to be given to any revenue and capital implications as a result of these moves and the current position with regards to existing premises budgets and how they are managed by the Corporate Landlord function.

11. **Equality and Engagement Implications**

11.1 An Equality Impact Assessment (EIA) screening form has been completed with the agreed outcome that a full EIA report was required. The EIA report has been updated following consultation and is currently going through the quality assurance process. The EIA will remain in draft and continue to be updated and progressed as work continues. It is attached at Appendix B and the proposals are found to be relevant to the following characteristics:

- *Children/Young People* - The proposed changes will see the quality of the provision improved. The proposed new setting will provide learners with a fit for purpose environment and the introduction of a half-way house will make it easier for learners to return to their designated school as soon as possible.
- *Any other age group* - The proposed changes will provide staff with a fit for purpose environment to deliver these much needed services. The new management structure will also allow staff to develop to provide the best possible service to their learners.

- *Disability (Additional Learning Needs)* – 41 of the current cohort of EOTAS pupils have a statement of special educational needs. Once again the proposed provision of new fit for purpose buildings will ensure that every learner receives the service in a fit for purpose location under the leadership of an improved team.
- *Pregnancy and maternity* - This group is currently catered for by the EOTAS service. The change will provide this group of young people with a safer more inclusive environment.
- *Sex* - The proposed changes will see the quality of provisions for both boys and girls maintained if not improved.
- *Welsh Language* - Welsh speaking pupils are not a big user of this service currently. Individual arrangements have been made in the past and will continue to be made.
- *Carers* - All young carers will continue to have the same access to this service as they have done in the past.

In April 2016 engagement sessions were held with parents, carers and learners at all the various settings. Discussions were held on what kind of provision they would like to see under the EOTAS service. Following these sessions a visioning workshop was held in May 2016 with a wide range of stakeholders to start shaping what the future service could look like.

Following the approval by Cabinet (January 2017) of the direction of travel further sessions were held with parents, carers and learners (February 2017) before delivering the agreed action plan.

The views expressed during these sessions can be seen in Section 2.

All stakeholders will continue to be involved as plans are developed for the new setting and as the wider plans for the service are delivered.

12. **Legal Implications**

- 12.1 The various permutations will necessitate the legal implications to be reviewed and updated on a regular basis. Highways, planning property and contracts/procurement legal advice will need to be obtained as the proposals progress.
- 12.2 The Education (Pupil Referral Units) Application of Enactments (Wales) Regulations of 2007 and 2015 stipulate what aspects of primary and secondary legislation which exist in relation to mainstream schools are also applicable to pupil referral units. These statutory requirements will need to be in place whichever future iteration of provision is established and should be in place for the current pupil referral unit provision. Examples include the need for a school development plan, a written statement in relation to sex education and policies to promote good discipline and behaviour on the part of its pupils.

- 12.3 Part 1 of the Staffing of Maintained Schools (Wales) Regulations 2006 applies (subject to modifications) to pupil referral units as it would to mainstream schools. Should the proposals involve the appointment of new staff then legal advice should be sought as to the applicability of these regulations. Legal advice should be sought on an on-going basis in relation to the employment law implications should the proposals being developed include a restructure of staff resources.
- 12.4 The Education (Pupil Referral Unit) (Management Committees etc.) (Wales) Regulations 2014 and the accompanying guidance will need to be followed to ensure that any future provision has an appropriately constituted management committee and instrument of government. Advice should be sought on the implication of these Regulations when the future provision is identified.
- 12.5 It is a requirement for pupil referral units to be registered with Welsh Government. Depending on the model and site preferred, this registration may require updating or resubmitting to ensure ongoing compliance.
- 12.6 While not directly applicable to pupil referral units, the School Organisation Code 2013 provides guidance as to the considerations to be had when making changes to school organisation. It is recommended that if there is a significant change proposed such as a change to the school site or a reduction in school places then the guidance in the Code is considered. The Code also provides guidance in relation to ensuring quality and standards in education and assessing the impact of proposals on quality and standards which would provide officers with a helpful benchmark for deliberations.

Background Papers: Cabinet Report 15 December 2016

Appendices:

- Appendix A Concept Design Layout Plans
Appendix B Equality Impact Assessment