



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

Cabinet – 20 December 2018

School Organisation Linked to the Welsh Education Strategic Plan - Including Proposed Closure of YGG Felindre and Enhanced Size and Relocation of YGG Tan-Y-Lan and YGG Tirdeunaw

Purpose:	<p>To report to members on the result of the recent consultations and to decide whether the land at Beacons View shown edged red on the plan annexed at Appendix G ('the Land at Beacons View') should be appropriated from Housing Revenue Account to Education.</p> <p>To seek approval for the publication of the necessary statutory notices.</p>
Policy Framework:	<p>Capital Budget & Programme 2017/18- 2023/24 as reported to Cabinet on the 15 February 2018 QEd Programme Corporate Priorities; - Safeguarding people from harm - Improving education and skills - Tackling poverty - Transformation and Future Council development</p>
Consultation:	<p>Education, Finance, Legal Services, Corporate Building and Property Services, Access to Services.</p>
Recommendation(s):	<p>It is recommended that:</p> <ol style="list-style-type: none">1) Approval is given to publish a statutory notice for the relocation and enhancement of capacity and facilities at YGG Tan-y-lan2) Approval is given to publish a statutory notice for the relocation and enhancement of capacity and facilities at YGG Tirdeunaw3) Approval is given to publish a statutory notice to close YGG Felindre with effect from 31 August 2019

- 4) Approval is given to the changes in primary and secondary Welsh-medium catchment areas necessary to reflect the above changes
- 5) Cabinet considers any objections received during the statutory notice periods and determines the outcome of the proposals at their meeting on 21 March 2019.
- 6) Cabinet notes that the Land at Beacons View identified on the plan at Appendix G is surplus to requirements and approves its appropriation for the purposes of Education under section 122 Local Government Act 1972, namely for the construction of a new primary school.

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1. Introduction

1.1 A detailed report was presented to Cabinet on the 21 June 2018 which considered the next steps required to progress the approved commitments within the Welsh Education Strategic Plan (WESP), as reflected in the approved 21st Century Schools Band B programme, and approved the commencement of formal statutory consultation where this was appropriate. The purpose of this paper is to consider the responses received as part of these formal statutory consultations, specifically:

- The proposed relocation and enhancement of capacity and facilities at YGG Tan-y-lan (at 1.5FE or 2FE with specific Welsh-medium capital grant);
- The proposed relocation and enhancement of capacity and facilities at YGG Tirdeunaw (at 2FE or 2.5FE with specific Welsh-medium capital grant);
- The proposed closure of YGG Felindre from the 31 August 2019, the pupils to transfer to YGG Tirdeunaw, or YGG Tan-y-lan if relocation approved, and
- The proposed review of primary and secondary Welsh-medium catchment areas as necessary to reflect the above proposed changes from September 2021

1.2 The consultation papers can be found at Appendix A.

1.3 This report will not restate the significant detail that was previously considered and contained within the June Cabinet report, nor within the consultation papers

themselves, but will focus on the key issues and concerns raised in the consultation process. These will be summarised in the body of the report, and comprehensively collated and carefully considered in the detailed consultation reports attached as Appendix B.

- 1.4 The consultation proposals are part of a coherent and consistent county-wide strategy to continue to address the considerable and growing demand for Welsh-medium provision both in terms of further enhancing the places available as well as improving the balance of demand and availability of places.
- 1.5 Following the consultation period, Cabinet are now required to consider the responses received during the consultation period and decide if the proposals should move to the next stage – the publishing of statutory notices inviting any formal objections to the proposals.

2. Consultation Responses

2.1 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.

2.2 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 Felindre
- pupils, staff, governors and parents at YGG Tan-y-lan
- 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

2.3 Consultation meetings and drop-in sessions were held for the YGG Tan-y-lan proposal as follows:

Meeting for:	Venue	Date	Time	Attendance
Learners (School Council)	Tan-y-lan School	27/09/18	14:30 – 15:30	10
Staff	Tan-y-lan School	27/09/18	15:30 – 16:15	28
Governors	Tan-y-lan School	27/09/18	16:15 – 17:00	6
Drop-in for parents/public	Tan-y-lan School	27/09/18	17:00 – 19:00	9

2.4 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

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

Meeting for:	Venue	Date	Time	Attendance
Learners (School Council)	Felindre School	17/09/18	14:30 – 15:30	11
Staff	Felindre Community Hall	17/09/18	15:30 – 16:15	8
Governors	Felindre Community Hall	17/09/18	16:15 – 17:00	5
Drop-in for parents/public	Felindre Community Hall	17/09/18	11:00 – 13:30	8
Drop-in for parents/public	Felindre Community Hall	17/09/18	17:00 – 19:00	7
Drop-in for parents/public	Felindre Community Hall	01/10/18	14:00 – 16:00	0

2.6 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.

2.7 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.

2.8 The following responses were received for the YGG Tan-y-lan proposal:

- 30 responses to an online survey
- 23 responses to an online pupil survey
- 8 written/emailed responses

2.9 The following responses were received for the YGG Tirdeunaw proposal:

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

- 2.10 The following responses were received for the YGG Felindre proposal:
- 86 responses to an online survey
 - 2 responses to an online pupil survey
 - 17 written/emailed responses
- 2.11 All consultation responses have been made available for Cabinet to view. These are outlined in further detail in the schedule of responses at Appendix B and the RhAG response (a Welsh-medium stakeholder group) is at Appendix C.
- 2.12 The main issues and concerns raised in relation to the proposals are outlined in the following sections.

3. Proposed relocation and enhancement of capacity and facilities at YGG Tan-y-lan

- 3.1 There was broad support for the proposal from those responding, particularly recognising the need for a larger site and facilities. Some specific facilities were suggested and can be considered as part of the detailed design for the new school, which will reflect Building Bulletin guidelines as well as the available funding for the scheme. This is a set of standards developed by the Department for Education and Skills (DfES) School Building and Design Unit building professionals. It is a Welsh Government funding condition to ensure that funds are distributed fairly and that schools offer a consistent standard across Wales. Schools must be designed according to the maximum of BB98 (secondary) and BB99 (primary). Of the total responses received, 30 support the proposal, 2 object and 5 are undecided/unclear. 20 of the learner responses support the proposal, none object and 1 was undecided/unclear.
- 3.2 Concerns have been raised regarding the size of the new build if it cannot be 2 Form Entry (FE) from the outset, which is dependent on access to specific Welsh Government Welsh-medium capital grant. Experience would suggest that whenever additional Welsh-medium places are established the demand for such places receives a further stimulus, however, this is clearly impossible to predict with accuracy and therefore justify in terms of specific business cases. The Welsh Government's recent Welsh-medium capital grant provided the opportunity to seek to support the national priority to increase the number of Welsh speakers by bringing forward the delivery of later phases of Swansea's strategy and providing greater ability to respond to an increasing trend towards Welsh-medium provision. Sadly, our bids have so far been unsuccessful, however, discussions are continuing with Welsh Government officials and this bid has now been re-submitted. Until access to specific additional funding is confirmed the proposal remains for 315 places to serve YGG Tan-y-lan (1.5FE), consistent with the rigorous pupil modelling underpinning the Welsh Government business case, and future proofed for a further 0.5FE in the future as demand continues to grow. At 1.5FE capacity this represents a significant increase in places, reflecting the anticipated demand for places to serve the area for a number of years. Additional Welsh-medium capital grant would enable a 2FE or 420 places, allowing greater scope to respond to further demand for Welsh-medium provision and so

supporting the national targets for Welsh speakers. The authority will continue to source funding to increase the new building to 2FE and is therefore seeking Cabinet approval to publish a notice on 9 January 2019 that will either be for 1.5FE or 2FE depending on the availability of funding at that time.

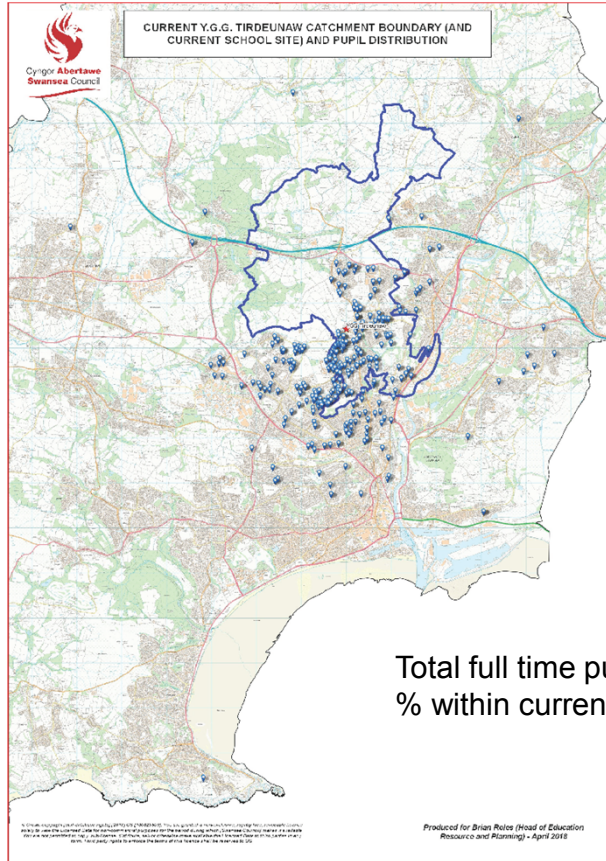
- 3.3 No proposed location to provide a less constrained site will be considered ideal by everyone. Responses have suggested that the Council should be looking to also build a new Welsh-medium school for the Morrison area and possibly consider the use of the current YGG Tan-y-lan site to develop nursery education to feed into any such additional school. The need for Welsh-medium places will of course continue to be reviewed but these are matters that fall outside of the current proposal to relocate the school to a larger site. A comprehensive review of all available sites in the Council's ownership informed the proposed new site for the school, and demonstrated the limited scope.
- 3.4 Concerns were raised about traffic around the area of the proposed new site and also the transport arrangements to the new site. If the proposal is approved all routes to the school would be assessed and traffic measures introduced where necessary. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are only 0.6 miles 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.
- 3.5 One response raised concern about perceived larger classes. Class sizes are currently between 25 and 33 and infant classes cannot exceed 30 (unless there are permitted exceptions) and we would not expect junior classes to be any larger in future.

4. Proposed relocation and enhancement of capacity and facilities at YGG Tirdeunaw

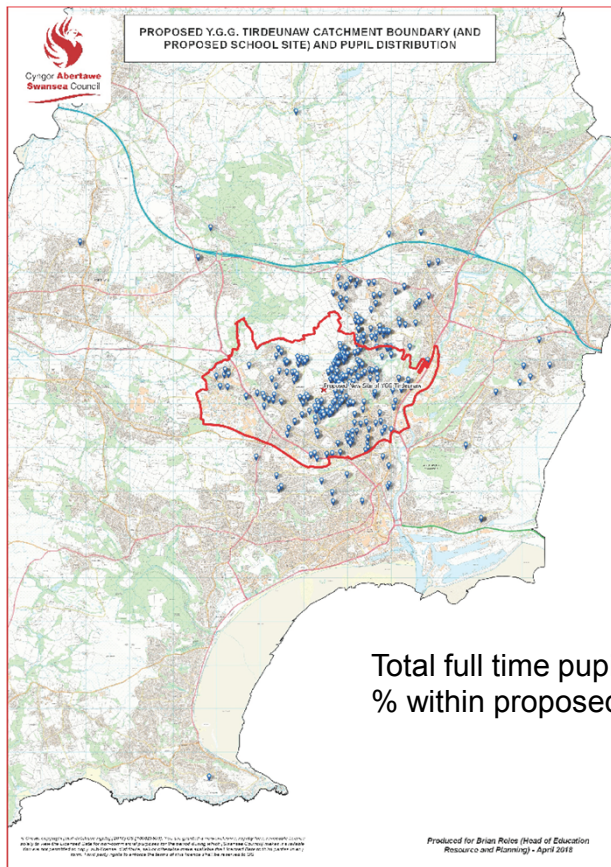
- 4.1 There was broad support for the proposal from those responding recognising the need for enhanced facilities. The detailed design for the new school will reflect Building Bulletin guidelines as well as the available funding for the scheme. Of the total responses received, 62 support the proposal, 4 object and 6 are undecided/unclear. 47 of the learner responses support the proposal, none object and 6 were undecided/unclear.
- 4.2 Concerns have been raised regarding the size of the new build if it cannot be 2.5FE from the outset, which is dependent on access to specific Welsh Government Welsh-medium capital grant. As previously noted, experience would suggest that whenever additional Welsh-medium places are established the demand for such places receives a further stimulus, however, this is clearly impossible to predict with accuracy and therefore justify in terms of specific business cases. The Welsh Government's recent Welsh-medium capital grant provided the opportunity to seek to support the national priority to increase the number of Welsh speakers by bringing forward the delivery of later phases of Swansea's strategy and providing greater ability to respond to

an increasing trend towards Welsh-medium provision. Sadly, our bids have so far been unsuccessful, however, discussions are continuing with Welsh Government officials and this bid has now also been re-submitted. Until access to specific additional funding is confirmed the proposal remains for 420 places to serve YGG Tirdeunaw (2FE), consistent with the rigorous pupil modelling underpinning the Welsh Government business case, and future proofed for a further 0.5FE in the future as demand continues to grow. At 2FE capacity this represents a modest increase in places but reflects the anticipated demand for places to serve the area for a number of years. Additional Welsh-medium capital grant would enable a 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. The authority will continue to source funding to increase the new building to 2.5FE and is therefore seeking Cabinet approval to publish a notice on 9 January 2019 that will either be for 2FE or 2.5FE depending on the availability of funding at that time.

- 4.3 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.
- 4.4 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. The maps below show the analysis undertaken to compare the distribution of current pupils with the current and proposed catchment area for YGG Tirdeunaw.



YGG Tirdeunaw



YGG Tirdeunaw



- 4.5 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 21st century education.
- 4.6 Concerns were raised about traffic around the area of the proposed new site and also the transport arrangements to the new site. If the proposal is approved all routes to the school would be assessed and traffic measures introduced where necessary. There would 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.
- 4.7 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.
- 4.8 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, nor for the site.

5. Proposed closure of YGG Felindre

- 5.1 Pupil numbers at the school continue to decline (13 FTE/14 whole school as at September 2018) with a large proportion (65%) coming from outside of the school catchment area, reflecting the general demographics for the area. Paragraphs 8 to 10 of the consultation paper at Appendix A sets out the educational case for change and paragraph 13 sets out the alternatives considered. Paragraphs 18 to 23 set out the potential benefits. There was understandable disappointment at the proposal and concern about the wider impact on the village, whilst understanding the need to review the future sustainability of the school. Of the total responses received, 90 object to the proposal, 7 support and 1 is undecided/unclear. 1 learner response supports the proposal and 1 objects. However, the responses and attendance at drop-in sessions were fairly modest.
- 5.2 The perceived benefits of a small school were highlighted, as well as the current facilities available, and there was concern that some pupils will find it difficult in a large school. However, current numbers are such that the future sustainability of the quality of educational provision has to be reviewed as well as the implications of such mixed age classes. It was suggested that larger schools do not offer the same equality of experience and that there are more opportunities at Felindre, for example all children get to participate, not just a chosen few e.g. sport. However, pupils are likely to have more opportunities in a larger school

in new 21st century facilities. There are likely to be more opportunities for sport, particularly team sports, with a larger cohort of pupils.

- 5.3 It was also suggested that the school should be given a chance to improve and that leadership is improving.
- 5.4 The lack of leadership stability at the school was highlighted with a number of acting headteachers being in place over recent years and that there needs to be a period of stability. This has indeed been the case in spite of significant support from the authority. The impact of uncertainty regarding the future of the school was highlighted as contributing to the fall in pupil numbers.
- 5.5 Concerns were raised about moving the children firstly to the current YGG Tan-y-lan site and subsequently to the new school site. It was suggested that any closure should be delayed until the new build for YGG Tan-y-lan was available; however, this would delay the closure until September 2021 and the school would struggle to support the small numbers on roll until that time.
- 5.6 It was also suggested that houses are going to be built in the future in the area at the Local Development Plan site at Junction 46 of the M4, so numbers will increase. Future potential housing developments have been considered, however, the timescale and nature of any such developments remain uncertain and the future need for educational provision would be intrinsically linked and outside of the village itself.
- 5.7 Concerns were raised that the school is an integral part of the village which needs children and families and links with the local chapel, although the village is also well served by a community hall. There was also concern about the impact on the Welsh language and opportunities to use the language. However only a very small number of the current pupils are from within the village itself, with most being preferred placements from other parts of Swansea.
- 5.8 The 'well-being' goals of the Well-being of Future Generations (Wales) Act 2005 have been considered, as well as alternatives to closure, and these were set out in the consultation document and discussed with the school governing body. These were also discussed as part of regular meetings with RhAG representatives, with no viable alternative to closure identified. Indeed, in April 2018, prior to the Cabinet decision to move to statutory consultation and in response to a press release regarding the proposed new site for YGG Tan-y-lan, RhAG recognised the fall in pupil numbers at YGG Felindre and that it is inevitable that the authority has to look at the situation. Subsequent responses, as part of the statutory consultation, highlighted the pressure on Welsh-medium places in other schools and the potential use of YGG Felindre facilities where this is the case. However, other proposals, and indeed the wider WESP strategy, seek to address the continuing growth in demand for Welsh-medium provision as well as rebalancing the demand and availability of places.

- 5.9 The consistent professional advice of officers has been that, whilst a local authority can now direct a school to federate, to be effective any such federation requires the agreement and full ownership and full commitment of the schools concerned to the proposal. Detailed information and guidance on the nature and process of federation was shared and discussed with the Governing Body of the school in May 2018. Further advice was provided by officers in June 2018 regarding the need, ideally, for a fluent Welsh speaker as headteacher who would be confident in overseeing a Welsh-medium school should a federation option be considered with an English-medium school. Later that month the Governing Body met to initially discuss options and approaching a Welsh-medium school about potential federation, and then specifically the option of federating with YGG Bryniago. Officers confirmed local authority support to the Governing Body through the federation process if an early indication of a federation agreement were to be secured. There were subsequent informal discussions with the Chair of YGG Bryniago and more recently YGG Tan-y-lan, but no viable proposal was identified. There have also been discussions with YGG Lôn Las but council officers have not been directly included.
- 5.10 Concern was expressed at the timing of the proposal in the light of the implications of the new School Organisation Code for small and rural schools. However, the Council has sought to operate within the spirit of the new code throughout the process, carefully considering alternatives to closure, even though it had not, at that time, come into force.
- 5.11 Concerns have been raised at the perception that the proposal is financially driven although it has been emphasised throughout that the proposal has been made for educational reasons and the future sustainability of the quality of educational provision with the decline in pupil numbers.
- 5.12 Further careful consideration has been given to alternative options to closure previously set out in the consultation document, including the potential for federation, in the light of the consultation responses received, as set out below.

Option 1 – Status Quo

Advantages	Disadvantages
YGG Felindre would remain open	Would not address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area
Retention of school identity	Continuing challenge to maintain sustainability of educational provision at the school, particularly with the new curriculum.
Perceived benefits of a small school	Need for additional resources to support leadership and teaching/learning likely to continue.

Current facilities available to pupils	Pupils would remain in increasingly mixed age cohorts having to cater for many year groups in one class. Pupils are likely to have more opportunities in a larger school in 21 st century facilities.
Further opportunity for school to turn things around	Future liabilities in terms of building maintenance costs remain
Additional home to school transport not required	Future new build accommodation and facilities reflecting Building Bulletin guidelines
	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate
	Cost per pupil is £8,815 compared with a County average of £3,487 and this unbalanced distribution would remain and indeed increase as pupil numbers continue to decline

Option 2 – Amalgamation

Advantages	Disadvantages
Educational provision would remain on the current YGG Felindre School site, although it's separate identity would be lost	Would not effectively address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area.
Potential sustainability of amalgamated school on more than one site could be tested and sites rationalised in the future if there proves to be no alternative	Continuing challenge to maintain appropriate educational provision at the school with limited scope to secure the benefits of amalgamation. The distance between school sites would severely limit for example the opportunities for whole school activities, and peer working, sharing of resources, staff development and leadership and management
Potentially enhanced leadership and management (across more than one site) and saving in Headteacher salary cost	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need
Limited opportunity to share resource and best practice and broader range of staff expertise	Pupils would likely remain in mixed age cohorts although there would be some opportunities to undertake activities with pupils on other sites

	Whilst current per pupil cost disparity would be addressed to a limited extent additional costs would remain as a result of the split sites and need for a management presence on each site, to be met with a reduced budget.
	Future liabilities in terms of building maintenance costs remain

Option 3 – Federation

Advantages	Disadvantages
YGG Felindre would remain open	Would not effectively address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area.
Retention of school identity but under a Federation	Continued risk of failure to maintain sustainability of appropriate educational provision at the school due to the need to ensure appropriate management of each school site.
Potentially enhanced leadership and management (across more than one site) and some potential scope to make savings in senior leadership costs across Federation	Pupils would remain in the same mixed age cohorts although there would be some opportunities to undertake activities with pupils on other sites but with staff/pupils travelling to provide the same breadth of curriculum support as available on a single site.
Limited opportunity to share resource and greater opportunity to share best practice and broader range of staff expertise	Requires full ownership from all parties to be effective rather than Council direction and there remains no indication to date of such interest from another school.
Full ownership from all parties to Federate can prove to be effective – although generally with a number of small schools of a similar size	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate.
	Cost per pupil is £8,815 compared with a County average of £3,487 and this unbalanced distribution would remain
	Future liabilities in terms of building maintenance costs remain

Option 4 – School Closure

Advantages	Disadvantages
Greater learning opportunities for pupils with access to a wider range of staff expertise and resources, greater curriculum and resource access, as well as enhanced social and sporting opportunities better preparing them for their move to a larger secondary school.	Loss of school in the village and wider impact on the community, although it is well served by a community hall.
Sustainability of appropriate educational provision within the wider area, enhanced with reduction in surplus places and more efficient and effective allocation of available resources to strengthen overall provision, more evenly distributing of funding per pupil across a wider area	Relocation of pupils to different schools if they do not wish to transfer to the new allocated catchment school
Pupils would be able to access a 'Good' standard of education in neighbouring schools (YGG Tirdeunaw/YGG Tan-y-lan, both of which at their last Estyn inspection in 2015 were assessed as Good & Good).	Staff would be redeployed or made redundant
Potential future capital receipt to re-invest in the development of education in Swansea	Additional transport costs would be incurred to transport pupils to a different school, offsetting any other financial savings from closure
Removes potential future liabilities for building maintenance costs	

5.13 Consideration has also been given to the other alternatives to closure that have been suggested in the consultation responses and these are set out below. However, it remains the view of officers that no viable alternative option to closure has been identified, in the light of the number of pupils attending from its catchment and the wider demographic profile of the area, and the Council's preferred option remains Option 4, above.

Option 5 – Establish a dual stream English and Welsh-medium school e.g. potentially with Craigcefnparc

Advantages	Disadvantages
A school would remain open as an integral part of the village with a Welsh-medium stream and potentially a greater number of pupils as a whole	Would not address the current projected number of Welsh-medium pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area

Perceived benefits of a small school would be retained	Continuing challenge to maintain sustainability of educational provision at the school, particularly with the new curriculum.
Current facilities would continue to be available to pupils	Need for additional resources to support leadership and teaching/learning likely to continue, particularly with the need to duplicate provision for dual streams.
Further opportunity for school to turn things around	Pupils would remain in increasingly mixed age cohorts having to cater for many year groups in one class, only this would be the case for both streams. Pupils are likely to have more opportunities in a larger school in 21 st century facilities.
	Requires a statutory process and a change in current Council policy regarding Welsh-medium provision, during which time the educational provision for children at the school continues to be impacted.
	Future liabilities in terms of building maintenance costs remain
	Future new build accommodation and facilities reflecting Building Bulletin guidelines
	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate
	Whilst current per pupil cost disparity would be addressed to a limited extent additional costs would remain with the need to support dual streams

Option 6 – Extend catchment area of the school

Advantages	Disadvantages
YGG Felindre would remain open	Would not address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area. Parental preference might be unaffected.

Retention of school identity	Continuing challenge to maintain sustainability of educational provision at the school, particularly with the new curriculum.
Perceived benefits of a small school	Need for additional resources to support leadership and teaching/learning likely to continue as well as potential additional home to school transport costs.
Current facilities available to pupils	Pupils would remain in increasingly mixed age cohorts having to cater for many year groups in one class. Pupils are likely to have more opportunities in a larger school in 21st century facilities.
Further opportunity for school to turn things around	Future liabilities in terms of building maintenance costs remain
	Future new build accommodation and facilities reflecting Building Bulletin guidelines
	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate
	Cost per pupil is £8,815 compared with a County average of £3,487 and this unbalanced distribution would remain
	Would require consultation period while education for Craigcefnparc learners would continue to be impacted.

Option 7 – Keep school open until new housing developments delivered or new build is ready

Advantages	Disadvantages
Potential to relocate school in the future rather than close it altogether (subject to consultation and statutory notice due to distance and increased size)	Timescale and nature of housing developments are uncertain and the future need for places is intrinsically linked and outside of the village itself.
YGG Felindre would remain open in the village in the short/ medium term	Would not address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area

Retention of school identity in the short/medium term	Continuing challenge to maintain sustainability of educational provision at the school whilst it remained open, particularly with the new curriculum, for at least another 1 to 2 years.
Perceived benefits of a small school retained for a time	Need for additional resources to support leadership and teaching/learning likely to continue.
Current facilities available to pupils retained as well as minimising change for existing pupils	Pupils would remain in increasingly mixed age cohorts having to cater for many year groups in one class. Pupils are likely to have more opportunities in a larger school in 21 st century facilities.
Further opportunity for school to turn things around	Future liabilities in terms of future maintenance costs remain
	Future new build accommodation and facilities reflecting Building Bulletin guidelines
	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate
	Cost per pupil is £8,815 compared with a County average of £3,487 and this unbalanced distribution would remain until the school grows in size at the new site

Option 8 – Other co-located educational uses for the school facilities

Advantages	Disadvantages
Consistent with wider strategy to deliver integrated services	There is insufficient need and therefore no business case to establish a Welsh-medium special unit at the site and no need for additional accommodation for wider Council services in the village. Any changes to the school building would require capital investment and consideration of safeguarding if other users are on site.
YGG Felindre facilities could remain open if other services co-located	Would not address the current projected number of pupils at the school with so few pupils coming from within the catchment area and indeed within the catchment area as a whole with the demographic profile of the area

Retention of school identity unless the site were to be fully utilised for another purpose	Continuing challenge to maintain sustainability of educational provision at the school, particularly with the new curriculum, even if required co-located facilities identified.
Perceived benefits of a small school retained	Need for additional resources to support leadership and teaching/learning likely to continue.
Current facilities available to pupils retained	Pupils would remain in increasingly mixed age cohorts having to cater for many year groups in one class. Pupils are likely to have more opportunities in a larger school in 21 st century facilities.
Further opportunity for school to turn things around	Future liabilities in terms of building maintenance costs remain
	Future new build accommodation and facilities reflecting Building Bulletin guidelines
	Would not contribute to the provision of pupil places where they are needed and reduce surplus places where there is not the need to support the greater efficiency and effectiveness of the school estate
	Cost of any co-located services would need to be fully met from other funding streams and could not be subsidised from the delegated school budget.
	Special units (STFs) are neutrally funded so would not give the school any additional financial sustainability.

6. Proposed review of Welsh-medium primary and secondary catchments

6.1 This has attracted the greatest response in terms of the potential impact on future school intakes. As explained above, and in the June Cabinet Report, there is a recognised 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 destabilise 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, as well as the specific pupil distribution maps for each school, which are available. 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.

School	% of Current pupils within CURRENT catchment area	% of Current pupils within PROPOSED catchment area
Bryniago	81.4%	81.4%
Bryn-Y-Môr	76.1%	74.1%
Gellionnen	78.2%	78.2%
Llwynderw	69.4%	69.4%
Lôn Las	69.5%	69.5%
Pontybrenin	90.1%	83.0%
Tan-y-lan	70.7%	83.6%
Tirdeunaw	47.6%	68.4%
Y Cwm	69.3%	69.3%
Y Logyn Fach	87.9%	80.7%

- 6.2 There is also a concern that the proposals as a whole will not provide sufficient places to meet the continuing growth in demand for Welsh-medium provision. However, Swansea’s strategy for Welsh-medium provision does not rely on a single set of projections but considers a number of complementary projection models examining the need for places from a range of perspectives, each of which support and reinforce this business case and wider strategy.
- 6.3 Base projections reflect current numbers and existing constraints on places, as well as current catchment areas, and as such can understate the underlying growth trend in demand for Welsh-medium places. The pupil projections below, which have informed Swansea’s approved WESP, seek to reflect this underlying growth trend without the same constraint of existing school capacities and locations, and consequently provide a more realistic assessment of the need. These assume the delivery of further capital investment schemes to address pressure points in the system, including these specific business cases.
- 6.4 Swansea’s strategy is long term and seeks to set in place the spread of Welsh-medium places that is required to meet future as well as current demand for places. Consequently, the capacity required at each school once the pupil intake numbers have fed through each year group has been modelled. This represents the capacity and spread of places that we need to plan to deliver. This is shown in the ‘Intake Projected’ column in the table below.
- 6.5 The number of existing pupils that are nearest to each school by available walking route has also been modelled to evaluate our current spread of places county wide, and to determine whether we have places in the right location. This is shown in the ‘Nearest Projected’ column in the table below.
- 6.6 The potential impact of changes to existing catchment areas has also been modelled to inform current proposals which seek to rebalance the need for,

and availability of Welsh-medium places. This is shown in the 'Changes Projected' column in the table below.

6.7 The table below compares each model projection:

	Current Capacity	Planned Capacity	Current Projected	WESP Projected	Intake Projected	Nearest Projected	Changes Projected
YGG Bryniago	222	222	214	246	240	247	236
YGG Bryn-y-mor	260	260	260	299	298	380	294
YGG Felindre	77	-	25	29	22	15	-
YGG Gellionnen	305	305	246	283	272	290	286
YGG Llwynderw	319	319	318	366	340	263	351
YGG Lon las	530	530	399	459	532	454	517
YGG Pontybrenin	501	501	498	573	577	511	508
YGG Tan-y-lan	130	315	133	153	184	364	274
YGG Tirdeunaw	413	420	395	454	383	474	449
YGG Y Cwm	208	208	163	187	179	150	124
YGG Y Login Fach	214	214	209	240	260	140	249
Total WM Primary	3,179	3,294	2,860	3,288	3,288	3,288	3,288

6.8 The table below compares the planned school capacities within Band B with the capacity required as projected on the basis of the proposed catchment changes:

	Planned Capacity	Required Capacity	Difference
YGG Bryniago	222	236	- 14
YGG Bryn-y-mor	260	294	- 34
YGG Felindre	-	-	-
YGG Gellionnen	305	286	19
YGG Llwynderw	319	351	- 32
YGG Lon las	530	517	13
YGG Pontybrenin	501	508	- 7
YGG Tan-y-lan	315	274	41
YGG Tirdeunaw	420	449	- 29
YGG Y Cwm	208	124	84
YGG Y Login Fach	214	249	- 35
Total WM Primary	3,294	3,288	6

6.9 This rigorous analysis (which can only be summarised in this document) demonstrates the need for at least a 1.5FE new build school for YGG Tan-y-lan and at least a 2FE new build for YGG Tirdeunaw. It also supports the bids submitted under the recent Welsh-medium capital grant offer.

6.10 Estyn were also required to comment on the proposals, as per the School Organisation Code and no concerns were raised. Their full response to each proposal is included in the consultation report at Appendix B and a summary of their response is provided below:

6.10.1 YGG Tan-y-lan

The proposer has provided a comprehensive proposal, which explains clearly the reasoning behind the proposal to increase the capacity of YGG Tan-y-lan by building a new school within a mile of the current site, and responding to

the increasing demand for Welsh-medium education throughout the county. Estyn believes that the proposal is likely to at least maintain the current standards in terms of education, provision, and leadership and management.

6.10.2 YGG Tirdeunaw

The proposer has provided a comprehensive proposal, which explains clearly the logic behind the proposal to increase the capacity of YGG Tirdeunaw by building a new school within a mile of the current site, and to respond to the increasing demand for Welsh-medium education throughout the county. Should the proposal be approved, it would mean changes to several school catchment areas in Swansea. The local authority has committed to supporting families so that siblings can attend the same school should parents request for them to do so. Estyn is of the opinion that the proposal is likely to at least maintain current standards in terms of education, provision, and leadership and management.

6.10.3 YGG Felindre

The proposer has provided a comprehensive proposal that explains clearly the reasoning behind the proposal to close YGG Felindre and transfer the school's current catchment to the nearest Welsh-medium school. YGG Tirdeunaw is the closest Welsh-medium school, unless the separate proposal to relocate YGG Tan-y-lan to a new site off Beacons View Road, Clase is approved and, if so, that will be the nearest school. The proposer notes that, over a 5-year-period, education provision at YGG Felindre has been weak, the standard of teaching has been adequate and a lack of permanent leadership has hindered improvement. Pupil numbers at the school are falling every year, and the local authority predicts that this pattern will continue. The proposer states that better facilities at YGG Tirdeunaw and YGG Tan-y-lan will ensure strong educational provision in the future. Estyn believes that the proposal is likely to at least maintain the current standards in terms of education, provision, and leadership and management.

7. RhAG response

- 7.1 The full RhAG response is at Appendix C and a summary of key issues is considered below;

YGG Tirdeunaw:

- 7.2 *The most satisfactory solution would be to rebuild Ysgol Tirdeunaw on its current site.*

No proposed relocation will be considered ideal by everyone. 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 within the heart of its natural catchment area.

- 7.3 *Operating within the current proposal, we are pleased to see a Welsh-medium school on the grounds of Bryn Tawe, but we are of the opinion that it is essential that the new Ysgol Tirdeunaw has an admission number of 75.*

Experience would suggest that whenever additional Welsh-medium places are established the demand for such places receives a further stimulus, however, this is clearly impossible to predict with accuracy and therefore justify in terms of specific business cases. The Welsh Government's recent Welsh-medium capital grant provided the opportunity to seek to support the national priority to increase the number of Welsh speakers by bringing forward the delivery of later phases of Swansea's strategy and providing greater ability to respond to an increasing trend towards Welsh-medium provision. Sadly, our bids have so far been unsuccessful, however, discussions are continuing with WG officials and this bid has now also been resubmitted. Until access to specific additional funding is confirmed the proposal remains for 420 places to serve YGG Tirdeunaw (2FE), consistent with the rigorous pupil modelling underpinning the Welsh Government business case, and future proofed for a further 0.5FE in the future as demand continues to grow. At 2FE capacity this represents a modest increase in places but reflects the anticipated demand for places to serve the area for a number of years. Additional Welsh-medium capital grant would enable a 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.

By being future proofed the school would have larger halls, dining space and learning resource space sufficient to accommodate more learners in the future if funding was available and if demand required a further increase in capacity. We will continue to seek to access appropriate further capital funding.

YGG Tan-y-lan:

- 7.4 *We welcome the fact that Ysgol Tan-y-lan will have a new site. Nevertheless, due to the fact that the school is going to be serving a new catchment area, we believe that it is essential that the school has an admission number of 60.*

As with YGG Tirdeunaw, as we have so far been unsuccessful in securing additional Welsh-medium capital grant, however, discussions are continuing with WG officials and this bid has now also been resubmitted. Until access to specific additional funding is confirmed the proposal remains for 315 places to serve YGG Tan-y-lan (1.5FE), consistent with the rigorous pupil modelling underpinning the Welsh Government business case, and future proofed for a further 0.5FE in the future as demand continues to grow. At 1.5FE capacity this represents a significant increase in places, reflecting the anticipated demand for places to serve the area for a number of years. Additional Welsh-medium capital grant would have enabled a 2FE or 420 places, allowing greater scope to respond to further demand for Welsh-medium provision and so supporting the national targets for Welsh speakers.

By being future proofed the school would have larger halls, dining space and learning resource space sufficient to accommodate more learners in the future

if funding was available and if demand required a further increase in capacity. We will continue to seek to access appropriate further capital funding.

- 7.5 *As the new school is going to be far from Murrison's main populated areas, we want the county to keep Tan-y-lan's current building for nursery/reception pupils, and we want the county to establish an additional Welsh-medium school on land between Murrison and Ynysforan.*

The increased size of the new school will provide enough space for nursery. Having nursery on a split-site will cause issues for parents, and the existing Tan-y-lan site would be too big for just nursery. It would be costly for Tan-y-lan to have to sustain two sites with their delegated budget and there can be issues with bringing the school staff and learners together on split sites that are a distance apart; the buildings at the existing site would also require investment in the future.

The demand for Welsh-medium places across Swansea will continue to be monitored and further actions taken as appropriate as part of the delivery of the wider Welsh Education Strategic Plan.

YGG Felindre:

- 7.6 *We want the county to consider ways of keeping Felindre open until a new Welsh-medium school is established following the building of a housing estate near the M4.*

Future potential housing developments have been considered, however, the timescale and nature of any such developments remain uncertain and the future need for educational provision would be intrinsically linked and outside of the village itself.

8. Appropriation of Land

- 8.1 The proposed site for the relocated YGG Tan-y-lan, the Land at Beacons View Road, Clase, is in the ownership of the Council, as Housing Revenue Account (HRA) land. The land is shown edged red on the plan annexed at Appendix G. The land is currently designated as un-adopted recreational land which is partly fenced off. It adjoins Leadfield recreational land to the east, residential properties to the south and north and formal play space and a place of worship to the east.
- 8.2 A planning application was approved in February 2003 to demolish the flats that previously occupied this site. The Head of Housing and Public Protection has confirmed they have no intention to build on the land at Beacons View Road, Clase.
- 8.3 The Head of Housing and Public Protection has formally confirmed that the land is surplus to requirements in accordance with the Land Transaction Procedure Rules as set out in the Council Constitution at Part 4.

9. Consultation on proposed site for YGG Tirdeunaw

- 9.1 The proposed site for the relocated YGG Tirdeunaw currently forms part of the YGG Bryn Tawe site.
- 9.2 Whilst all land held by the Council is held corporately, the governors of the school have day to day control over the premises under the School Standards and Framework Act 1998. Therefore the Authority must seek the views of the governing body and take those views into account prior to making any final decision on the removal of the land from the school premises.
- 9.3 The governing body of YGG Bryn Tawe were therefore formally consulted on the proposal on the 24 October 2018 on the following basis:
- YGG Bryn Tawe currently has a total site external area of 41 acres. Excluding the 12 acres of natural habitat there remains a further 29 acres of useable space which exceeds the BB98 recommended minimum requirement of 20 acres for a school of 1450 pupils.
 - The area of land on which we consulted and is proposed to become part of the YGG Tirdeunaw site is approximately 5.2 acres, as show on on the plan attached at Appendix H. This would leave YGG Bryn Tawe with an useable site area of 23.8 acres.
 - The land on which we consulted currently includes a football pitch which we understand is not used frequently and also an underused hard play area.
 - The proposals for the primary school include the provision of two junior pitches which could be available for shared use as training pitches with YGG Bryn Tawe, offsetting the loss of the football pitch.
 - The concept plan for YGG Tirdeunaw also shows the potential development boundary extending into an area designated as a rugby pitch. In this case, subject to the outcome of leisure proposals for the site, the existing two rugby pitches may need repositioning to mitigate the impact on the existing provision.
 - As it is the intention to develop a master plan for the site and determine beneficial school and community use from other potential leisure investment sources, there will be further regular dialogue with yourselves and other key stakeholders over coming months.
 - We also asked the governing body to consider in its response whether it considers the disposal of the land would have an effect on any disabled children at the school, or any disabled adults visiting the school or working at the school or any person who comes within the protected characteristics under the Equality Act 2010.

- 9.4 The Governing Body responded to that consultation on the 15 November 2018 as follows:

‘There was agreement to have YGG Tirdeunaw on site, but we were unanimous with strong feelings that the School should provide for 525 from the start, as the Governors could see the School growing quickly. In the same way, there were strong feelings that YGG Tan-y-lan should also provide for 425 from the start. If not, there would be no room for the growth of Welsh-medium Education in Morriston.

There was also a belief that we need an additional Welsh-medium School for Morriston as Tan-y-lan is being taken out of the main hub of the area’s population.’

- 9.5 As explained above in consideration of the statutory consultation responses, the proposal remains for 420 places to serve YGG Tirdeunaw (2FE), consistent with the rigorous pupil modelling underpinning the Welsh Government business case, and future proofed for a further 0.5FE in the future as demand continues to grow. At 2FE capacity this represents a modest increase in places but reflects the anticipated demand for places to serve the area for a number of years. Funding will continue to be sought to increase the school build to 2.5FE.
- 9.6 The new location is less than a mile from the current school site. An analysis for transport indicates that only around 6 catchment area learners would live more than 2 miles from the new school site. No proposed location to provide a less constrained site will be considered ideal by everyone. The need for Welsh-medium places will of course continue to be reviewed but these are matters that fall outside of the current proposal to relocate the school to a larger site. A comprehensive review of all available sites in the council’s ownership informed the proposed new site for the school, and demonstrated the limited scope.

10. Financial Implications

- 10.1 Welsh Government funding for Band B of the 21st Century Schools Programme is being provided through £600m capital and £500m revenue funding for the whole of Wales. It is proposed that the capital investment schemes related to the specific proposals within this report are funded from traditional capital streams. It was announced by Welsh Government 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.
- 10.2 The total estimated cost of the new build for YGG Tan-y-lan and YGG Tirdeunaw is £20.631m; £18.342m against the overall Band B programme envelope of £141.6m (excluding the potential aided sector project which is assumed to require no Council contribution). The estimated cost of the additional 0.5 form entry for both schools is £2.289m which is assumed to be from the Welsh Government’s Welsh Language Capital Grant; if the outcome

of Swansea's bids are reconsidered (discussions are continuing with the Welsh Government). This would require a local contribution of £6.888m from the overall net funding requirement. These figures are currently being reviewed in the light of the recent increase in Welsh Government grant rates which will reduce the local funding contribution required.

- 10.3 The Welsh Government have approved in principle the overall Band B funding envelope subject to the specific approval of each individual scheme business case. As such there is no specific approved budget for any individual scheme. The funding mechanism and timescale for delivery is still to be confirmed with the Welsh Government and the delivery of all the schemes is dependent on final approval of Band B funding and the specific additional Welsh Government capital grant.
- 10.4 Cost estimates are on a current-cost basis, with no allowance for construction inflationary pressures, where there is uncertainty regarding the timing of projects. However, optimism bias has been applied to each project in accordance with the lessons learned from delivery of Band A, and based on assessment of outstanding programme risks/unknowns.
- 10.5 The approval in principle of the Strategic Outline Programme for Band B does not commit the council to the indicative funding contributions set out above since the final approval of any capital allocation from the Welsh Government is subject to the submission of further detailed business cases in respect of each specific project. Further reports will come to Cabinet for each project within the approved programme, which will include developed cost plans for each project following the further development of options appraisals and detailed design.
- 10.6 The future of the current YGG Felindre site would be considered should this proposal be approved. In accordance with current policy, any capital receipt generated from a future disposal of the Felindre site will contribute towards the council's overall capital receipt target to fund the capital programme and will not be allocated for any other specific purpose.

Revenue

- 10.7 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 budget share for the school receiving the learners from YGG Felindre would increase to include the number of learners moving there. Any additional delegated revenue savings from the closure of YGG Felindre will be reinvested into the ISB for the benefit of all pupils in Swansea. The FY2018-2019 revenue funding per pupil for YGG Felindre of £8,815 compares with an average for primary schools in Swansea of £3,487.
- 10.8 Closure of schools can lead to some initial increased costs, for example redundancy costs and transport costs. Although we would recommend to governors at the school receiving the learners from YGG Felindre that all new

posts to support the additional learners are ring-fenced to existing employees at YGG Felindre, there could be some staff that are not successful in matching against a post, with redundancy costs charged to central budgets.

- 10.9 There will be additional transitional transport costs whilst existing pupils are protected from the impact of catchment changes but in the longer term modest overall savings would be anticipated as a greater proportion of pupils have access to places nearer to home.

11. Legal Implications

- 11.1 The establishment, alteration or discontinuance of maintained schools requires consultation and the publication of statutory notices in accordance with Chapter 2 and Schedule 2, of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (Circular 006/2013) (the Code). The Code provides statutory guidance a Local Authority must follow when seeking to making school organisation proposals to education provision within a Local Authority area. Because these proposals were published before 1st November 2018 when the new Code was published, it is specified that the 2013 Code must be followed.
- 11.2 Part 1 of the Education Act 1996 (“the 1996 Act”) imposes a number of general duties on all local authorities in Wales. The general duty in section 13 of the 1996 Act is to contribute (so far as the Council’s powers enable them to do so) towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area.
- 11.3 Section 13A(3) of the 1996 Act states that a local authority in Wales must ensure that their relevant education functions and their relevant training functions are exercised by the authority with a view to promoting high standards, and promoting the fulfilment of learning potential by every person to whom the subsection applies, including those who are of compulsory school age or are below school age and are registered as pupils at schools maintained by the authority.
- 11.4 Section 14 of the 1996 Act then provides that the Council shall secure that sufficient schools for providing primary education and secondary education are available in the Council’s area. Schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity for appropriate education. Appropriate education means education which offers such variety of instruction and training as may be desirable in view of
- (a) the pupils’ different ages, abilities and aptitudes; and
 - (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.

- 11.5 Before publishing any proposals relating to the discontinuing a school under s43 of the Act, or making a Regulated Alteration under s42 the Authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. Guidance has been issued by the Welsh Government in Circular 011/2013 entitled the "School Organisation Code" which must be followed:
- a) At the start of the consultation period Proposers must provide consultees with a consultation document and give them at least 42 days in which to respond, with at least 20 of these being school days.
 - b) Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
 - c) A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
 - d) If a decision is made to proceed, a Statutory notice is published providing a 28 day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
 - e) If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
 - f) The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
 - g) If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.
- 11.6 The proposer must publish a report on the consultation it has carried out in accordance with the Code. The consultation report must summarise each of the issues raised by consultees, responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons; and setting out Estyn's view (as provided in its consultation response) of the overall merits of the proposal.

- 11.7 The School Organisation Code specifies the detail that the equality and community impact assessments must cover and full consideration needs to be given to these before any decision is made.
- 11.8 The Code includes statutory guidance to which the Council must have due regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. Where guidance is given by the Code, it is stated that relevant bodies should follow this guidance unless they can demonstrate that they are justified in not doing so.
- 11.9 Paragraph 1.1 of the Code sets out the key background principles and policies, which should be taken into account by the Council in developing school organisation proposals. These include:
- United Nations Convention on the Rights of the Child;
 - A living language: a language for living – Welsh Language Strategy 2012-2017
 - Welsh- medium Education Strategy;
 - One Wales: One planet, a new sustainable development scheme for Wales May 2009 or any successor strategy;
 - Child Poverty Strategy for Wales (issued February 2011 Information document number 95/2011), or any successor strategy;
 - Faith in Education.
- 11.10 In addition, when developing school organisation proposals, the local plans to which Council should have regard include the following:
- Local plans for economic or housing development;
 - Welsh in Education Strategic Plans (made under part 4 of the 2013 Act);
 - Children and Young People’s Plans (or successor plans)
 - 21st Century Schools – Capital Investment Programme and the relevant wave of investment.
- 11.11 Finally, the Council should have regard to the following Welsh Government Guidance on related matters:
- Learner Travel Operational Guidance
 - Measuring the capacity of schools in Wales, Circular.
- 11.12 Chapter 1 then lists a number of factors which should be taken into account by relevant bodies, including the Council, when exercising their functions of preparing and publishing school organisation proposals or approving/determining them. These factors include:

- Quality and standards in education (looking at outcomes, provision, leadership and management) at the school which is the subject of the proposals, and at any other school or educational institution which is likely to be affected. The Code states that local authorities should place the interests of learners above all others. Where proposals involve the transfer of learners to alternative provision, there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners.
- The need for places and the impact on accessibility of Schools (whether alternative school based provision will have suitable capacity and provide accommodation of at least equivalent quality and is sufficient to meet existing demand and projected demand and the nature of journeys to alternative provision and resulting journey times for pupils, including SEN pupils. In particular, whether primary school pupils will have one way journeys in excess of 45 minutes or secondary school pupils one way journeys of over an hour.
- Resources of education and other financial implications. This involves a consideration of a number of factors set out in the Code, including whether proposals ensure a fairer and more equitable distribution of funding between mainstream schools, what effect proposals will have on surplus provision, the costs of proposals (including additional transport costs), any projected net savings, any budget deficits of schools affected and whether the proceeds of sales of redundant sites remain in the education budget.

11.13 The Code also lists other general factors which should be taken into account, namely educational attainment, equality issues, charitable interests (paragraph 1.6). A list of specific factors in the consideration of school closures is at paragraph 1.7. This states that there is no presumption in favour or against the closure of any type of school. The case for closure should be robust and in the best interests of educational provision in the area. A Community Impact Assessment should be obtained. When considering whether closure is appropriate, special attention should be given to the matters set out on page 12 of the Code, including:

- considerations of alternatives to closure, including multi-site schools, clustering/collaboration/federation with other schools
- the overall effect of closure on the local community
- how parent's and pupil's encouragement with the alternative school and any facilities it may offer could be supported.

11.14 In addition to the usual considerations in relation to standards of provision, the Council should also consider whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;

- how proposals will address any health, safety and welfare issues;
- how proposals, where appropriate, will support increased inclusion; and
- the impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.
- whether there is a need for a particular type of SEN provision within the area;
- whether there is surplus SEN provision within the area;
- whether SEN provision would be more effective or efficient if regional provision were made; and
- the impact of proposals on the transportation of learners with SEN.

11.15 The list of factors to be taken into account in approving/determining school organisation proposals is listed at paragraph 1.14.

11.16 Paragraph 5.1 of the Code makes provision for the publication of objection reports. Proposers must publish a summary of the statutory objections and the proposer's response to those objections. Where a local authority is required to determine its own proposals, the Objection Report must be published before the end of 7 days beginning with the day of its determination. The Objection Report must be published by being posted on the local authority's website. Hard copies must be made available on request. Parents, carers and guardians and staff members of schools which are the subject of the proposals must be advised of the availability of the Objection Report. The Code contains a list of individuals or bodies which must receive either a hard copy of the Objection Report or be emailed a link to the local authority's website.

11.17 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

11.18 The 'well-being goals' are:

- (i) a prosperous Wales, meaning an innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work;
- (ii) a resilient Wales, meaning a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that

- support social, economic and ecological resilience and the capacity to adapt to change (for example climate change);
- (iii) a healthier Wales, meaning a society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood;
 - (iv) a more equal Wales, meaning a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances);
 - (v) a Wales of cohesive communities, meaning attractive, viable, safe and well-connected communities;
 - (vi) a Wales of vibrant culture and thriving Welsh language, meaning a society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation; and
 - (vii) a globally responsible Wales, meaning a nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

11.19 Any reference to a public body doing something in accordance with the 'sustainable development principle' means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

11.20 In order to act in a sustainable manner a public body must take account of

- (1) the importance of balancing short-term needs with the need to safeguard the ability to meet long-term needs, especially where things done to meet short-term needs may have detrimental long-term effect;
- (2) the need to take an integrated approach, by considering how
 - (a) the body's well-being objectives may impact on each of the well-being goals); and
 - (b) the body's well-being objectives impact on each other or on other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
- (3) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of
 - (a) Wales (where the body exercises functions in relation to the whole of Wales); or
 - (b) the part of Wales in relation to which the body exercises functions;
- (4) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;
- (5) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives

11.21 Swansea Council applies the Well-being of Future Generations Act (Wales) 2015 as the core principle guiding how the local authority operates.

11.22 The action a public body takes in carrying out sustainable development must include:-

- Setting and publishing objectives ('well-being objectives') that are designed to maximise its contribution to achieving each of the well-being goals; and
- Taking all reasonable steps (in exercising its functions) to meet those objectives

Swansea Council's well-being objectives and steps are set out within the Corporate Plan:

<https://www.swansea.gov.uk/?articleid=6901&articleaction=language>

Local Well-being Objectives are set out within Swansea Public Services Board's Local Well-being Plan (of which the Council is a statutory member).

11.23 Report writers and decision makers take due regard to these Plans in order to consider how the proposal impacts upon the Council's 'wellbeing objectives', Swansea's Local Well-being Objectives and the national well-being goals'. <https://www.swansea.gov.uk/localwellbeingplan>

Contracts

11.24 Any offer of grant funding from the Welsh Government will be subject to terms and conditions which will be binding upon the local authority.

Impact Assessments

11.25 The School Organisation Code specifies the detail that the equality and community impact assessments must cover in a proposed school closure and full consideration needs to be given to these before any decision is made. In addition, a Welsh language impact assessment has been completed for each proposal. Full consideration should be given to these also.

Legal Property Implications

11.26 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'.

11.27 The key procedural points are;

The land must already belong to the Council;

The land must be no longer required for the purpose for which it is currently appropriated; and

The purpose for which the Council is appropriating must be authorised by Statute

11.28 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.

11.29 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.

11.30 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).

11.31 Any decision to appropriate land must be the subject of a recorded minute, which should evidence that the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972.

11.32 The Chief Legal Officer has carried out a report on title on the land and has confirmed that there are no constraints that would affect the proposals.

12. **Equality and engagement implications**

12.1 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 to regard to the above.

12.2 An Equality Impact Assessment (EIA) was commenced as a background paper to the consultations. The EIA has been revised to take full account of the consultation outcomes and the views of the range of stakeholders that were gathered. This can be found in Appendix F. The assessment will be further revised if a statutory notice period is actioned by Cabinet.

12.3 The proposals were found to be relevant to children and young people, older people, other age groups, disability, sex, Welsh language, poverty/social exclusion and community cohesion. The impact on each of these areas is explored further for each proposal as follows.

12.4 YGG Tan-y-lan

0-18 – YGG Tan-y-lan 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 Tan-y-lan 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. The extra distance to travel to the new site was mentioned by a couple of individuals during the consultation process. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are only 0.6 miles 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. However, 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 (0.6 miles) 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.

12.5 YGG Tirdeunaw

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.

12.6 YGG Felindre

0-18 – YGG Felindre is a Welsh-medium primary school. This proposal looks to close the school and move the pupils to a neighbouring Welsh-medium primary school. Although the change can be seen as negative in the first instance, we believe that the children will receive a similar, if not better, education at the designated neighbouring Welsh-medium primary school.

Older People 50+/Any other age group –there is the chance of some redundancies because of this proposal. We would hope for these staff to get work at neighbouring schools; however, this would be a decision for individual governing bodies.

Disability – The design, delivery and implementation of this proposal 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. If the proposal were to be approved, and other proposals for new Welsh-medium school buildings were approved this would be hugely beneficial to any learner that has a disability. The modern learning environment would be designed and built whilst taking full notice of all the needs of current and future learners, staff and the wider community.

Welsh – YGG Felindre is a Welsh-medium primary school and although the proposal is to close a Welsh-medium primary school the proposal 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. During the consultation it has been raised that the proposal doesn't take into account Standards 91-93 of Swansea Council's Compliance Notice under the Welsh Language Measure whereas the proposal could impact on opportunities for persons to use the Welsh language, and that we could be treating the Welsh language no less favourably than the English language.

The Council's wider Welsh in Education Strategic Plan seeks to increase the number of Welsh-medium places in Swansea significantly. As a result of proposals to reach our targets we believe that this would increase opportunities for more people to use the Welsh language and ensure that the Welsh language is treated no less favourably than the English language. The increase in Welsh-medium places will see Swansea playing its part in the Welsh Government's target of having one million Welsh speakers in Wales by 2050.

If the proposal were to go ahead we would expect the Mawr ward to become part of the designated school's community and play an active role in the life of the school. The village hall and local church could still have a large part to play in this.

Poverty/social exclusion – There are low levels of deprivation in this area and therefore the impact on poverty/social exclusion is expected to be low. However, due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. The large majority of current pupils at the school live outside of the YGG Felindre catchment area and therefore would likely be living closer to the designated school meaning a shorter distance to travel. Those who live more than 2-miles from the designated school would be offered transport as per the Council's Home to School Transport Policy.

Community Cohesion – It is possible that the proposed closure could have a negative impact on the local community. However, we would expect the designated school to ensure that the community becomes part of the school's community. There is no reason why the local church and village hall can't be used for such partnerships to flourish.

Sex – Given that most of the staff at the school are female, it is clear that this proposal would have a disproportionate effect on this group.

- 12.7 The remaining protected characteristics (namely Race, Asylum Seekers, Gypsies and travellers, Religion, Sexual Orientation, Gender reassignment, Carers, Marriage and civil partnership, Pregnancy and maternity) have all been identified as 'neutral' as we do not believe the proposal will have either a negative or a positive impact on them. However, this will continue to be monitored and reconsidered throughout the process.
- 12.8 To ensure that we understood how these proposals affected all stakeholders we consulted widely to allow us to shape this proposal and agree the way forward.
- 12.9 As stated in Section 2 of this report, a full consultation was conducted with all interested stakeholders from 5 September 2018 to 18 October 2018.
- 12.10 All initiatives must be designed / planned in the best interests of children and young people.
- 12.11 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.
- 12.12 The proposals will directly affect children and all future arrangements will aim to ensure that these children and young people achieve the best possible outcomes. The proposal relates to the following articles of the United Nations Convention on the Rights of the Child:

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.

- 12.13 A Community Impact Assessment and Welsh Impact Assessment was produced for each proposal and has been available throughout the consultation period on the Council's website <https://www.swansea.gov.uk/schoolconsultations2018>. Where necessary these have been amended following the consultation.

13. What happens next?

- 13.1 If this report is approved by Cabinet a period of statutory notice will take place. These would be published on the 9 January 2019 for any formal objections prior to the 6 February 2019. It is important that consultees appreciate that they need to respond once again as part of this process if they wish to formally object to any of the proposals. Any responses received previously would not count as a formal objection.
- 13.2 Cabinet would then consider any formal objections and determine each proposal. If approved at this stage, each proposal would be implemented in accordance with the consultation document and timescales.

Background Papers:

- Report to Cabinet 21 June 2018
- School Standards and Organisation (Wales) Act 2013;
- Welsh Government School Organisation Code (Circular 006/2013)
- School Standards and Framework Act 1998, the Education (Determination of Admission Arrangements) (Wales) Regulations 2006; Welsh Government's Admissions Code (Circular 005/2013)

Appendices:

- Appendix A** Consultation Papers
Appendix B Consultation Reports
Appendix C RhAG full response to the consultation
Appendix D Indicative funding model for the Welsh-medium schemes proposed within this report
Appendix E Band B 21st Century Schools programme capital expenditure & financing 2017/18 - 2023/24 to show revised intervention rate
Appendix F EIA and other Assessments
Appendix G Proposed YGG Tan-y-lan site location plan
Appendix H Proposed YGG Tirdeunaw site location plan