



EDUCATION, SKILLS & WELLBEING CABINET BOARD

**IMMEDIATELY FOLLOWING CABINET SCRUTINY COMMITTEE
THURSDAY 28th SEPTEMBER 2023 AT 2PM**

**MULTI-LOCATION MEETING – COUNCIL CHAMBER PORT TALBOT
AND MICROSOFT TEAMS**

**ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE
DURATION OF THE MEETING**

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1. Appointment of Chairperson
2. Chairpersons Announcement/s
3. Declarations of Interests
4. Minutes of the Previous Meeting (*Pages 3 - 10*)
5. Forward Work Programme 2023/2024 (*Pages 11 - 14*)
6. Public Question Time

For Decision

7. Increased Planned Places Blaenhonddan Primary School - Back from Consultation (*Pages 15 - 66*)
8. Environmental Health and Trading Standards Enforcement Policy (*Pages 67 – 104*)

9. Trading Standards Legislation - Changes to Officer Delegated Arrangements (*Pages 105 - 116*)
10. Updates to scheme of delegation following restructuring within the Planning and Public Protection Service (*Pages 117 - 152*)

For Information

11. Schools Partnership Agreement (*Pages 153 - 248*)
12. School Exclusion update (*Pages 249 - 258*)
13. Welsh Public Library Standards Assessment 2021/2022 (*Pages 259 - 280*)

For Monitoring

14. Quarter 1 Performance Indicators 23/24 - Education Directorate (*Pages 281 - 306*)
15. Quarter 1 Performance Indicators 2023 2024 - Environment Directorate (*Pages 307 - 322*)
16. Urgent Items
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgrisiwn y Cadeirydd yn unol â Rheoliad 5(4)(b) Offeryn Statudol 2001 Rhif. 2290 (fel y'i diwygiwyd).

K.Jones
Chief Executive

Civic Centre
Port Talbot

22nd September 2023

Education, Skills & Wellbeing Cabinet Board Members:

Councillors. J.Hurley, N.Jenkins and C.Phillips

EXECUTIVE DECISION RECORD

6 JULY 2023

EDUCATION, SKILLS & WELLBEING CABINET BOARD

Cabinet Members:

Councillors: J.Hurley (Chair), N.Jenkins and C.Phillips

Officers in Attendance:

C.Millis, H.Lervy, Angeline-Spooner Cleverly, K.Jones, K.Windsor-Brown, I. Guy, S.McCluskie, A.Thomas, P. Chivers and T.Rees.

1. **APPOINTMENT OF CHAIRPERSON**

It was agreed that Cllr. J Hurley be Chairperson of the meeting. The decision was proposed by Cllr. N. Jenkins and seconded by Cllr. C. Phillips.

2. **CHAIRPERSONS ANNOUNCEMENT/S**

The Chair welcomed everyone to the meeting.

3. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4. **MINUTES OF PREVIOUS MEETING**

That the minutes of the previous Education, Skills and Wellbeing Cabinet Board, held on the 25th May 2023, be approved as a correct and accurate account.

5. **FORWARD WORK PROGRAMME 2022/23**

That the Education, Skills and Wellbeing Cabinet Board Forward Work Programme 2022/2023 be noted.

6. **PUBLIC QUESTION TIME**

There were no questions received.

7. **EMPLOYABILITY HUB IN ABERAVON SHOPPING CENTRE**

Decision:

That having due regard to the report and the circulated appendix, members approve and support.

1. The lease extension for the NPT Opportunity Hub at Aberavon Shopping Centre by a further 12 months.
2. The costs funded from the Welsh Government Communities for Work Plus budget.

Reason for Decision:

To provide local employability and wellbeing support for the community of Port Talbot.

Implementation of Decision:

The decision is to be implemented following the three day call in period, which ended at 9.00am on Monday 10th July 2023.

Consultation:

There was no external consultation required.

8. **SCHOOL TERMS AND HOLIDAY DATES**

Decision:

That having due regard to the report, and circulated appendix, members approve.

1. Submission to Welsh Ministers for the proposed school term dates for the academic year 2025/2026.
2. Compliance of submission by the last working day August 2023.
3. Compliance to statutory duties imposed by Welsh Ministers.

Reason for Decision:

To determine school terms and holiday dates for community and maintained special schools for the academic year 2025/2026.

To enable the authority to meet its statutory duties.

Implementation of Decision:

The decision is to be implemented following the three-day call-in period, which ended at 9.00am on Monday 10th July 2023.

Consultation:

Consultation took place with an outcome of no adverse comments received.

9. **QUARTER 4 PERFORMANCE INDICATORS**

Decision:

That having due regard to the circulated report and appendices, the report be noted for monitoring.

10. **URGENT ITEMS**

There were none.

CHAIRPERSON

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EXECUTIVE DECISION RECORD

18 JULY 2023

EDUCATION, SKILLS & WELLBEING CABINET BOARD - SPECIAL

Cabinet Members:

Councillors: C.Phillips (Chair), N.Jenkins, J.Hurley and C.Phillips.

Officers in Attendance:

J.Burge, I.Guy, C.Jones and T.Davies

1. **APPOINTMENT OF CHAIRPERSON**

It was agreed that Councillor Cen Phillips be appointed as Chairperson of the meeting.

2. **CHAIRPERSONS ANNOUNCEMENT/S**

The Chair welcomed everyone to the meeting.

3. **DECLARATIONS OF INTEREST**

There was a declaration received from Cllr Nia Jenkins, who informed Members she was governor at Alltwen Primary School.

Cllr Jenkins removed herself from the meeting, when members discussed an appointment at Alltwen Primary School. Cllr Jenkins did not take part in this vote, and returned to the meeting when the decision concluded.

4. **MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting were removed from the meeting and members informed they would be presented at the next Education Cabinet Board.

5. **PUBLIC QUESTION TIME**

There were no questions received from the public.

6. **APPOINTMENT OF LA GOVERNORS**

Decision:

TO APPOINT AND REMOVE LA GOVERNOR REPRESENTATIVES
FROM THE FOLLOWING SCHOOLS,

School	Date of Vacancy	Decision
Abbey Primary School	Immediate	Appointment of Mr. Joseph Baugh
Alltwen Primary School	Immediate 01/01/2024	Appointment of Rev. Jeffrey Thomas Re-appoint Miss Helen Watkin
Baglan Primary School	Immediate	Future appointment to be made
Catwg Primary School	01/01/2024	Re-appoint Mrs. Susan Margaret Davies
Cilffriw Primary School	Immediate	Future appointment to be made
Coed Hirwaun Primary School	01/01/2024	Re-appoint Cllr. Rob Jones
Coedffranc Primary School	Immediate	Future appointment to be made
Creunant Primary School	Immediate	Future appointment to be made
Cwmnedd Primary School	Immediate	Appointment of Mrs. Kathy Parry-Jones
Cwmtawe Community School	Immediate	Future appointment to be made
Eastern Primary School	Immediate	Future appointment to be made
Sandfields Primary School	01/01/2024	Re-appointment of Mr. Almon Ryan Macalino
The Federated Primary Schools of the Upper Afan Valley	Immediate 09/09/2023 09/09/2023 09/09/2023	Appointment of Cllr. Jeff Jones Re-appoint Cllr. Scott Jones Re-appoint Mrs. Nicola Davies Re-appoint Mrs. Barbara Trahar
Tonnau Primary School	Immediate Immediate	Appointment of Mrs. Samantha Owen Appointment of Mrs. Lyndsey Sweeney
Tywyn	Immediate	Appointment of Mrs. Mary O'Kane

	01/01/2024	Re-appointment of Mr. John O'Dwyer
YG Blaendulais	Immediate	Future appointment to be made
YG Pontardawe	Immediate Immediate Immediate	Future appointment to be made Future appointment to be made Future appointment to be made
YG Rhosafan	01/01/2024	Re-appointment Mrs. Cathryn Davies
YG Treges	Immediate Immediate	Appointment of Cllr. Dan Thomas Future appointment to be made
Ynysfach	01/01/2024	Re-appointment Mrs. Catherine Chappell

Reason for Decision:

To enable the Authority to contribute to effective school governance through representation on school governing bodies.

Implementation of Decision:

The decision is implemented following the three-day calling period, which ended at 9.00am on Saturday 22nd July 2023.

Consultation:

There was no requirement to conduct external consultation, however consultation had been undertaken with respective ward members.

7. **URGENT ITEMS**

There were none.

CHAIRPERSON

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Education, Skills and Wellbeing Cabinet Board
(Immediately following Scrutiny Committee starting at 2pm)

Meeting Date 2023	Agenda Item and Type		
28 th September	Schools Partnership Agreement – For Information		
	Quarter 1 Performance Indicators 23/24 – Education Directorate – For Monitoring		
	Quarter 1 Performance Indicators 23/24 – Environment Directorate – For Monitoring		
	School Exclusion update – For information		
	Welsh Public Library Standards Annual Report 2021/2022 – for information		
	Increased Planned Places Blaenhonddan Primary School: Back from Consultation – FOR DECISION		
Page 11	Environmental Health and Trading Standards – Enforcement Policy – For Decision		
	Trading Standards Legislation – Changes to Officer Delegated Arrangements – For Decision		
	Updates to scheme of delegation following restructuring within the Planning and Public Protection Service – For Decision		
Meeting Date 2023	Agenda Item and Type		
27 th October 2023 - SPECIAL	WESP Progress report		

Meeting Date 2023	Agenda Item and Type		
23 rd November	Christmas/New Year Opening Times (Libraries, Leisure Centres etc.) – For decision		
	Employability and Skills Programme update – For Information		

	Admission to Community Schools – School Admission Policy – (Out for Consultation) FOR DECISION		
	Quarter 2 Performance Indicators 23/24 – Education Directorate – For Monitoring		
	Quarter 2 Performance Indicators 23/24 – Environment Directorate – For Monitoring		
	Increased Planned Places Blaenhonddan Primary School: Final Determination – FOR DECISION		
	Increased Planned Places Maes Y Coed Special School: Back from Consultation – FOR DECISION		

Meeting Date 2023	Agenda Item and Type		
1st February 2024 Page 12	Annual School Term Dates (out for consultation) – Decision		
	Welsh Public Libraries Standards Annual Report 22/23 – for Information		
	Annual Pupil Performance Report 2023/24		
	Leisure Business Plan		
	Increased Planned Places Maes Y Coed Special School: Final Determination – FOR DECISION		
	RNLI – for decision		
	Youth Service Update - Information		
	Adult Community Learning - For Information		

Meeting Date 2023	Agenda Item and Type		
14th March 2024	Admission to Community Schools – School Admission Policy (back from consultation) – FOR DECISION		
	Quarter 3 Performance Indicators 23/24 – Education Directorate – For Monitoring		
	Quarter 1 Performance Indicators 23/24 – Environment Directorate – For Monitoring		

Meeting Date 2023	Agenda Item and Type		
25th April 2024	Annual School Term Dates – (back from consultation) – FOR DECISION		
	Aberafan Seafront Masterplan		

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Education, Skills and Wellbeing Cabinet Board

28th September 2023

REPORT OF HEAD OF TRANSFORMATION ANDREW THOMAS

MATTER FOR DECISION

WARDS AFFECTED: All

PROPOSAL TO ESTABLISH SPECIALIST PROVISION FOR PRIMARY AGE PUPILS WITH AUTISTIC SPECTRUM DISORDER (ASD)

Purpose of report

1. To obtain approval to publish a proposal to establish a specialist provision for primary age pupils with autistic spectrum disorder (ASD) at Blaenhonddan Primary School.
2. Publication of the proposal provides a 28 day period for the submission of objections. Following the period for submitting objections, Education, Skills and Wellbeing Cabinet Board members will need to meet to consider objections received before taking a decision as to whether or not the proposal should be implemented.

Executive summary

3. The Council is responsible for ensuring suitable provision is made for pupils with special educational needs.
4. Recent work on reviewing the number and type of planned places and assessment provision across Neath Port Talbot has indicated that there is a need for extra places in the area of ASD.
5. The Education, Skills and Wellbeing Cabinet Board at its meeting of 25th May 2023 approved consultation on a proposal to establish a

specialist provision for primary age pupils with autistic spectrum disorder (ASD) at Blaenhonddan Primary School.

6. The outcome of consultation informs this report, which needs to be read in conjunction with the consultation report (appendix A), the consultation document and the Education Skills and Wellbeing Cabinet Board report of 25th May 2023.
7. The proposal seeks to complement the specialist provision and support already available within the County Borough.

Background

8. The Council is responsible for promoting high educational standards and for delivering efficient primary and secondary education. Having the right schools in the right place and ensuring that they are fit for the 21st century learner is the challenge facing the Council. Achieving this will involve reviewing the number and type of schools the Council has in its area and assessing whether or not best use is being made of resources and facilities. This will include ensuring suitable provision for those pupils with special educational needs/additional learning needs.
9. Implementing the Strategic School Improvement Programme (SSIP) involves reviewing existing provision and determining the number and type of schools needed to deliver education effectively and efficiently across the County Borough. It will most likely lead to substantial change involving opening new schools, closing existing schools, merging or amalgamating schools, federating schools and promoting new initiatives that support collaborative working between schools. It will also involve re-organising education provision to ensure pupils gain access to and benefit from the specialist support, skills and expertise available within the County Borough.
10. The Council has decided to review its provision on the basis of:
 - educational standards
 - the need for places and the accessibility of schools
 - the quality and suitability of school accommodation
 - effective financial management

11. The Council provides for the pupils of Neath Port Talbot who require specialist support for their educational needs at special schools and at learning support/ inclusion centres attached to community primary/secondary schools.
12. Currently, within NPT, there are 18 Learning Support Centres (LSC) offering 262 planned places for primary aged pupils with a range of Additional Learning Needs. The Local Authority also has 5 Learning Support Centres at secondary level, offering 177 planned places. These Learning Support Centres offer specialist placements for children and young people with needs including Autism Spectrum Disorder (ASD); Social, Emotional and Behavioural Difficulties (SEBD); Speech, Language and Communication (SLC); Hearing Impairment (HI) and Moderate / Severe / Profound and Multiple Learning Difficulties S/M/PMLD. Additionally within NPT there are 2 special schools, catering for the needs of children and young people with the most complex ALN. There are currently 295 planned places within Ysgol Maes Y Coed and Ysgol Hendrefelin special schools.
13. Recent work on reviewing the number and type of primary planned places and assessment provision across Neath Port Talbot has indicated that there is a need for extra places in the areas of Autistic Spectrum Disorder (ASD), Speech and Language Difficulties (SLD), Social, Emotional and Behavioural Difficulties (SEBD) and Profound and Multiple Learning Difficulties (PMLD).
14. This proposal seeks to address identified need for further provision for pupils with ASD, specifically for primary aged pupils, with the aim of ensuring best possible outcomes for pupils.
15. Currently for primary age pupils with ASD who need specialist support or assessment, provision is made at Gnoll Primary (18 places), Maesmarchog Primary (18 places) and Waunceirch Primary (21 places). Secondary provision is available at Cwmtawe Community School (13 places), Ysgol Bae Baglan (29 places), Dwr y Felin (16 places) and Ysgol Hendrefelin (32 places). The high demand at both primary and secondary level is placing pressure on current provisions which are consistently full.

The Proposal

16. It is proposed to establish a specialist provision for primary age pupils at Blaenhonddan Primary School. The provision will be a self-contained facility for up to 16 pupils in receipt of a statement of special educational needs or a Local Authority Maintained IDP for ASD.
17. The provision will be managed by the school and be under the school's governance. However, it will be a provision recognised by the Council as reserved for pupils with ALN and pupils admitted to the provision would be in addition to the admission number of the school. Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply.
18. Pupils at the proposed provision will benefit from being taught by specialist staff, experienced in working with pupils with ASD needs. There is also the possibility that mainstream pupils with ASD could also benefit from the expertise available.
19. The provision will alleviate the current pressure to address demand for places for pupils with more complex needs, avoiding potential costly out of county placements and allowing opportunities for children to access learning within their local community.
20. The proposal seeks to complement the specialist provision and support already available within the County Borough.

Consultation

21. This school organisation proposal is being brought forward under the Council's Strategic School Improvement Programme. Formal consultation is required in line with the Welsh Government's School Organisation Code, November 2018, which specifies the procedures to be followed, including the content of the consultation document and those to be consulted.
22. Consultation on this proposal commenced on June 6th, 2023 with comments invited until July 18th 2023. Consultees specified in the School Organisation Code were emailed the consultation document,

and in line with current practice Blaenhonddan Primary School managed distribution of the document to parents, pupils and staff.

23. Pupil views were gathered in line with the guidance issued by Welsh Government on consultation with children and young people, taking into account the United Nations Convention on the Rights of the Child (UNCRC), in particular Article 12: 'Your right to say what you think should happen and be listened to', and Article 13: 'Your right to have information'. Pupils responses included:

- Classrooms will help children to learn in a quieter area
- Classrooms will help children to calm down if they are upset
- Classrooms will help children learn better if it is too noisy
- Children will be more confident in our school
- Children will have a better area and more room – our classes are full, big and noisy
- We will understand children with autism better
- We can help the children to play

24. 1 written response was received which expressed support for the proposal.

25. The written consultation response is available for Member perusal as an appendix to the Consultation Report document.

26. It is the opinion of officers that, given the level of support from the school for the proposal, there are no issues arising from the consultation suggesting that the provision should be reconsidered. Specialist provision for primary age pupils with ASD at Blaenhonddan Primary School should be established, taking effect on 9th January 2024.

Estyn response

27. It is Estyn's opinion that the proposal is likely to have a positive impact on the standard of education provision, especially for pupils with ASD, in the area. Fuller commentary is set out in the consultation report (appendix B).

Impact on pupils

28. The proposed new provision will increase the opportunity for primary pupils to access support in a specialist setting, based within

the environment of a mainstream primary school. The provision will enable pupils to acquire the skills and understanding to manage their individual behaviours and learning requirements.

29. The proposed specialist provision will be accessible to primary age pupils from across the County Borough.

Impact on travel arrangements

30. Pupils' travel needs will be assessed in line with the Council's Home to School Travel policy. Primary age pupils living 2 miles or more from the provision will be considered for assistance with travel costs.
31. Under the School Travel Plan requirements, all schools, together with the Council's Road Safety Team, are committed to:
- improving road safety within the local community
 - raising awareness about travel issues
 - encouraging walking, cycling and public transport for the school journey where applicable
 - encouraging independent travel where applicable
32. Blaenhonddan Primary School is a well-established school with established walking routes for children.
33. It is relatively centrally located within the County Borough and is readily accessible by vehicle.

Impact on governors

34. The governing body and the school leadership team at Blaenhonddan Primary School will be responsible for the day to day management of the provision, including the specialist staff who will become part of the school's staffing complement. The school budget will be funded accordingly. The Governing Body fully support the proposal.

Impact on special needs education provision

35. As a self-contained provision, the facility will not have a direct impact on the ALN provision of Blaenhonddan Primary School where pupils with additional learning needs, including children with statements of special educational needs and Local Authority

maintained IDPs, are supported in a mainstream setting with appropriate funding for this purpose.

36. However, the specialist knowledge and skills-set of the staff employed to work at the provision will be available to share with mainstream staff and, as such, will indirectly benefit ALN provision at the school.
37. It is also envisaged that the provision will be able to provide support and training for other mainstream primary schools across Neath Port Talbot, building skills, competencies, expertise and capacity of all staff working with children with ASD.

Financial Impacts

38. Blaenhonddan Primary School will receive additional funding to manage the provision for up to 16 pupils. The provision will be funded from the delegated schools budget and the school will receive funding for additional places at Band F which equates to approximately £242k per annum.
39. Meeting the special needs education of pupils in local settings, i.e. within the County Borough, avoids having to secure expensive out-of-county provision. The cost of providing education outside the County Borough for pupils with specialist needs in the 2022/ 2023 financial year was circa. £188,000. This annually presents a significant demand on the Council's education budget.
40. Provision has been made within the Department of Education, Leisure and Lifelong Learning (DELLLs) revenue budget to fund the establishment of the provision.
41. The provision will be resourced by specialist teachers and teaching assistants or key workers with the appropriate skills set.
42. The self-contained accommodation will be developed in new modular accommodation at the school. There will be a one-off capital cost for the 2 modular buildings and associated work for which £745k has been secured from the capital programme.
43. Primary age pupils living 2 miles or more from the identified provision will be considered for assistance with travel costs and as such there is likely to be an increase on transport costs as a result

of this proposal. Annual transport costs are difficult to predict as this will depend on the number of children needing to be transported and on the distance they will need to travel to the provision from their home.

44. There are no capital receipts or recurrent costs savings directly related to this proposal other than savings from potential home education/out-of-county placement costs.

Integrated Impact Assessment

45. An integrated impact assessment has been undertaken to assist the Council in discharging its legislative duties under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.
46. The assessment has indicated that there is no adverse effect on any particular group and the process has checks and monitoring in place to ensure that any unmet need is identified and any potential adverse effect is fully evaluated and impact mitigated.
47. The establishment of an ASD provision for primary aged pupils in Blaenhonddan Primary School will provide vital support and specialist teaching for pupils with ASD. It will support ALN reform and ensure that the Council is able to fulfil its legal obligations to meet the needs of pupils with ALN.
48. Establishing the ASD specialist provision within a mainstream primary schools breaks down barriers and aids the elimination of discrimination, harassment and victimisation. Both the primary school and the ALN provision are inclusive for pupils of all backgrounds. The proposal will promote the understanding of the needs of different groups.
49. Having the ASD provision attached to mainstream school in Blaenhonddan allows the pupils attending to have the same opportunities as their mainstream peers as all pupils will be able to access the same curriculum and facilities.
50. Blaenhonddan Primary School is categorised as an English-medium school where Welsh is taught as a second language as appropriate in accordance with the Curriculum for Wales. The Council is

satisfied that the provision for Welsh language education at the provision will be sufficient to meet the language requirements of the pupils admitted.

51. The Wellbeing of Future Generations has been considered and the establishment of an ASD provision directly impacts on the Council's wellbeing objective 1—'to ensure all children have the best start in life'.
52. The integrated impact assessment is included as Appendix C.

Valleys Communities Impacts

53. The impact on Neath Port Talbot's valley communities will be the same as all other areas of the County Borough as the provision will admit pupils from across the whole of the county borough.

Workforce impacts

54. The position of staff currently employed Blaenhonddan Primary School will not be adversely affected by this proposal. In fact, the increased number of pupils secures staff employment by creating additional employment opportunities by way of an increased staffing complement.
55. Additional staff posts have been identified and these will comprise of specialist teachers and teaching assistants or key workers. The skills and expertise that these additional staff members will possess will be available to be utilised for the benefit of the wider, mainstream school communities.

Legal impacts

56. The proposal will establish ALN provision in a mainstream school (Blaenhonddan Primary) where the pupils admitted are in addition to the admission number for the school and where the provision is recognised by the Council as reserved for pupils with ALN. As such, this constitutes a regulated alteration requiring the statutory publication of the proposal. The School Standards & Organisation (Wales) Act 2013 (the Act) provides the legislative framework by which the Council may implement a proposal. The Welsh Government's School Organisation Code, November 2018, made under Sections 38 and 39 of the Act, imposes on the Council

requirements and guidelines on matters relating to school organisation. The Council's procedures are in line with legislative requirements.

57. Pupil travel arrangements will be in line with the requirements of the Learner Travel (Wales) Measure 2008; the Learner Travel Statutory Provision and Operational Guidance 2014; and the Council's Home to School Travel Policy, 2017.
58. Revenue funding will be in line with the requirements of the School Standards and Framework Act 1998; the School Funding (Wales) Regulations 2010; and the Council's approved formula for funding schools.
59. The management of staff affected by the proposal will follow the relevant school policy and procedure requirements.

Risk management

60. A risk assessment has been carried out under the Council's Risk Management Policy 2018.
61. Potential risk areas in implementing the proposal include:
 - educational outcomes for pupils are not improved
 - integration at a provision is unsuccessful
 - negative response from parents of host school
 - negative response from parents of pupils to be accommodated at the provision
 - discrimination against protected characteristics resulting in a negative impact on one or more protected groups
 - staff with appropriate skills and expertise not available
 - increased home to school travel time for some pupils leading to poor attendance
 - Welsh language development not supported
62. Failing to implement the proposal will result in a range of teaching/learning and financial benefits not being fully realised, particularly in relation to:
 - opportunities for a pupils to access specialist staff and support

- early intervention for younger pupils, reducing the risk of more costly support at a later stage
- host school indirectly benefit from specialist staff on site
- mainstream schools benefit from increased support and training in order to improve skills and build capacity

Impact on community usage

63. The proposal should have no adverse impact on community usage at the school as there is no closure or reduction in community facilities involved with this proposal. The provisions will be a self-contained provision within the school and therefore will have no impact on the school's operation regarding community usage.

Publication of proposals

64. Member approval is sought to publish the proposal in line with the requirements of the School Organisation Code. A draft statutory notice accompanies this report (Appendix D). It is intended to publish the proposal on 4th October 2023, allowing 28 days for receipt of objections, i.e. until 1st November 2023.

65. The proposed date of implementation to be 9th January 2024.

Recommendation

66. Having given due regard to the responses to consultation, and the integrated impact and risk assessments, it is recommended that, in line with Section 48 of the School Standards and Organisation (Wales) Act 2013, Members approve the statutory publication of a proposal to establish specialist provision for primary age pupils with ASD at Blaenhonddan Primary School.

67. The proposed date of implementation to be 9th January 2024.

68. Notice of the proposal to be published on 4th October 2023, allowing 28 days for receipt of objections.

Reasons for proposed decision

69. This decision is necessary to comply with the formal publication requirements imposed on the Council by the School Organisation Code and associated legislation. A draft statutory notice is attached

as appendix D. Implementation of the proposal will enable the Council to promote high educational standards and the fulfilment of every child's potential. It will also enable the Council to meet its duty to secure efficient education in its area.

Implementation of the decision

70. The decision is proposed for implementation after the three day call in period.

Appendices

Appendix A: Consultation Report

Appendix B: Estyn Response

Appendix C: Integrated Impact Assessment

Appendix D: Draft Statutory Notice



Neath Port Talbot Castell-nedd Port Talbot

County Borough Council Cyngor Bwrdeistref Sirol

Education, Leisure & Lifelong Learning Service
Strategic School Improvement Programme

**PROPOSAL TO ESTABLISH SPECIALIST
PROVISION FOR PRIMARY AGE PUPILS WITH
AUTISTIC SPECTRUM DISORDER (ASD)**

AT

**BLAENHONDDAN PRIMARY SCHOOL,
MAIN ROAD, BRYNCOCH, SA10 7PE.**

CONSULTATION REPORT



Large print and alternative format or language versions of
this document are available on request

CONSULTATION REPORT

Responses from formal consultation on the proposal to establish a new specialist provision for primary age pupils with Autistic Spectrum Disorder (ASD) at Blaenhonddan Primary School, Main Road, Bryncoch, SA10 7PE.

Introduction

The Council has consulted with interested parties on its proposal to establish a new specialist provision for primary age pupils with Autistic Spectrum Disorder (ASD) at Blaenhonddan Primary School. If implemented, this proposal will take effect during the spring term 2024.

The consultation period ran from 6th June 2023 to 18th July 2023. A list of consultees is included at Appendix 1. The consultation document was e-mailed to all consultees and was also available on the Council's website.

Legislative Process

The consultation document invited views and opinions to be submitted in respect of the proposal. Under the Welsh Government Statutory Code for School Organisation the Council is required to publish a consultation report summarising any issues raised by consultees, the Council's response to those issues and Estyn's view of the overall merit of the proposal.

If approved, the next stage of the process is to publish a statutory notice outlining the proposal. This would need to be published for a period of 28 days and formal written objections would be invited during this time.

If objections are received, an objection report will be published summarising the objections and the Council's response to those objections. The Council's Cabinet will need to consider the proposal in light of objections received when making its decision on whether the proposal is to be implemented.

Pupil responses

Pupils were wholly supportive of the proposal and felt that children who were having difficulty in other schools would benefit from being at the proposed new LSC in Blaenhonddan Primary School. Comments from pupils are summarised below:

- Classrooms will help children to learn in a quieter area
- Classrooms will help children to calm down if they are upset
- Classrooms will help children learn better if it is too noisy
- Children will be more confident in our school
- Children will have a better area and more room – our classes are full, big and noisy
- We will understand children with autism better
- We can help the children to play

Consultation Responses

One written response from ESTYN was received.

The response received was in favour of the proposal. The queries included the existing building condition, staffing and training, and modes of transport.

Estyn response to the proposal:

Estyn overall response to the proposal states that the proposal is likely to have a positive impact on the standard of education provision, especially for pupils with ASD, in the area. Estyn note, 'The proposal sets out clearly the rationale used in the initial scoping exercise to establish where to base any additional primary ASD provision. The council appears to have considered an appropriate range of criteria, prioritising educational benefits, when deciding to put forward the proposal to base the provision at Blaenhonddan Primary School'.

Additionally Estyn note 'The council does appear to have identified appropriately the risks associated with the proposal. For example, the risk assessment considers the impact on the educational outcomes for pupils and the need for additional staff with the necessary skills and expertise. While the proposal highlights potential risks, there is a lack of

detail in how the implementation of the proposal would mitigate these identified risks’.

In response, should the proposal not be implemented then there is a risk that the benefits for teaching and learning would not be realised, therefore the mitigating action would be to implement the proposal, thus ensuring all benefits can be realised.

Estyn also note the following ‘The proposal does require the construction of 2 new modular buildings to house the provision on the Blaenhonddan Primary School site. The proposal does not include sufficient information about the adaptations needed to the site overall and whether these new buildings will meet the specific needs of ASD pupils, for example their sensory needs. It is also unclear from the proposal what the impacts of these works will be on the current school population. The proposal states that the current school buildings have a maintenance backlog cost of £820,465 while the build cost of the project will be an estimated additional £745,000. It is unclear from the proposal whether the general condition of the school buildings will remain suitable in the short to medium term’.

In response, as the consultation notes, the site is graded category B for accessibility. The 2 new modular buildings will be standalone buildings within the school site therefore general condition of the existing schools buildings will not affect the suitability of the new provision. As with all new buildings and provisions, information about site adaptations will be included as part of the planning approval process.

Estyn notes ‘Learner travel has been explored appropriately in line with the council’s Home to School Transport Policy. However, the proposal does not identify the need to consider the most appropriate modes of transport for children with ASD who would be accessing the provision’.

In response, the modes of transport for individual pupils will be agreed upon on an individual case basis and the most suitable mode of transport for individual pupils attending the provision will be arranged following admission to the provision.

Estyn continues ‘The proposal appears to have no significant impact on any surplus places within the local authority. Indeed, the proposal will help the authority meet the increasing demand for pupils with ASD. The proposal usefully includes projected numbers for Blaenhonddan Primary School which demonstrate that there will be capacity to house the

provision on the school site, while still retaining the mainstream places required.'

It is noted in the Estyn response that 'The council's Welsh in Education Strategic Plan (WESP) includes an objective to ensure that pupils with ALN receive linguistic equality of opportunity. While the proposal refers to the WESP, it makes no reference to how it will impact on this WESP objective.'

In response, as outlined in the Consultation Document, provision in the LSC will mainly reflect the provision on offer to mainstream pupils. As Blaenhonddan Primary School is an English medium school, pupils attending the ASD provision who come from English medium schools will find that teaching and learning experiences would be fully equitable. For pupils who have transitioned from Welsh medium schools and /or who speak Welsh as their first language extra provision will be made to ensure staff are available who can support them through the medium of Welsh.

Estyn note 'All 5 inspection areas were judged as good by Estyn at the time of the last inspection of Blaenhonddan Primary School in 2017. This proposal makes specific reference to the inspection report, quoting purposefully Estyn's positive findings on the progress made by pupils with ALN at the school. However, considering that the school's last inspection was 6 years ago, it is a concern that the proposal has no up-to-date information on the quality of provision or current standards, as identified by the local authority. While it is understandable that there is a lack of national verified data since 2020, the proposal does not provide any analysis of current pupil progress. For example, how well pupils with ALN at the school progress in relation to starting points'.

In response, following visits from Education Support Officers, the current standards at Blaenhonddan Primary School continue to be good with pupils, including ALN pupils, making good progress.

Estyn conclude, 'The proposal appears to ensure that children with ASD will be able to access the full primary school curriculum appropriately. The proposal states the benefit of basing the provision in a mainstream setting, allowing pupils to access an appropriate mix of specialist and mainstream provision. The proposal does not consider how the school will manage how pupils with ASD will interact with their peers'.

In response, as noted in the consultation, the school currently hosts a specialist Key Stage 2 MLD provision for 9 pupils and therefore are experienced in ensuring that ALN pupils in provisions interact effectively with their peers.

The full Estyn response is included as Appendix 2.

List of Consultees:

List of Consultees	
Blaenhonddan Primary Pupils Parents / carers Staff Governing Body Wider School Community	NAASH (Secondary Schools Forum)
	LLAN (Primary Schools Forum)
	Bordering authorities – Swansea/ Bridgend/ Carmarthenshire/ Powys/ RCT
All other NPT schools	Neath Town Council Blaenhonddan Community Council Cilybebyll Community Council
NPT Elected Members	WG Schools Management Division
Diocesan Directors of Education - Diocese of Menevia, Swansa - Diocese of Llandaff, Vale of Glamorgan	MP and MS For Neath
Trade Unions	Regional Members of the Senedd
Estyn	ALN Partners- SNAP, Action for Children, Child and Adult Mental Health Services (CAMHS), Consultant Community Paediatrician, The Children’s Centre NPT Hospital (Therapeutic Services), National Autistic Society, NPT Special Needs Support Group
Regional Education Consortium (ERW)	Children and Young Person Partnership (inc. Early Years Development and Childcare)

NPTCBC Integrated Transport Unit	Police and Crime Commissioner
Communities First Partnership	NPTC Officers

Estyn Consultation Response

Introduction

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Summary/ Conclusion

The proposal is by Neath Port Talbot County Borough Council. It is to establish a specialist provision for a maximum of 16 primary age pupils with autistic spectrum disorder (ASD) at Blaenhonddan Primary School. If successful, the proposal would come into effect during the spring term of 2024.

It is Estyn's view that this proposal is likely to have a positive impact on the standard of education provision, especially for pupils with ASD, in the area.

Description and Benefits

The council has provided a clear rationale for the proposal. The proposal is framed suitably within the context of the local authority's Strategic School Improvement Programme (SSIP). The council has experienced a rise in the demand for provision for children with additional learning needs (ALN). The council has recently developed a worthwhile continuum of support for pupils with ASD and has increased capacity, both at primary and secondary level, at other schools in the authority. Despite this increase in provision, the high demand has led to current places being oversubscribed. This has resulted in the council funding more costly out-of-county provision for pupils with ASD.

The proposal includes an appropriate timetable outlining key dates from the consultation phase to the proposed implementation date. The

proposal appears to provide effective opportunities for stakeholders, organisations and members of the public to respond. This includes meeting with the pupils, staff and governors who might be directly affected. However, it is not clear in the proposal if there will be an opportunity for parents to meet with representatives of the council to discuss the proposal.

The proposal sets out clearly the rationale used in the initial scoping exercise to establish where to base any additional primary ASD provision. The council appears to have considered an appropriate range of criteria, prioritising educational benefits, when deciding to put forward the proposal to base the provision at Blaenhonddan Primary School.

The proposal highlights suitably two key benefits, those being to increase the resource available within the local authority to meet the high demand for places for pupils with ASD and to reduce the need for pupils to access an ASD provision outside of the county borough. The proposal does not identify any foreseen disadvantages. The proposal does consider alternatives such as the status quo and basing the provision at another local school. However, there is no detailed analysis of these alternatives to explain why they have been discounted.

The council does appear to have identified appropriately the risks associated with the proposal. For example, the risk assessment considers the impact on the educational outcomes for pupils and the need for additional staff with the necessary skills and expertise. While the proposal highlights potential risks, there is a lack of detail in how the implementation of the proposal would mitigate these identified risks. The proposal does require the construction of 2 new modular buildings to house the provision on the Blaenhonddan Primary School site. The proposal does not include sufficient information about the adaptations needed to the site overall and whether these new buildings will meet the specific needs of ASD pupils, for example their sensory needs. It is also unclear from the proposal what the impacts of these works will be on the current school population. The proposal states that the current school buildings have a maintenance backlog cost of £820,465 while the build cost of the project will be an estimated additional £745,000. It is unclear from the proposal whether the general condition of the school buildings will remain suitable in the short to medium term.

The council appears to have allocated the appropriate funds needed for the initial set-up costs from the capital programme. The proposal sets out clearly the ongoing funding arrangements from the delegated schools budget and the savings that will be made by not using out-of-county provision. The proposal would benefit from more detailed information on future funding arrangements for the school, for example whether the budget allocation for pupils admitted to the specialist provision will be greater than those in the mainstream school due to their additional learning needs and the need for additional support and resources.

Learner travel has been explored appropriately in line with the council's Home to School Transport Policy. However, the proposal does not identify the need to consider the most appropriate modes of transport for children with ASD who would be accessing the provision.

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The council's Welsh in Education Strategic Plan (WESP) includes an objective to ensure that pupils with ALN receive linguistic equality of opportunity. While the proposal refers to the WESP, it makes no reference to how it will impact on this WESP objective. The proposal states that if a pupil's first language is Welsh, it will ensure that the pupil has access to staff that can support them through the medium of Welsh. The proposal would benefit from more clarity on how they will enact this and whether it is a bilingual provision. A full Equality Impact Assessment has been carried out on this proposal and suggests that it will not have a negative impact on any groups of people with protected characteristics. It appears that housing the specialist ASD provision in a mainstream primary school will help promote inclusion.

All 5 inspection areas were judged as good by Estyn at the time of the last inspection of Blaenhonddan Primary School in 2017. This proposal makes specific reference to the inspection report, quoting purposefully Estyn's positive findings on the progress made by pupils with ALN at

the school. However, considering that the school's last inspection was 6 years ago, it is a concern that the proposal has no up-to-date information on the quality of provision or current standards, as identified by the local authority. While it is understandable that there is a lack of national verified data since 2020, the proposal does not provide any analysis of current pupil progress. For example, how well pupils with ALN at the school progress in relation to starting points.

The proposal suggests that there is likely to be no negative impact on staff and pupils currently based at the school and the quality of leadership is strong. The proposal outlines clearly the benefits specialist staff based at the school will bring to the wider school community. However, the proposal does not appear to have considered closely enough the staffing needs, how any additional staff will be recruited and how the impact of the increase in teaching and support staff will impact the leadership and management of the school.

The proposal appears to ensure that children with ASD will be able to access the full primary school curriculum appropriately. The proposal states the benefit of basing the provision in a mainstream setting, allowing pupils to access an appropriate mix of specialist and mainstream provision. The proposal does not consider how the school will manage how pupils with ASD will interact with their peers.

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All 5 inspection areas were judged as good by Estyn at the time of the last inspection of Blaenhonddan Primary School in 2017. This proposal makes specific reference to the inspection report, quoting purposefully Estyn's positive findings on the progress made by pupils with ALN at the school. However, considering that the school's last inspection was 6 years ago, it is a concern that the proposal has no up-to-date information on the quality of provision or current standards, as identified by the local authority. While it is understandable that there is a lack of national verified data since 2020, the proposal does not provide any analysis of current pupil progress. For example, how well pupils with ALN at the school progress in relation to starting points.

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Integrated Impact Assessment (IIA)

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This Integrated Impact Assessment considers the duties and requirements of the following legislation in order to inform and ensure effective decision making and compliance:

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016

Version Control

Version	Author	Job title	Date
Final	KWB	Transformation Co-ordinator	07.09.23

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1. Details of the initiative

	Title of the Initiative: PROPOSAL TO ESTABLISH SPECIALIST PROVISION FOR PRIMARY AGE PUPILS WITH AUTISTIC SPECTRUM DISORDER (ASD)
1a	Service Area: Strategic School Improvement Programme
1	Directorate: ELLLS
1	Summary of the initiative:

	Establishment of specialist provision for primary age pupils with autistic spectrum disorder (ASD) at Blaenhonddan Primary School
1	<p>Is this a ‘strategic decision’?</p> <p>Yes - forming part of the Council’s SSIP plan to increase the number of planned places for pupils with ALN.</p>
1	<p>Who will be directly affected by this initiative?</p> <p>Service Users, staff and members of the community.</p>
1	<p>When and how were people consulted?</p> <p>Formal consultation took place between June 6th and July 18th 2023.</p> <p>Consultation was undertaken at a formative stage and allowed for intelligent consideration and response. The consultation period was 6 weeks to allow consultees time to consider the proposal and submit comments.</p> <p>A consultation document was published on Neath Port Talbot Council website, and sent directly to relevant consultees. Hard copies were available on request.</p> <p>The consultation document invited views and opinions to be submitted in respect of the proposal. The Welsh Government’s School Organisation Code requires the Council to consult on its proposal and to publish a consultation report summarising any issues raised by consultees, the Council’s response to those issues and Estyn’s view of the overall merit of the proposal.</p>
1	<p>What were the outcomes of the consultation?</p> <p>The responses received were positive and supported the proposal to establish specialist provision for primary age pupils with Autistic Spectrum Disorder (ASD) at Blaenhonddan Primary School.</p> <p>The Authority received:</p> <ul style="list-style-type: none"> • 1 email response from ESTYN In support • Pupil responses from Blaenhonddan Primary School pupils In support <p>The Council is using the feedback and responses received to the engagement and consultation exercises carried out in relation to the proposal as part of its decision making process.</p>

It is recognised that a low number of responses were received and this will be mitigated by future monitoring and actions as stated in the relevant section below.

2. Evidence

What evidence was used in assessing the initiative?

Following consultation a Consultation Report has been prepared summarising the comments received and officer responses. This should be read alongside this impact assessment.

Respondents were asked to complete an Equalities Monitoring form included in the consultation document.

A great deal of information is available with relation to the population within Neath Port Talbot. This can be accessed from the following sources.

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016
- NPT draft WESP 2022-2032
- Consultation Report
- Welsh Index of Multiple Deprivation (WIMD)
- School Organisation Code, 2018
- Pupil Level Annual School Census (PLASC) data has also been used along with the Local Authority data relating to school staff
- **National Autistic Society research information, [Diverse Perspectives](#) (2014)**

All Neath Port Talbot schools are inclusive for pupils of all ethnic groups and ethnicity is not a criterion under the Council's Admissions Policy. In addition, the Council is an inclusive employer.

Inclusivity and respect of others is an intrinsic element of the Local Authority and the National Curriculum, and the proposed new LSC would seek to provide an inclusive environment which meets the needs of all pupils irrespective of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation. The Estyn School Inspection Handbook also details how inspection would evaluate how well individual pupils benefit from the provision and states it may be relevant to pay particular attention to those with protected characteristics, therefore including transgender pupils. Under spiritual, moral, social and cultural development Estyn would look for evidence where pupils develop awareness and respect for diversity in relation to, for example gender, race, religion and belief, sexual orientation and disability.

It is recognised that there is a lack of general data for some of the protected characteristics. To mitigate this, the Local Authority will continue to monitor protected characteristics in the future.

3. Equalities

a) How does the initiative impact on people who share a **protected characteristic**?

Protected Characteristic	+	-	+	Why will it have this impact?
Age	x			The Equality Duty covers the protected characteristic of age, which refers to a person having a particular age or being within an age group. Data indicates that there are currently 470 pupils with ASD in Neath Port Talbot (PLASC 2023).

			<p>Increasing numbers of pupils with ASD has led to pressure on current provisions and this proposal will seek to address the needs of these pupils and future pupils identified as having ASD by providing an additional provision for primary age pupils. It will increase the number of specialist places available within the county borough for pupils with ASD, ensuring greater numbers of pupils are able to access specialist support.</p> <p>Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply.</p> <p>Pupils at the proposed provision will benefit from being taught by specialist staff, experienced in working with pupils with ASD needs.</p> <p>Consultation responses have indicated that a provision of this kind is welcomed by pupils and ESTYN.</p> <p>The provision will have a positive impact on primary aged pupils of Blaenhonddan Primary School as pupils admitted to the provision will become part of the school roll, taking a full part in the life and activities of the school as appropriate.</p> <p>Consultation responses indicate that pupils welcome this provision and feel it will enhance an already inclusive school.</p> <p>It is also envisaged that the provision will be able to provide support and training for other mainstream primary schools across Neath Port Talbot, building skills, competencies, expertise and capacity of all staff working with children with ASD.</p> <p>Employees within the school will be protected by the policies adopted by the Governing Body and will have access to suitable HR advice.</p> <p>The establishment of the ASD provision in Blaenhonddan Primary School is therefore likely to have a positive impact on pupils aged 3-11.</p>
Disability	x		<p>The Council's arrangements for education across the county borough include those children and young people with a disability. The proposed provision will specifically provide education for pupils with an additional learning need, therefore the impact on these pupils is likely to be high.</p>

			<p>Data indicates that there are currently 470 pupils with ASD in Neath Port Talbot (PLASC 2023).</p> <p>This proposal will seek to address the needs of these pupils and future pupils identified as having ASD by providing a provision designed to meet their needs. As a self-contained provision, the facility will not have a direct impact on the ALN provision of Blaenhonddan Primary School where pupils with additional learning needs, including children with statements of special educational needs and Local Authority maintained IDPs, are supported in a mainstream setting with appropriate funding for this purpose. However, the specialist knowledge and skills-set of the staff employed to work at the provision will be available to share with mainstream staff and, as such, will indirectly benefit ALN provision at the school.</p> <p>It is also envisaged that the provision will be able to provide support and training for other mainstream primary schools across Neath Port Talbot, building skills, competencies, expertise and capacity of all staff working with children with ASD. This proposal therefore will have a positive impact on pupils with ASD not just within the provision but in Blaenhonddan Primary School mainstream classes and in other schools across Neath Port Talbot where support and training is accessed by staff.</p> <p>The new facility will be fully compliant in terms of requirements for disabled users. This will potentially have a positive impact on pupils as yet unknown who may have an additional disability.</p> <p>The Council is required to have regard for the needs of disabled learners and learners with learning difficulties when assessing transport needs.</p> <p>Transport decisions made on Additional Learning Needs (ALN) grounds form part of the Children and Young People service's arrangements for children with additional learning needs. The Council will make suitable arrangements for learners with special needs to attend school including arrangements, as necessary, for home to school travel. An assessment of a learner's level of travel need will inform the type/level of transport that may need to be provided. The entitlement will</p>
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			<p>be reviewed on an annual basis. (Home to School Travel Policy Neath Port Talbot Council).</p> <p>The establishment of an ASD provision in Blaenhonddan Primary School will have a positive impact on disability.</p>
Gender reassignment		x	<p>It is expected that all NPTCBC schools meet the needs of pupils and staff who are transgender.</p> <p>Local Authority and school policies will be in place in terms of gender reassignment. Employees and pupils within the school will be protected by the policies adopted by the Governing Body.</p> <p>It is possible that the planned new modular buildings may provide facilities that will facilitate easier management of the practicalities of gender reassignment through opportunities for private changing and toilet facilities.</p> <p>The proposal therefore is likely to have a neutral impact on this aspect.</p>
Marriage & civil partnership		x	<p>Pupils at the school are below the legal marriage age. Staff will continue to receive protection under the Equalities Act 2010 which would be referred to by the new Governing Body and Council in order to support the staff at the school.</p> <p>Employees within the school will be protected by the policies adopted by the Governing Body and will have access to suitable HR advice.</p> <p>The proposal is designed to have a neutral impact on those with protected characteristics accessing the new school.</p>
Pregnancy and maternity		x	<p>It is not considered that there would be a negative impact on pupils in this protected group as there is a minimal likelihood of pupils falling within this protected group due to the age range of the proposed new school. The provision of education for any pupil identified as being within this protected group would remain unaltered by the proposal.</p> <p>Employees within the school will be protected by the policies adopted by the Governing Body and will have access to suitable HR advice.</p> <p>The proposal therefore is likely to have a neutral impact on this aspect.</p>

<p>Race</p>	<p>x</p>		<p>All Neath Port Talbot schools are inclusive for pupils of all ethnic groups and ethnicity is not a criterion under the Council’s Admissions Policy. In addition, the Council is an inclusive employer.</p> <p>PLASC 2023 data indicates that 95% of the pupil population with a statement of special educational need (SEN) or LA IDP identify as White British and just 6% of pupils with a statement for ASD are Black, Asian or minority ethnic (BAME).</p> <p>In 2014 the National Autistic Society published a report entitled <i>Diverse Perspectives</i> which detailed research undertaken on the experiences of BAME families with children with ASD. It concluded that difficulties were primarily related to their child’s autism, not their ethnicity, however many also faced additional challenges that appear to reflect shared experiences within BAME communities. These include:</p> <ul style="list-style-type: none"> -Challenges getting a diagnosis: -Barriers to accessing support services -Communication problems with professionals -Awareness and understanding of autism within communities -Denial and isolation, alongside feelings of blame and shame: many said that these issues could lead to parents, carers and siblings missing out on support and becoming socially isolated. <p>Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply. Pupils of any race would be eligible for admission to the provision, and once admitted pupils would have equal opportunities to access the support available.</p> <p>Future employees of the school will be entitled to receive protection under the relevant employment and equalities law and policies which will be adopted by the Governing Body.</p> <p>The proposal would therefore have a potentially positive impact on this group, by enabling families to have better access to support and services.</p>
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Religion or belief	x		<p>It is expected that the Council's educational arrangements will meet the needs of pupils or staff members of different religions or with different beliefs.</p> <p>Religion or belief is not a criterion under the Council's Admissions Policy which will be applicable to the new provision. Admission to the provision would be in line with this policy.</p> <p>Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the newly established Governing Body and Council in order to support the staff at the new school.</p> <p>Respect for all religious and non-religious beliefs would not change as a result of implementing this proposal. Similarly, the aspect of the curriculum relating to religion and belief would not change because of this proposal. The proposal does not seek to reduce the number of faith school places and increase the number of community (not-faith based) school places.</p> <p>The Estyn School Inspection Handbook also details how inspection would evaluate how well individual pupils benefit from the school. Under spiritual, moral, social and cultural development Estyn would look for evidence where pupils develop awareness and respect for diversity in relation to, for example gender, race, religion and belief, sexual orientation and disability.</p> <p>Research (<i>Diverse Perspectives</i>, 2014) has shown that some ASD pupils from BAME can be disadvantaged due to their culture with some participants emphasising that their faith gave them strength, while others reporting a lack of support from faith groups and at places of worship.</p> <p>This proposal would seek to improve opportunities for pupils with ASD as specialist staff appointed will be able to better understand and support pupils and families, who may be experiencing particular difficulties due to religion or belief.</p>
Sex	x		<p>The Council is an inclusive employer. Across the Local Authority both male and female staff are employed within primary education settings.</p> <p>Children of both sexes would be treated and taught equally at the proposed new LSC. There would be no different methods of teaching or curricula based on sex. The school would aim to reduce, as far as possible, segregating pupils and students by gender.</p>

			<p>Current data (Plasc Jan 2023) indicates that there are 319 pupils with a statement for ASD and of these 251 are boys and 68 are girls. There are an additional 4 boys with LA maintained IDPs for ASD. This would suggest that the proposed provision may have greater numbers of male than female pupils attending.</p> <p>Studies have shown that behavioural characteristics of ASD females can vary greatly compared to those of autistic males. In general, ASD girls are often isolated or have fewer friends than other girls in their peer group and can struggle more than usual with adolescence. This can lead to depression and anxiety. Due to greater numbers of boys than girls in need of support this could mean that girls accessing the provision are in a minority, and so could increase feelings of isolation and anxiety.</p> <p>As the proposal aims to establish an ASD provision in a mainstream school it should provide greater opportunities for female ASD pupils to socialise and make friends with pupils attending mainstream classes, thus ensuring that friendship groups become larger than just the pupils attending the provision. Due to the support available from the experienced staff planned for the provision, and the fact that Blaenhonddan Primary School is recognised to be an inclusive and caring school community where children and young people with differing needs and abilities are all supported to thrive, this is likely to have a positive impact on female pupils attending the provision.</p> <p>The benefits of the provision being based in a mainstream, inclusive school is also likely to benefit male pupils, ensuring that their peer groups are also extended beyond those pupils attending the provision.</p>
Sexual orientation	x		<p>Inclusivity and respect of others is an intrinsic element of the National Curriculum, and the proposed new LSC would seek to provide an inclusive environment which meets the needs of all pupils irrespective of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.</p> <p>Research demonstrates an increased prevalence of autistic children and young people who are gender questioning. This proposal could have a positive impact by ensuring support can be accessed for those pupils who need it from the specialist</p>

				staff employed in the provision, who will already know the pupils well and be better placed to advise and support them.
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What action will be taken to improve positive or mitigate negative impacts?

This proposal, if implemented would be closely monitored with information gathered regarding characteristics and circumstances of the individuals involved. From the evidence currently available the proposal should have mainly positive or neutral impacts on the protected characteristics due to the following actions-

- Implementing the proposal and establishing an ASD provision for primary aged pupils in Blaenhonddan Primary School will ensure that the positive impacts on the protected characteristics identified are realised
- Recruitment of specialist and experienced staff will be essential with extra training provided as necessary
- Policies and procedures would be in place to support the school with inclusive practice; local authority policies would be adopted and adhered to

b) How will the initiative assist or inhibit the ability to meet the **Public Sector Equality Duty**?

Public Sector Equality Duty (PSED)	+	-	+/-	Why will it have this impact?
To eliminate discrimination, harassment and victimisation	x			<p>Policies adopted by the Governing Body and teaching and learning will aim to eliminate discrimination, harassment and victimisation.</p> <p>Employees within the school will be protected by Local Authority policies and policies adopted by the Governing Body and will have access to suitable HR advice.</p> <p>Pupils will be protected by Local Authority policies and policies adopted by the Governing Body.</p> <p>Pupils with an additional learning need could be at risk of discrimination, harassment and victimisation by others. The establishment of an ASD provision</p>

			at Blaenhonddan Primary School will not only support pupils attending but will also aim to raise awareness with mainstream pupils and staff about ASD, promoting greater acceptance and understanding and eliminating discrimination, harassment and victimisation. The National Curriculum will also promote inclusivity and acceptance through teaching and learning within the school.
To advance equality of opportunity between different groups	x		<p>The establishment of the provision at Blaenhonddan Primary School would address the increased numbers of pupils aged 3-11 who have a statement of ASD or Local Authority IDPs needing specialist support. These pupils would therefore benefit most from this provision. Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply. All pupils with a statement of ASD would be eligible for admission to the provision from any of the protected groups.</p> <p>As the provision is being established in a mainstream school it is expected that pupils who attend the provision will also have the opportunity to experience and take part in a wide range of activities open to all pupils, thus providing greater equality of opportunity.</p>
To foster good relations between different groups	X		Raising awareness and promoting greater understanding of ASD pupils will help to foster good relationships between pupils attending the mainstream school and those attending the provision. Work undertaken with other mainstream schools by staff employed at the provision will also help to promote understanding and awareness of ASD and foster good relationships.

What action will be taken to improve positive or mitigate negative impacts?

- Implementing the proposal and establishing an ASD provision for primary aged pupils in Blaenhonddan Primary School will ensure that the positive impacts identified are realised
- Blaenhonddan Primary school staff will raise awareness of the purpose of the provision , and staff and pupils will support pupils in the provision with integration and further promote inclusion throughout the school
- Outreach work with other mainstream school will be undertaken following the establishment of the provision to further promote awareness of ASD

4. Socio Economic Duty

Impact	Details of the impact/advantage/disadvantage
Positive/Advantage	<p>The proposal, if implemented, should have a positive impact on groups who experience socio economic disadvantage.</p> <p>The proposal aims to provide local, accessible, sustainable, community-focused provision to meet the growing demand for ASD places within the Local Authority.</p> <p>The proposal would therefore have a positive impact in this regard.</p>
Negative/Disadvantage	<p>For some pupils, distance to the provision would be further than to their catchment mainstream school, this could result in increased travel costs for parents</p>
Neutral	<p>The facility is accessible to pupils with Statements or LA maintained IDPs for ASD (via the admissions panel) regardless of any specific socio-economic disadvantage.</p> <p>The facility will be fully accessible to pupils with Statements or LA maintained IDPs for ASD (via the admissions panel) regardless of any specific socio - economic disadvantage.</p>
<p>What action will be taken to reduce inequality of outcome</p>	

- Home to school travel assistance will be provided to eligible pupils ,for example for those living further than two miles from the school

5. Community Cohesion/Social Exclusion/Poverty

	+	-	+	Why will it have this impact?
Community Cohesion			x	It is not expected that the establishment of the ASD provision will impact on community cohesion
Social Exclusion	x			The establishment of the provision will aim to support those pupils with ASD who may have difficulty participating fully in society, and will give them the opportunity to experience similar life experiences to mainstream pupils
Poverty	x			The provision will aim to ensure that pupils are not at risk of participation poverty by providing opportunities for them to be included in activities experienced by their mainstream peers.

What action will be taken to improve positive or mitigate negative impacts?
<ul style="list-style-type: none"> • Implementing the proposal and establishing an ASD provision for primary aged pupils in Blaenhonddan Primary school will ensure that the positive impacts identified are realised • Staff recruitment will ensure that experienced specialist staff are appointed who are able to provide the best opportunities for pupils • Blaenhonddan Primary School staff will raise awareness of the purpose of the provision , and staff and pupils will support pupils in the provision with integration and further promote inclusion throughout the school

6. Welsh

	+	-	+/-	Why will it have this effect?
What effect does the initiative have on: -people’s opportunities to use the Welsh language	x			Although the provision is planned to be established in an English-medium primary school, staff who are able to speak Welsh will be available to support pupils who transition from a WM school or who speak Welsh as their first language. Pupils attending the provision from a WM school or who speak Welsh as their first language will benefit from the specialised support available to them.
-treating the Welsh and English languages equally	x			

What action will be taken to improve positive or mitigate negative impacts?

- Recruitment of staff who are able to speak Welsh would be deemed desirable for the provision
- Support for Learning and Inclusion available from Welsh speaking staff

7. Biodiversity

How will the initiative assist or inhibit the ability to meet the **Biodiversity Duty**?

Biodiversity Duty	+	-	+/-	Why will it have this impact?
To maintain and enhance biodiversity			x	<p>Neath Port Talbot County Borough Council (NPTCBC) has a legal duty to maintain and enhance biodiversity, and in so doing, promote the resilience of ecosystems under the Environment (Wales) Act 2016. The Council’s Biodiversity Duty Plan demonstrates how we will fulfil that duty and will act as a driver for conservation activities throughout Neath Port Talbot (NPT).</p> <p>The Biodiversity Duty Plan not only delivers our statutory duties with regards to biodiversity but also explains how, through meeting the Biodiversity Duty, we are delivering well-being objectives and the ways of working under the Well-being of Future Generations (Wales) Act 2015.</p> <p>This is not a criterion that will be impacted upon by this proposal</p>
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.			x	

What action will be taken to improve positive or mitigate negative impacts?

- Any future impacts will be monitored closely following the opening of the LSC

8. Well-being of Future Generations

How have the five ways of working been applied in the development of the initiative?

Ways of Working	Details
i. Long term – looking at least 10 years (and up to 25 years) ahead	<p>Data indicates that the number of pupils with ASD who require support is increasing. This provision will support the Councils wellbeing objective 1 – ‘to improve the wellbeing of children and young people’ through establishing a specialist provision to support pupils currently identified as well as those who will be identified in the future.</p> <p>The cost of providing education outside the County Borough for pupils with specialist needs is high, and can amount to circa. £80k per pupil per year. This annually presents a significant demand on the Council’s education budget. Meeting the special needs education of pupils in local settings, i.e. within the County Borough, avoids having to secure expensive out-of-county provision, at the present time and in the future</p>
ii. Prevention – preventing problems occurring or getting worse	<p>By establishing a specialist provision the Council will be providing support and specialist teaching for children and young people with ASD in Neath Port Talbot. This will avoid costly out of county placements thus reducing the demand on the Council’s education budget. It will help to prevent absenteeism and possibly exclusion rates as pupils will be educated in a setting that meets their needs which should improve their wellbeing and desire to attend school. It will also ensure that pupils are able to access the support they need to make progress, ensuring that they are able to gain qualifications and life skills for the future.</p>

<p>iii. Collaboration – working with other services internal or external</p>	<p>A range of Council services are involved in establishing the provision should the proposal be approved, including Support for Learning, Education Development Service, Environment Department, Access Managed Services and Transport Services</p>
<p>iv. Involvement – involving people, ensuring they reflect the diversity of the population</p>	<p>Informal consultation has taken place with a range of stakeholders to help shape the proposal. Additionally the proposal has been subject to a comprehensive consultation with a wide range of stakeholders for a six week period.</p> <p>The formal consultation process sought the views of the following groups</p> <p>Blaenhonddan Primary School: Pupils, Parents/carers, Staff, Governing Body, Wider School Community</p> <p>All other NPT schools</p> <p>NPT Elected Members</p> <p>Neath Town Council</p> <p>Blaenhonddan Community Council</p> <p>Cilybebyll Community Council</p> <p>NAASH (Secondary Schools Forum)</p> <p>LLAN (Primary Schools Forum)</p> <p>Bordering authorities – Swansea/ Bridgend/ Carmarthenshire/ Powys/ RCT</p> <p>WG Schools Management Division</p> <p>Diocesan Directors of Education- Diocese of Menevia, Swansea, Diocese of Llandaff, Vale of Glamorgan</p> <p>MP and MS for Neath</p> <p>Regional Members of the Senedd</p> <p>Trade Unions</p> <p>Regional Assembly Members</p> <p>WG Schools Management Division</p> <p>Estyn</p> <p>Local Members</p> <p>Regional Education Consortium (ERW)</p> <p>Children and Young Person Partnership (inc.Early Years Development and Childcare)</p> <p>NPTCBC Integrated Transport Unit</p>

	Police and Crime Commissioner Communities First Partnership NPTCBC Officers ALN Partners
v.Integration – making connections to maximise contribution to:	The proposal to establish an ASD provision in Blaenhonddan Primary school has a positive contribution to the Council’s well-being objectives as it aims to ensure that pupils with ASD are supported and are able to make progress
Council’s well-being objectives	To improve the wellbeing of children and young people
Other public bodies objectives	Promote wellbeing through and in the workplace

9. Monitoring Arrangements

Provide information on the monitoring arrangements to:

Monitor the impact of the initiative on Equalities, Community Cohesion, the Welsh Measure, Biodiversity Duty and the Wellbeing Objectives.

If the proposal is implemented then Blaenhonddan Primary school staff will monitor the progress and wellbeing of pupils in the provision to ensure that identified positive impacts are being implemented.
Monitoring will take place on a regular basis by Support for Learning and Inclusion officers, ESO officers and outside bodies including Estyn.

10. Assessment Conclusions

Please provide details of the conclusions reached in relation to each element of the assessment:

	Conclusion
Equalities	The establishment of the provision will have a positive impact on age, disability, sex, race, religion or belief and sexual orientation. It will have a neutral impact on gender reassignment, marriage and civil partnership and pregnancy and maternity.
Community Cohesion/ Social Exclusion/Poverty	The establishment of the provision will have no effect on community cohesion, but should have a positive impact on social exclusion and poverty
Welsh	Staff who are able to speak Welsh will be available to support pupils who transition from a WM school or who speak Welsh as their first language. Pupils attending the provision from a WM school or who speak Welsh as their first language will benefit from the specialised support available to them.
Biodiversity	The establishment of the provision has no impact on biodiversity
Well-being of Future Generations	This proposal directly contributes to the Council's wellbeing objective 'to improve the wellbeing of children and young people'

Overall Conclusion

Please indicate the conclusion reached:

- **Continue** - as planned as no problems and all opportunities have been maximised
- **Make adjustments** - as potential problems/missed opportunities/negative impacts have been identified along with mitigating actions
- **Justification** - for continuing with the initiative even though there is a potential for negative impacts or missed opportunities
- **STOP** - redraft the initiative as actual or potential unlawful discrimination has been identified

Please provide details of the overall conclusion reached in relation to the initiative

The establishment of an ASD provision for primary aged pupils in Blaenhonddan Primary School will provide vital support and specialist teaching for pupils with ASD. It will support ALN reform and ensure that the Council is able to fulfil its legal obligations to meet the needs of pupils with ALN.

It will have positive impacts on age, disability, race, religion/belief, sex and sexual orientation and will assist the Council's ability to meet the Public Sector Equality Duty. Additionally it will have a positive impact on social exclusion and poverty, and a positive impact on opportunities to use the Welsh language and in treating Welsh and English equally.

The Wellbeing of Future generations has been considered and the establishment of an ASD provision directly impacts on the Council's wellbeing objective –'to improve the wellbeing of children and young people'.

10. Actions

What actions are required in relation to obtaining further data/information, to reduce or remove negative impacts or improve positive impacts?

Action	Who will be responsible for seeing it is done?	When will it be done by?	How will we know we have achieved our objective?
Recruitment of staff	Inclusion services and Blaenhonddan Primary School	By January 2024	Suitably qualified and experienced staff appointed
Building works undertaken	SSIP/Environment	By January 2024	Work completed and ready for occupation

11. Sign off

	Name	Position	Signature	Date
Completed by	Kate Windsor-Brown	Transformation Co-ordinator		07.09.23

Signed off by	Andrew Thomas	Head of Service/Director		07.09.23
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Draft Statutory Notice

This Statutory Notice is published by Neath Port Talbot County Borough Council, Civic Centre, Port Talbot. SA13 1PJ

NOTICE is given in accordance with Section 42 of the School Standards and Organisation Act (Wales) 2013 and the School Organisation Code that Neath Port Talbot County Borough Council having consulted such persons as required, propose to:

Establish a new specialist provision for primary age pupils with Autistic Spectrum Disorder (ASD) at Blaenhonddan Primary School, Main Road, Bryncoch, SA10 7PE.

The Learning Support Centre will provide for up to 16 boys and girls, age 3-11 years in receipt of a statement of special educational needs or a Local Authority Maintained IDP and who require support in a specialist setting. Admission will be via a special admission panel of Neath Port Talbot County Borough Council. Pupils admitted to the Learning Support Centre will be in addition to the admission number for the relevant age group at the school. Blaenhonddan Primary is a community school for boys and girls, age 3-11 years, maintained by Neath Port Talbot County Borough Council. Currently, the school has the capacity to accommodate 226 full-time pupils and 40 nursery pupils per session. As of PLASC 2023, there are 208 full time and 44 part time nursery pupils at the school. The school also hosts a specialist Key Stage 2 MLD provision for 9 pupils.

Neath Port Talbot County Borough Council undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the Council's response to these queries and the views of Estyn are available at: <https://www.npt.gov.uk/1891#contents1>

It is proposed to implement the proposal on 9th January 2024.

Transport arrangements will be in line with Neath Port Talbot County Borough Council's Home to School Travel Policy.

Within a period of 28 days after the date of publication of this proposal, that is to say by the **1st November 2023**, any person may object to the proposal. Objections should be sent to: Andrew Thomas, Director of Education Leisure and Lifelong Learning, (marked for the attention of the SSIP Team), Civic Centre, Port Talbot SA13 1PJ or e-mail to: SSIP@npt.gov.uk.

Signed:

A handwritten signature in black ink, appearing to read 'A Thomas', written over a light blue horizontal line.

Andrew Thomas, Director of Education, Leisure & Lifelong Learning

Dated: 4th October 2023

Explanatory Notes:

(This note does not form part of the Notice but is intended to explain its general meaning)

- (i) It is intended to establish a Learning Support Centre (LSC) for primary aged pupils with Autistic Spectrum Disorder (ASD) at Blaenhonddan Primary school.
- (ii) The facility will provide learning support for up to 16 pupils of primary school age pupils with ASD. Pupils at the proposed provision will benefit from being taught by specialist staff, experienced in working with pupils with ASD needs. This facility will be for pupils in receipt of a statement of SEN or a Local Authority Maintained IDP and who require longer-term provision.
- (iii) The LSC will be a self-contained facility managed by Blaenhonddan Primary school and be under the school's governance. However, it will be a provision recognised by the Council as reserved for pupils with a statement of special educational needs or a Local Authority Maintained IDP and although it is in a mainstream school the pupils who are admitted to the LSC will be in addition to the admission number of the school.
- (iv) Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply.
- (v) The facility will be housed in 2 new modular buildings within the school site. Pupils admitted to the Learning Support Centre will be in addition to the admission number for the relevant age group at the school. As such, accommodating the LSC will not adversely impact on school admissions.
- (vi) It is intended that the LSC will open on 9th January 2024.
- (vii) The reasons for the proposal are set out in the consultation document which is available on the SSIP webpage on the Council's website: [Consultation Documents – Neath Port Talbot Council \(npt.gov.uk\)](#)
- (viii) The Authority's School Transport policy is available from the Council's website: [npt_home_to_school_travel_policy_2017.pdf](#)
- (ix) Hard copies or alternative versions of all documentation may be obtained upon request from the Strategic School Improvement Team, Education Department, 2nd Floor, Port Talbot Civic Centre, Port Talbot.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

Education, Skills & Wellbeing Cabinet Board
28th September 2023

Report of the Head of Planning and Public Protection
Ceri Morris

Matter for Decision

Wards Affected: All

Environmental Health and Trading Standards – Enforcement Policy

Purpose of the Report

To seek approval of the updated Environmental Health and Trading Standards Enforcement Policy (*the Policy*), thus ensuring legislature compliance.

Executive Summary

The Policy ensures that the principles of good enforcement are met, namely, setting clear standards, openness, helpfulness, complaints handling, proportionality and consistency.

Without a Policy there may be inconsistency in approach and enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.

This revised policy is updated to include a guidance note to the Leasehold Reform (Ground rent) Act 2022, which came into force on 30th June 2022.

Background

The Environmental Health and Trading Standards Service is required to have an Enforcement Policy. The policy has been revised annually in the past however as there are very few changes year on year, this policy is now only reported to Members where changes are required to be made.

The Policy ensures compliance with applicable legislation including the Regulators' Code, other published guidance and ensures that there is consistency in the approach of officers when making decisions concerning enforcement action.

Members should note that the Policy only applies to the Environmental Health and Trading Standards Service.

Summary of Changes

The updated Policy is presented in full in Appendix 1 and has been updated to include a guidance note to the 'Leasehold Reform (Ground rent) Act 2022', which came into force on 30th June 2022.

Enforcement of these new requirements will contribute to the wider reform agenda to tackle unfair practices in the leasehold market and to promote fairness. The Leasehold Reform (Ground Rent) Act 2022 effectively prevents most new residential leaseholders from facing financial demands for ground rent in England and Wales.

The Local Weights and Measures (Trading Standards in NPT) have a duty to enforce having consideration to the revised Enforcement Policy and will collaborate with the National Trading Standards Estate and Letting Agency Team to ensure advice / enforcement approach is consistent nationally.

Financial Impacts

No implications.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment as set out in Appendix 2, has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts

No implications.

Workforce Impacts

No implications.

Legal Impacts

The policy has a positive legal impact, as it clarifies the principles of good enforcement, and therefore enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Risk Management Impacts

The policy has a positive risk management impact as enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Crime and Disorder Impacts

The policy has a positive impact on crime and disorder as it clarifies the principles of good enforcement to ensure there is compliance with the wide range of law relating to trading activity, public health, housing, health and safety and food safety.

Consultation

There is no requirement for external consultation on this item.

Recommendations

That having considered the report and having due regard to the Integrated Impact Assessment, it is resolved to make the following recommendation for approval:

1. To approve the updated Environmental Health and Trading Standards Enforcement Policy for 2023, as set out in Appendix 1.

Reasons for Proposed Decision

To ensure that consistent enforcement action is taken, and the principles of the Regulators' Code and other published guidance are followed.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1 – Environmental Health & Trading Standards Enforcement Policy 2023
Appendix 2 – First Stage Integrated Impact Assessment.

List of Background Papers

None.

Officer Contact

Mark Thomas – Trading Standards, Food & Health Protection Manager
Tel: 01639 685612 / Email: m.thomas2@npt.gov.uk

Celvin Davies – Environmental Health Manager
Tel: 01639 685613 / Email: c.davies13@npt.gov.uk

APPENDIX 1

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Regeneration Directorate

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

ENFORCEMENT POLICY

Revised Date: March 2023

Introduction

The purpose of this policy is to guide efficient compliance with legislation that is enforced by the Environmental Health and Trading Standards Service, whilst minimising the burden to the Council, individuals, businesses and other organisations.

In performing their enforcement functions, the Environmental Health and Trading Standards Service will pursue their objectives of protecting the health, safety and economic well-being of residents, visitors and businesses within the County Borough.

To achieve these objectives the Service is committed to providing advice, information and education to both consumers and businesses and to ensuring that non-compliance is dealt with in a manner which is open, consistent, proportionate and fair. This Enforcement Policy sets out the principles and procedure adopted by the Service in cases of non-compliance and/or unlawful activity by businesses or individuals.

This Policy is intended to provide guidance for officers, businesses and consumers rather than to set down a prescriptive set of rules. Nothing in this Policy should be construed as restricting the discretion of the Council to take legal proceedings or other enforcement action in cases where it is considered to be in the public interest.

A specific Enforcement policy guidance note (appendix 1) relates to Local Authority Pollution Prevention and Control (LAPPC) and Local Authority Integrated Pollution Prevention and Control (LA-IPPC). This relates to the protection of the Environment and prevention of harm to human health, in particular by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land, water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016.

A specific Enforcement policy guidance note (appendix 2) relates to the Leasehold Reform (Ground rent) Act 2022. The Act came into force on 30 June 2022 and is the first major piece of legislation to reform the leasehold system in a generation. It means new regulated leaseholders will not face demands for ground rent and are entitled to refuse payment on any demand for any prohibited rent.

Reference material

The Service has had regard to the following reference material in implementing this Enforcement Policy:

- a) The Ministry of Justice guidance for Simple Cautions for Adult Offenders (November 2013).
- b) The Code for Crown Prosecutors 2013
- c) The former LACORS Home Authority Scheme and The Office of Product Safety & Standards Primary Authority Scheme.
- d) The Regulators' Code 2014

- e) Regulatory Enforcement and Sanctions Act 2008, as amended
- f) Legislative and Regulatory Reform Act 2006
- g) Food and Feed Law Codes of Practice
- h) Health and Safety Executive's Enforcement Policy Statement
- i) Office of the Deputy Prime Minister's Housing, Health and Safety Rating System Enforcement Guidance
- J) Rent Smart Wales Enforcement Policy 2017

Basic Principles

The Service, as a law enforcement body, has a duty to ensure that there is compliance with the wide range of laws relating to trading activity, public health, pollution, housing, health & safety and food safety, with the protection of public health and the promotion of good business practice being fundamental to the implementation of their enforcement and regulatory roles.

Regulators' Code

We will follow the provisions of the Regulators' Code, in that we will:

- Conduct our activities to support businesses to comply and grow.
- Provide simple and straightforward ways to engage with businesses and we will listen to their views.
- Base our regulatory activities on risk.
- Share information about compliance and risk.
- Provide clear information, guidance and advice to aid business compliance.
- Ensure that our regulatory approach is transparent.

Additionally, our policy is underpinned by certain other basic principles as detailed below.

Consistency

In order to ensure the equitable implementation of enforcement action, the Service is committed to ensuring that the policy is operated consistently at all levels within the Service from investigating officers to senior management. Consistency is not to be equated with uniformity and this does not mean that all cases will be treated identically, as circumstances vary in each matter. The principle of consistency means that we will take a similar approach in similar circumstances to achieve similar ends.

Accountability

The Service is responsible to the public for their actions and will ensure that this Enforcement Policy is accessible. Further, it operates a fair and efficient complaints process within the overall Corporate Compliments, Complaints and Comments process. Details of the Corporate Compliments, Complaints and Comments procedure can be accessed via: <http://www.npt.gov.uk/default.aspx?page=2777>; by email – contactus@npt.gov.uk or by telephone on 01639 686868.

Proportionality

Proportionality means that any enforcement action is proportionate to the risk and will be related to the seriousness of any breach of the law. In considering seriousness, various factors will be taken into account, which include, among other considerations, the following: the number of people affected by any breach and their vulnerability, the economic impact, the detriment to the safety of others and the degree of intent. Any statutory defences will also be considered.

Transparency

We are committed to the implementation of clear and open procedures. Ensuring that individuals and business proprietors are aware of, and understand, their obligations and rights under the law is an integral part of the activities of the Service. In the event that the Service takes any enforcement action in relation to an individual or business, detailed information will be given as to what action is being taken, what is required of the individual or business and what the next steps will be. Any questions in relation to what is happening will be answered fairly and accurately having regard to the need for confidentiality in some cases. The Enforcement Policy is published on our website.

Targeting

We aim to focus enforcement activity on those areas which: indicate the greatest risk to public health or safety; impact most significantly on the economic well-being of the community; disproportionately affect vulnerable groups; taking into account both local and national priorities. We also aim to adopt a lighter touch for compliant businesses or individuals, and in some cases may opt not to take enforcement action where the infringement is minor or where a suitable alternative course of action is available. In all cases, we aim to target those who are primarily responsible for the non-compliance.

Enforcement Action

In dealing with non-compliance with environmental health, consumer and trading legislation, various factors are considered when assessing the most appropriate course of action. Action should be both necessary and proportionate with the objective of protecting the public, employees, consumers and the environment and where relevant be in the interests of compliant businesses. A graduated enforcement approach will be considered where the circumstances in each case merit such an approach. Evidence gathering will be subject to the relevant laws and codes of practice which may cover topics such as PACE

(Police and Criminal Evidence); IPA (Investigatory Powers Act); Powers of arrest; and linking with other enforcement agencies.

Home Authority Principle and Primary Authority Principle

In respect of Home Authority and Primary Authority businesses the Service will, prior to undertaking any work that may affect a business that may be assisted by a Home Authority or Primary Authority:

- Consult the Home Authority or Primary Authority Registers prior to undertaking the proposed work.
- Liaise with those authorities that have entered into Home Authority or Primary Authority relationships with businesses.
- Follow and adhere to any inspection plans produced by Primary Authorities.
- Feedback to Home Authorities or Primary Authorities on the work that has been subsequently undertaken.
- Publish the inspection plans for any business for whom we act as a Primary Authority on the Primary Authority Register.
- Contribute to the Primary Authority Register by adding information or responding to Statutory Notifications when necessary or required.

Graduated Enforcement Approach

The graduated approach that we employ often starts at informal advice and verbal warnings and may escalate through to serving of notices, issuing of written warnings and simple cautions and potentially lead to prosecutions. Some matters may involve less significant breaches of the legislation that we enforce and proportionality and fairness may dictate that advice and lesser scale enforcement action is taken. Some matters however, will be so serious, perhaps involving negligence, dishonesty, deception, deliberate actions or vulnerable persons and these by their nature should be considered as appropriate for prosecution, without the graduated approach being followed.

The main options available to us are outlined below.

Informal action and advice

This can take the form of a verbal warning, with guidance and advice on how to avoid future breaches, or a written warning setting out the infringement and giving advice as appropriate. A written warning is likely to be accompanied by verbal guidance and advice. In both instances the advice given will be clear and simple and, if appropriate, legal requirements will be clearly distinguished from best practice advice.

Statutory Notices

Certain provisions of the legislation administered by the service relate to the issuing of a Statutory Notice for breaches of law. The notice requires the recipient to take steps in order to return to legal compliance. Such steps may include; refraining from doing something such as making excessive noise or undertaking works such as restoring a commercial kitchen to compliance with food hygiene laws. The decision to serve a statutory notice will depend upon all the circumstances of the case. In some instances, the service may be under a legal duty to issue a notice once a contravention has been identified.

The person receiving the notice may not agree with it and has the right to appeal.

Failure to comply with a valid notice is an offence and the Council may take one of the following actions in response.

- Offer the offender a simple caution.
- Take legal proceedings, usually in the Magistrate's Court.
- Seize and detain materials or equipment.
- Undertake any work required by the notice and recover costs.

The service makes a charge when statutory notices are issued under housing legislation. The charge, which is made at the end of the notice appeal period, includes: the cost of inspection; the cost of deciding the most satisfactory course of action and the cost associated with the service of the notice. An administrative charge is also made. The amount of charge is agreed annually by the Director of Environment and our Cabinet Member in consultation with the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager.

Emergency or Immediate Actions/Prohibitions

Emergency or immediate action is sometimes needed to deal with the most serious risks and they will be subject to specific procedures, some of which may involve the Magistrates Court. Details of the appeals procedures are routinely included with the relevant Notices and information provided at the time of action.

Hygiene Emergency Prohibition Notices.

Where an authorised Officer has evidence of an imminent risk of injury to health relating to a Food Business, a Hygiene Emergency Prohibition Notice (HEPN) may be served to prohibit a premise, equipment or a process.

The notice must state the reasons why the premises pose an imminent risk to health and the works which are required to remove the imminent risk, such as "Rid the premise of rodents / cockroaches. Pest proof the premise. Thoroughly disinfect all surfaces and equipment."

An application must be made to the Magistrates Court for a Hygiene Emergency Prohibition Order (HEPO) to replace the HEPN within three working days of the notice being served. Where an HEPO is granted by the Court, the HEPN should be removed and replaced by the HEPO that day. The food

business operator must apply in writing to the Food Authority for a certificate lifting the Emergency Hygiene Prohibition Order / Notice, which on request, an Authorised Officer should re-inspect as soon as possible (within 14 days) to determine whether the notice or Order can be lifted.

Simple Caution

We have the discretion to offer a simple caution in circumstances where there is sufficient evidence to support a realistic prospect of a conviction and the offender admits the offence and gives informed consent to being cautioned.

A caution is a serious matter and it is kept on record for a period of 2 years after it has been given, however each case is considered on its own merits. The issuing of a Simple Caution will be considered by the Service when deciding on enforcement action, as an alternative to prosecution. Such decisions will be made on consideration of the facts of each case and the level of seriousness of the offence or offences being investigated. In the event of future breaches, it can be cited in any subsequent court proceedings.

The Ministry of Justice guidance on Simple Cautions for Adult Offenders provides detailed information on the intended use and administration of the Simple Caution.

Fixed Penalty Notices

Fixed Penalty Notices can be issued as an alternative to legal proceedings for breaches of certain legislation, for example, smoke free laws, unlicensed or non-registered landlords and letting agents, or non-display of a food hygiene rating. If the person responsible does not accept the Fixed Penalty Notice or fails to pay the penalty within the required time period, they may be liable to prosecution.

We may seek accreditation to issue a Fixed Penalty Notice to those responsible for non-compliance with other legislation for example, relating to the prohibition on the sale of alcohol to under-age children etc or we may work in conjunction with partners such as the Police who may serve Fixed Penalty Notices for such matters.

Revocation, Review or Refusal of Licences

Where there is non-compliance with any conditions of a licence that a business or individual may hold, for example, to sell alcohol, we may take steps with the appropriate licensing body to undertake a review to determine if the Licensee, Designated Premises Supervisor, Premises or Personal Licence Holder or any person or persons having responsibility for or under the licence is/are still fit and proper to hold the licence and/or to impose further specific conditions.

The service also operates a Mandatory Licensing Scheme to regulate high risk houses in multiple occupation (HMOs), of 3 or more storeys occupied by 5 or more people not of the same family. Further powers are available should the authority decide to utilise them for the control of 2 storey HMOs.

The Enterprise Act 2002

Under the Enterprise Act 2002 the Service can take action against businesses or individuals where there has been a breach of community or domestic law with the effect of harming the collective interests of consumers. This action is civil rather than criminal and sanctions are injunctive.

The purpose of action under the Enterprise Act is to prevent future breaches of the law rather than to punish previous breaches. The penalties for a future breach can be severe including a fine or potentially imprisonment.

This type of enforcement action is most appropriate in situations where there have been persistent breaches of the law, although in some circumstances action may be considered for a small number of breaches, or even a sole breach, where there is significant detriment or potential detriment to the consumer.

There is a range of actions available under the Act including:

- Informal undertakings.
- Formal undertakings.
- Interim Court Enforcement Orders.
- Court Enforcement Orders.
- Proceedings for Contempt of Court.

Community Protection Notices

The Anti-social behaviour, Crime and Policing Act 2014 introduces powers to tackle anti-social behaviour such as Community Protection notices where the conduct of an individual or body has detrimental effect of a persistent or continuing nature, on the quality of those in the locality and the conduct is unreasonable.

A community protection notice imposes any of the following requirements on the individual or body issued with it:

- a) A requirement to stop doing specified things
- b) A requirement to do specified things
- c) A requirement to take reasonable steps to achieve specified results.

They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.

A person issued with a community protection notice who fails to comply with it commits an offence.

Prosecution

Prosecution may have serious consequences for a business or individual: financial penalties, a criminal record, adverse publicity, an adverse effect upon a business' trading position and in some cases even loss of liberty. For these reasons the decision to prosecute is not taken lightly and is usually reserved for the more serious offences.

In deciding whether to instigate proceedings we have particular regard to the Crown Prosecution Service's (Code for Crown Prosecutors) which requires the assessment of two elements known as the evidential test and the public interest test.

The evidential test requires that the evidence to support a prosecution is deemed to be admissible in court, reliable and of sufficient quality and depth to give a realistic prospect of conviction. Integral to this process is consideration of any statutory defence which may be available and the likely success of such defence.

The public interest test is, broadly, a consideration of a number of factors which support the view that it is in the public interest to proceed. These relevant factors are outlined in the paragraph below. An additional factor which is particularly relevant to prosecution is whether the conviction will result in a significant sentence or penalty, including forfeiture of non-compliant goods, confiscation of the proceeds of the crime, disqualification of company directors and/or compensation for the victim. Consideration is also given to any impact a prosecution may have on a victim's physical or mental health, subject to the seriousness of the offence.

In applying the public interest test, it is not simply a case of adding up the factors on either side. We will decide in each individual case on the weight to be given to the relevant factors and assess the position overall, which is in line with the approach outlined in the Code for Crown Prosecutors.

In cases where legal proceedings are to be instigated, we have regard for the defendant's right to have the matter brought before the Courts without undue delay. What constitutes undue delay is determined by the date the offence came to light, the contribution by the defendant to the delay, the complexity of the offence and/or investigation and the seriousness of the offence.

Relevant Factors in considering Enforcement Action

The following factors are relevant in considering which of the above enforcement options is the most appropriate to take. In the decision-making process, we will consider whether or not and /or the extent to which:

- The organisation or individual appears willing to speedily remedy the situation.
- The offence was the result of a genuine mistake or misunderstanding.

- There is a history of similar previous alleged breaches by the same organization or individual.
- Previous advice has been heeded and acted upon.
- There is a threat to public health, safety or the environment.
- There is a threat of a significant economic disadvantage to consumers or other businesses.
- The victim is part of a vulnerable group, for example, children, the disabled or the elderly.
- The offence was motivated by some form of discrimination.
- The offence is widespread with the potential to affect a number of individuals.
- The organisation or individual has acted deliberately, negligently or with premeditation.
- The organisation or individual has breached a position of authority or trust.
- There are grounds for believing the offence is likely to be repeated.
- As a matter of public policy it is desirable to proceed with enforcement action.

Action under the Proceeds of Crime Act 2002

In the event of a criminal conviction, it is open to the authority in certain circumstances to apply for an order under the Proceeds of Crime Act 2002. This legislation provides for confiscation of property and assets if it can be demonstrated that a defendant has profited from crime. In appropriate cases we will consider if an investigation into the defendant's financial affairs is required with a view to pursuing a confiscation order. We **will not** consider the fact that Proceeds of Crime actions may or may not be available in determining whether to prosecute.

Enforcement of Our Functions at Neath Port Talbot County Borough Council Premises

As a Service we are also required to inspect premises managed by or owned by this Authority.

We will treat such inspections as we would inspections of any other business in the County Borough area, taking steps to ensure that where we find non-compliance that this is raised immediately post inspection, with the relevant Head of Service via our own Head of Service. We will work with those Sections to rectify non-compliance in an open and transparent manner, ensuring that the same level of compliance is met as we would expect from any other business within our area.

Freedom of Information

The Freedom of Information Act 2000 deals with access to official information. In addition, there are also regulations which provide access to environmental information i.e. the Environmental Information Regulations 2004.

This legislation gives the public a general right of access to information held by public authorities. When responding to requests, there are procedural requirements set out in the legislation which an authority must follow including the time frame within which the information must be supplied. There are also valid exemptions from supplying information that the authority can apply in certain, legally defined, circumstances.

Equal Opportunities

Implementation of this Policy will be carried out in accordance with Neath Port Talbot County Borough Council's policy on diversity. All decisions will be impartial and will not be influenced by race, politics, gender, sexual orientation or religious beliefs of the alleged offender.

Appendix 1

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ENVIRONMENT DIRECTORATE
LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL
LAPPC AND LA-IPPC ENFORCEMENT POLICY GUIDANCE

1.0 **INTRODUCTION**

1.01 The purpose of enforcement for Local Authority Pollution Prevention & Control (LAPPC) and Local Authority Integrated Pollution Prevention & Control (LA-IPPC) is to protect the environment and prevent harm to human health. In particular, by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land and water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England & Wales) Regulations 2016 (EP Regulations). These regulations replace the Pollution Prevention & Control (England and Wales) Regulations 2000.

1.02 This is achieved by:

- (i) Carrying out pro-active inspections at a frequency in line with the government's risk assessment procedure to ensure compliance with the legislative requirements and permit conditions.
- (ii) Taking transparent and proportionate enforcement action (including prosecution where appropriate) for offences and/or breaches.

1.03 This LAPPC and LA-IPPC Enforcement Policy Guidance has been written taking into account the statutory Regulators' Code issued under Section 23 of the Legislative and Regulatory Reform Act 2006.

2.0 **ENFORCEMENT POWERS**

The available enforcement powers for LAPPC and LA-IPPC fall into the following main categories:

2.01 **For prevention:**

- Suspension Notices
 - Enforcement Notices
 - Notices requiring information
 - Power to prevent/remedy pollution
 - Revocation of permits

2.02 **For Criminal offences:**

- Warning letter
- Formal caution
- Prosecution

2.03 Supplementary Powers

Supporting powers include:

- powers to enter and inspect premises.
- take samples.
- take copies of information.
- require answers to questions etc.

3.0 LEVEL OF ENFORCEMENT ACTION

3.01 The seriousness of offences can vary greatly. At one end of the scale, an action could lead to severe pollution of air, threatening human health. At the other end, there can be breaches of administrative permit conditions e.g. failure to submit records in the correct format, where there are no direct consequences for the environment.

3.02 In reaching a decision on the most appropriate enforcement action, account will be taken of the following:

(i) **ENVIRONMENTAL EFFECT**

The magnitude of the environmental effect is an indicator of the degree to which the offender has failed to put in place, maintain, adhere to and/or foresee the consequences of not having suitable procedures or systems to prevent the incident. In general, the greater the effect or potential effect, the greater the probability of prosecution.

(ii) **NATURE OF OFFENCE**

The type of offence may be so serious in its nature or impact on the Council's ability to regulate effectively that it will normally be dealt with by prosecution.

(iii) **INTENT**

Offences that are committed deliberately, recklessly, negligently or carelessly or for financial gain will normally be dealt with by prosecution. Lesser enforcement action may be appropriate where the Council is satisfied that the offence was committed unintentionally, or was the result of a genuine mistake or arose out of an emergency.

(iv) **PREVIOUS HISTORY**

Although the action to be taken will depend upon the circumstances of each case, consideration shall also be given to the type, seriousness, number and frequency of previous enforcement actions. Where the operator is responsible for a number of installations or activities, then the previous history of one site will be relevant to the decision-making process for the others if the circumstances are such that the operator should have learnt from previous enforcement action. For operators who have previously received a formal caution, subsequent offences will normally be dealt with by prosecution.

(v) **BEHAVIOUR OF THE OFFENDER**

Prosecution will normally be pursued if the offender:

- refused to accept alternative enforcement action.
- made no attempt to minimise or rectify the effects or potential effects of the offence.
- Obstructed investigations
- Disregarded Council advice or formal guidance in the commission of the offence.
- Acted dishonestly in seeking to deter or delay enforcement action.

(vi) **DETERRENT EFFECT**

Prosecution will normally be pursued if it is likely to be a necessary or effective way of preventing repetition of the offence by the offender.

(vii) **FORSEEABILITY**

The importance of prevention is recognised by the legislation which places a duty on an operator to foresee the possible consequences of actions (or inaction), or the failure or deficiencies of an operator's systems and procedures. Where the offence and/or its environmental consequences were predictable, and no avoiding and/or preventive measure were taken and there was a failure to have regard to the conditions of the permit, prosecution will normally be pursued. Other enforcement action may be considered if the offence:

- Occurred in spite of preventive measures.
- Could not reasonably have been foreseen.
- Was the result of defective equipment which could not reasonably have been known or predicted.
- Was caused by third party intervention which could not be guarded against.

Co-operation with the Council, prompt reporting of the incident, prompt and effective works of mitigation and assistance in any investigation are all factors that will be taken into account when considering what level of enforcement action is appropriate for any particular incident.

The factors which apply and the weight to be attached to each of the above points will depend upon the particular circumstances of each case.

4.0 **RECORD KEEPING**

Records will be kept of all prosecutions, formal cautions, warnings and statutory notices.

5.1 **ENFORCEMENT NOTICE (EP REGULATION 36)**

A notice requiring steps to be taken to ensure compliance with the conditions of an enforcement notice will normally be served in the following situations:

- (i) Where one or more conditions of the permit have been, are being, or are likely to be breached, and the breach would be likely to lead to an incident of low environmental impact and/or there has been a history of relevant warnings.
- (ii) Where the conditions being breached, or likely to be breached, are preventing effective regulation and previous relevant warnings have been given e.g. failure to provide monitoring data, maintain equipment, maintain financial provision.

5.2 **SUSPENSION NOTICE (REGULATION 37)**

A Suspension Notice, suspending the Environmental Permit will be served where there is a risk of serious pollution. This applies whether the operator has breached a permit condition. The notice will be withdrawn once the Council is satisfied that the steps required by the notice to remove the imminent risk of serious pollution have been taken. A Suspension Notice may also be served where the operator has failed to pay the Annual Subsistence Fee for the Environmental Permit.

5.3 **POWER OF THE REGULATOR TO PREVENT OR REMEDY POLLUTION (EP REGULATION 57)**

- 5.3.1 If the Council is of the opinion that the operation of the installation or mobile plant, or the operation of it in a particular manner, involves risk of serious pollution, the council may arrange for steps to be taken to remove that risk e.g. removing or making safe chemicals or ensuring safety works are carried out.
- 5.3.2 Where the Council suspects or is satisfied that an offence has been committed under regulation 38(1), (2) or (3) causing or potentially causing pollution, the council may arrange for steps to be taken towards remedying the effects of the pollution and recover the cost of taking those steps from the operator. The operator will be informed of the steps to be taken to remedy the effects of the pollution.
- 5.3.3 Where council suspects that an offence as mentioned above is being or has been committed and pollution is being or has been caused as a result, the provisions of paragraph 5.3.2 will apply.

5.4 **REVOCATION NOTICE (EP REGULATION 22 & 23)**

A Revocation Notice will normally be considered in cases where other enforcement measures have been used exhaustively to the point where the Council is satisfied as to one of the following:

- (i) the operator is unable to operate the installation in accordance with the conditions of the permit.
- (ii) the holder of the permit has ceased to be the operator of the installation covered by the permit.
- (iii) The permitted activity has ceased to operate, or the legislation no longer applies to that type, size or nature of activity.
- (iv) The operator has failed to pay annual subsistence fees.

6.0 **NOTIFICATION OF STATUTORY RIGHTS OF APPEAL**

The statutory rights of appeal are set out in the notice.

7.0 **ENFORCEMENT ACTION - RELATING TO INVESTIGATIONS (S108-110 Environment Act 1995 and EP Regulation 38)**

7.1 In carrying out investigations into criminal offences, officers will comply with the relevant provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedures and Investigations Act 1996, the Investigatory Powers Act 2016 and the Code of Practice made under them. Prosecution will normally be pursued in the following circumstances:

- (i) Obstructing an Authorised Person
- (ii) Impersonation of an authorised officer.
- (iii) Failing to answer questions.
- (iv) Failing to provide samples.
- (v) Failing to provide relevant information.
- (vi) Preventing another person from appearing before an authorised officer or answering any questions.
- (vii) Intentionally or recklessly making a false or misleading statement or record.

8.0 **ENFORCEMENT ACTION - SPECIFIC OFFENCES (EP REGULATION 38)**

8.1 **Operating Without A Permit (EP Regulation 38(1))**

8.1.1 Prosecution will normally be pursued for the offence of operating a process without a permit. However, for first offences involving no or low impact or potential impact, and where an application is submitted within a short timescale, a formal warning or caution will normally be offered unless there are special reasons for prosecution e.g. poor co-operation.

8.2 **Non-Compliance with Permit Conditions (EP Regulation 38(2))**

8.2.1 Where a breach has caused or has potential to cause a serious environmental impact or the operator had wilful or reckless disregard for the conditions in a permit, including those implied by residual Best Available Techniques (e.g. operating in a reckless manner), then prosecution will normally be pursued.

8.2.2 Where the breach has caused or has potential to cause a significant impact, then the normal response will be prosecution or formal caution, the choice depending on the weight of other factors, e.g. co-operation of the offender, post-remedial works, or history of offending. Prosecution will normally be pursued where a relevant previous warning or formal caution has been given.

8.2.3 Where the breach has resulted in no impact or has caused or has potential to cause relatively low environmental impact, then a warning letter or enforcement notice will be the normal response unless other circumstances make a firmer course of action necessary e.g. previous history, intent, attitude of offender etc.

8.3 **Non-Compliance with a Statutory Notice (EP Regulation 38(3))**

Prosecution will normally be pursued where an operator fails to comply with an Enforcement Notice, a Suspension Notice, Variation Notice, or Notices requiring information. In exceptional circumstances, an operator may be allowed an extension of time for compliance with an Enforcement Notice where there are circumstances outside their control.

9.0 **General**

9.1 This Policy Guidance should be read in conjunction with the Environmental Health and Trading Standards Enforcement Policy.

9.2 Where required, this Policy Guidance shall be interpreted in accordance with the legislation in Paragraph 1.01 and any other relevant legislation in existence at the time.

10.0 **Future Revisions**

This Council will revise this policy guidance as required and in line with changes in legislation or Council policy.

Appendix 2

Enforcement Policy for Neath Port Talbot County Borough Council in relation to:

Leasehold Reform (Ground Rent) Act 2022

April 2023

Foreword

The following policy has been adapted from a National guidance template produced to assist enforcement authorities in implementing the Leasehold Reform (Ground Rent) Act 2022 to their portfolio of activity.

The National Trading Standards Letting and Estate Agent team produced this template policy as the statutory guidance produced by the Department for Levelling Up, Housing and Communities as well as the Welsh Government, (point 6.1 in both documents) state enforcement authorities may wish to contact National Trading Standards for more advice on adopting an enforcement policy under this Act. The Act covers all of England and Wales. Weights and measures authorities have a statutory duty to enforce the Act, whereas district authorities have a discretionary power of enforcement.

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Introduction

“Neath Port Talbot County Borough Council” (“the Council”) has adopted this policy on deciding financial penalties and/or recovery orders under the [Leasehold Reform \(Ground Rent\) Act 2022](#) (“the Act”), with reference to the considerations prescribed in the [Department for Levelling Up, Housing and Communities’ (DLUHC) [Statutory Guidance for Enforcement Authorities](#)] / [Welsh Government’s [Leasehold Reform \(Ground Rent\) Act 2022: statutory guidance for enforcement authorities](#)] (“the statutory guidance”).

The Act uses the terms “landlord” and “tenant” though this policy, as well as the statutory guidance, use the terms “landlord” and “leaseholder” respectively. The statutory guidance states that a leaseholder is a tenant who owns a leasehold interest in property, granted by a person (the landlord) who holds the freehold interest or a superior leasehold interest in that property¹.

This policy applies to any decision made by the Council in its capacity as an “enforcement authority” under section 8 of the Act.

Sanctions Overview

Financial Penalties

The Act provides that the Council may impose financial penalties from a minimum of £500 up to a maximum of £30,000 for a relevant breach of section 3(1) of the Act, where the Council is satisfied beyond a reasonable doubt that a relevant breach has occurred.

Recovery Orders

The Act also provides that the Council may order the landlord, or a person acting on their behalf, who received payment of the prohibited rent² in breach of section 3(1) of the Act to refund the leaseholder who paid it, where the Council is satisfied on the balance of probabilities that a relevant breach has occurred.

The Council cannot order a person to refund the prohibited rent if a leaseholder has made an application under section 13 of the Act to the First-Tier Tribunal (Property Chamber) in England or the Leasehold Valuation Tribunal in Wales (in either context we will refer to the relevant forum as “the Tribunal”) in relation to the same payment.

Where any part of two or more payments of a prohibited rent made by a leaseholder under the same lease have not been refunded, the Council may make a single order in respect of all the prohibited rent that has not been refunded.

Process

¹ Paragraph 10 of the [DLUHC Statutory Guidance](#) and Paragraph 2.6 of the [Welsh Government Statutory Guidance](#)

² Section 10(2) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The decision to issue, and the process of issuing, a financial penalty and/or a recovery order happens in multiple steps:

- An investigation into the alleged breach of the Act.
- Determination of the severity of the breach.
- A notice of intent to issue a financial penalty and/or a recovery order.
- A period for written representations.
- Review of those representations, if provided.
- A final notice imposing the financial penalty and/or recovery order.

The Council may serve a single notice of intent and a single final notice in respect of both a financial penalty and a recovery order³.

Other types of enforcement action that may be taken

The Council will determine the most appropriate and effective sanction and whether to impose a financial penalty and/or a recovery order. In suitable circumstances, consideration will be given to less formal action such as warning letters or advice to secure compliance, in accordance with the relevant enforcement policy of the Council.

Determining the level of financial penalty

In accordance with the provisions of the statutory guidance, the following factors will be considered by the Council when determining the level of financial penalty to impose for a breach of the Act:

- Severity of the breach
- Starting point and range
- Aggravating and mitigating factors
- Fairness and proportionality

Although the Council has discretion in determining the appropriate level of financial penalty, within the limitations set out by the Act, regard has been given to the statutory guidance when creating this policy.

Step 1 – Determining the Severity

The more serious the breach, the higher the penalty will be.

³ Schedule ss.2(2) and 5(3) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The Council will assess the severity of the breach using the culpability and harm factors set out below. The listed factors are not exhaustive, and where a breach does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment. Other discretionary factors may also be applied in order to reflect consistency and the Council may consider decisions in other UK jurisdictions where they contain some relevant and persuasive content.

Culpability

Where there is higher culpability, there will be a higher financial penalty.

Very High (Deliberate*)	Where the landlord intentionally breached, or flagrantly disregarded, the law or has/had a high public profile and knew their actions were unlawful.
High (Reckless*)	Actual foresight of, or wilful blindness to, risk of a breach but risk nevertheless taken.
Medium (Negligent*)	Breach committed through act or omission which a person exercising reasonable care would not commit.
Low/No	Breach committed with little fault, for example, because: <ul style="list-style-type: none"> • significant efforts were made to address the risk although they were inadequate on the relevant occasion. • there was no warning/circumstance indicating a risk. • failings were minor and occurred as an isolated incident.

** These are the terms used in the statutory guidance.*

Harm

Where there is greater harm caused, there will be a higher financial penalty.

The following factors relate to both actual harm and risk of harm. Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the extent of it if it does.

High (High Likelihood of Harm)	<ul style="list-style-type: none"> • Serious adverse effect(s) on individual(s) and/or having a widespread impact due to the nature and/or scale of the Landlord’s business. • High risk of an adverse effect on individual(s) – including where persons are vulnerable.
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<p>Medium (Medium Likelihood of Harm)</p>	<ul style="list-style-type: none"> • Adverse effect on individual(s) (not amounting to “high” harm - above). • Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect. • Leaseholder and/or landlords substantially undermined by the conduct. • The Council’s work as a regulator is inhibited. • Leaseholder or prospective leaseholder misled.
<p>Low (Low Likelihood of Harm)</p>	<ul style="list-style-type: none"> • Low risk of an adverse effect on actual or prospective leaseholders. • Public misled but little or no risk of actual adverse effect on individual(s).

The Council will define harm widely and the leaseholder(s) may suffer financial loss, damage to health or psychological distress (especially vulnerable cases). There are gradations of harm within all of these categories.

The nature of harm will depend on personal characteristics and circumstances of the leaseholder and the assessment of harm will be an effective and important way of taking into consideration the impact of a particular breach on the leaseholder.

In some cases, no actual harm may have resulted, and the Council will be concerned with assessing the severity of the misconduct; it will consider the likelihood of harm occurring and the gravity of the harm that could result.

Step 2 – Starting points and category range

Having determined the category that the breach falls into, the Council will refer to the starting points and category ranges below to reach an appropriate level of financial penalty. The Council will then consider further adjustment within the category range for aggravating and mitigating features (step 3).

Starting Point (£)	Range	
	Min (£)	Max (£)

Low/No Culpability

Low Harm	1,000	500	1,500
Medium Harm	1,500	1,000	2,000
High Harm	2,000	1,500	2,500

Medium Culpability

Low Harm	3,500	2,500	4,500
Medium Harm	4,500	3,500	5,500
High Harm	5,500	4,500	6,500

High Culpability

Low Harm	8,000	6,000	10,000
Medium Harm	9,500	7,500	11,500
High Harm	11,000	9,000	13,000

Very High Culpability

Low Harm	15,000	11,000	19,000
Medium Harm	16,500	13,000	21,000
High Harm	22,500	15,000	30,000

Multiple Breaches

A landlord, or person on their behalf, who commits multiple breaches in relation to the same lease is generally only liable to one financial penalty⁴. However, they will be liable for a further penalty if, having previously had a financial penalty imposed for an earlier breach, they then commit a further breach in relation to that same lease.⁵

Where a person has committed one or more breaches in relation to two or more leases, the Council may also choose to impose a single financial penalty in respect of all those breaches collectively⁶. If a single penalty is imposed in respect of multiple breaches, the amount of the penalty must not be less than the total minimum amount, and must not exceed the total maximum amount, that could or would have been imposed if each breach had been penalised separately.

⁴ Section 9(3) [Leasehold Reform \(Ground Rent\) Act 2022](#)

⁵ Paragraph 5.2 of the [DLUHC Statutory Guidance](#) and Paragraph 5.2 of the [Welsh Government Statutory Guidance](#)

⁶ Section 9(5) [Leasehold Reform \(Ground Rent\) Act 2022](#)

Obtaining financial information

The statutory guidance advises that obtaining financial information from the landlord may assist with considering what is an appropriate starting point and range, based upon the means of the landlord. In the case where the landlord is a corporate body, the Council may consider information available on its turnover or equivalent⁷.

The Council has investigatory powers under Schedule 5 of the Consumer Rights Act 2015 to investigate breaches of the Act.

Step 3 - Aggravating and mitigating factors

Below is a list of some, but not all, factors that the Council can consider when assessing the value of a financial penalty. The Council will identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In particular, relevant unspent convictions are likely to result in a substantial upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range which will not exceed the statutory maximum permitted in any case.

Aggravating Factors (Matters increasing severity)	Mitigating Factors (Matters reducing severity)
<ul style="list-style-type: none"> • if the leaseholder is a vulnerable individual • the landlord’s history of compliance or previous convictions related to the breach • whether the breach was motivated by financial gain • if there has been any obstruction of justice • any deliberate concealment of the activity or evidence • established evidence of wider / community impact • obstruction of the investigation • record of poor compliance • refusal of advice or training 	<ul style="list-style-type: none"> • high level of co-operation with the investigation, beyond that which will always be expected • evidence of voluntary steps to remedy the breach, including prompt repayment of prohibited rent • evidence of health reasons preventing reasonable compliance (poor mental health, unforeseen health issues and/or emergency health concerns) • no previous breaches • good character and/or exemplary conduct • the landlord is a vulnerable individual, where vulnerability is linked to the breach being committed

⁷ Paragraph 6(4)(b) of [DLUHC Statutory Guidance](#) and Paragraph 6(4)(b) of the [Welsh Government Statutory Guidance](#)

	<ul style="list-style-type: none">• acceptance of guilt
--	---

Step 4 – Fairness and Proportionality

The level of financial penalty should reflect the extent to which the conduct fell below the required standard. The financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the breach.

Factors that could be considered include:

- any other relevant financial information available, such as profit margin for a corporate body or a landlord’s indebtedness. This should consider if the financial penalty would have a disproportionate impact on the landlord’s ability to comply with the law in future or other unintended consequences (e.g., a landlord becoming at risk of losing their own home).
- wider financial impact on third parties (e.g., impact of employed of staff).
- totality principle: if issuing a financial penalty for more than one breach (relating to two or more leases), or where the landlord has already been issued with a penalty, the Council must consider whether the total financial penalties comply with the Act and are just and proportionate to the breaches.

A financial penalty covering multiple breaches must not cumulatively exceed the minimum and maximum limits for a penalty, as if each breach had been treated separately.

It should not be cheaper to breach the Act than it is to pay a financial penalty.

Step 5 – Recovery Orders

If the Council is satisfied, on the balance of probabilities, that a person has breached section 3(1) of the Act, and they have not refunded the leaseholder of any prohibited rent before the end of the period of 28 days beginning with the day after it is received, the Council may decide to issue a recovery order under section 10 of the Act.

The Council may serve a recovery order instead of, or in addition to, a financial penalty.

The Council cannot order a person to refund the prohibited rent if a leaseholder has made an application under section 13 of the Act to the Tribunal in relation to the same payment.

Where any part of two or more payments of a prohibited rent made by a leaseholder under the same lease has not been refunded, the Council may make a single order in respect of all the prohibited rent that has not been refunded.

Step 6 – Recording the decision

The officer making a decision about a financial penalty and/or a recovery order will record their decision giving reasons for coming to the amount of financial penalty that will be imposed and any terms of a recovery order.

Issuing a Financial Penalty and/or Recovery Order

Notice of Intent

After determining the level of financial penalty, and/or the need to issue a recovery order, the Council will issue a “Notice of Intent” on the landlord, or relevant person, within the time limits prescribed in the Act⁸.

A Notice of Intent will contain:

- the date on which the notice was served;
- the amount of the proposed financial penalty or the terms of the proposed recovery order;
- the reason for imposing the penalty or making the order; and
- information about the right to make representations.

Written Representations

A landlord or relevant person who receives a Notice of Intent will have a period of 28 days, beginning with the date on which the Notice of Intent was served, to make written representations about the proposal to issue a financial penalty and/or recovery order and the terms therein. The recipient of the notice will be given instructions on how to provide their written representations in response to the notice.

Review of Financial Penalty and/or Recovery Order

The Council will review any written representations received and consider any factors which indicate a reduction in the penalty, or withdrawal of the notice and/or order, is appropriate.

In so doing, the Council will have regard to the following factors relating to the wider impacts of the financial penalty on innocent third parties, such as (but not limited to):

- The impact of the financial penalty on the Landlord or Agent’s ability to comply with the law or make restitution where appropriate.
- The impact of the financial penalty on the employment of staff, service users, customers and the local economy.

⁸ Schedule ss.3(1) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The following factors will be considered in setting the level of reduction. When deciding on any reduction in a financial penalty, consideration will be given to:

- The stage in the investigation or thereafter when the offender accepted liability.
- The circumstances in which they admitted liability.
- The degree of co-operation with the investigation.

The maximum level of reduction in a penalty for an admission of liability will be one third. In some circumstances there will be a reduced or no level of discount. This may occur for example where the evidence of the breach is overwhelming or there is a pattern of breaching conduct.

Any reduction should not result in a penalty which is less than the amount of gain from the commission of the breach itself.

The Council may consider amending the terms of any recovery order during this review.

Final Notice

After the end of the 28-day period for written representations, the Council shall decide whether to issue a Final Notice detailing the value of the financial penalty and/or a recovery order. If a recovery order is included within the final notice, the Council can add interest to this payment at the rate prescribed under section 17 of the Judgments Act 1838⁹ (8% per annum) from the day in which the prohibited rent payment was made.

The final notice will require a penalty to be paid to the Council and/or a recovery order to be complied with before the end of the period of 28 days beginning with the day after that on which the final notice is served.

The final notice will set out:

- the date on which the final notice is served.
- the amount of the penalty or the terms of the order.
- the reasons for imposing the penalty or making the order.
- information about how to pay the penalty or comply with the order.
- information about rights of appeal; and
- the consequences of failure to comply with the notice.

⁹ Section 11(4) [Leasehold Reform \(Ground Rent\) Act 2022](#)

Withdrawal or amendment

The Council may, at any time, withdraw or amend the notice of intent or final notice, including reducing the penalty amount, the penalty or requirement for a recovery order. Where doing so, the Council will write to the person on whom the notice has been served.



APPENDIX 2 – First Stage Integrated Impact Assessment (IIA)

1. Details of the initiative

Initiative description and summary: Review of Environmental Health and Trading Standards Enforcement Policy
Service Area: Environmental Health and Trading Standards
Directorate: Environment and Regeneration

2. Does the initiative affect:

	Yes	No
Service users	x	
Staff	x	
Wider community	x	
Internal administrative process only		x

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				It will have no direct impact on protected characteristics.
Disability		X				It will have no direct impact on protected characteristics.
Gender Reassignment		X				It will have no direct impact on protected characteristics.
Marriage/Civil Partnership		X				It will have no direct impact on protected characteristics.
Pregnancy/Maternity		X				It will have no direct impact on protected characteristics.
Race		X				It will have no direct impact on protected characteristics.
Religion/Belief		X				It will have no direct impact on protected characteristics.
Sex		X				It will have no direct impact on protected characteristics.
Sexual orientation		X				It will have no direct impact on protected characteristics.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				No impact
Treating the Welsh language no less favourably than English		X				No impact

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				It will have no effect on the biodiversity duty
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				It will have no effect on the biodiversity duty

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long-term well-being of people	X		The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance.
Integration - how the initiative impacts upon our wellbeing objectives	X		THE EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation to ensure good enforcement practice across the Environmental Health and Trading Standards functions.
Involvement - how people have been involved in developing the initiative	X		The EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation.

Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		The EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation
Prevention - how the initiative will prevent problems occurring or getting worse	X		The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance. Without an Enforcement Policy there may be inconsistency in enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance. Without an Enforcement Policy there may be inconsistency in enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Date
Completed by	Mark Thomas	Environmental Health and Trading Standards Manager	15 th May 2023
Signed off by	Ceri Morris	Head of Service	30 th May 2023

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

Education, Skills & Wellbeing Cabinet Board
28th September 2023

Report of the Head of Planning and Public Protection
Ceri Morris

Matter for Decision

Wards Affected: All

Trading Standards Legislation – Changes to Officer Delegation Arrangements

Purpose of the Report

To seek approval to amend the Council's current delegation arrangements to officers in relation to the legislation enforced by the Trading Standards, Food and Health Protection Service.

Executive Summary

This report seeks to add the 'Leasehold Reform (Ground Rent) Act 2022' and the 'Children and Families Act 2014' to the list of legislation that is enforced by the Trading Standards, Food and Health Protection Service.

Background

1. Leasehold Reform (Ground Rent) Act 2022

As part of the wider reform agenda to tackle unfair practices in the leasehold market and to promote fairness, the Leasehold Reform (Ground Rent) Act 2022 effectively prevents most new residential leaseholders from facing financial demands for ground rent in England and Wales.

What is the Leasehold Reform (Ground Rent) Act 2022?

The Act came into force on 30th June 2022 and is the first major piece of legislation to reform the leasehold system in a generation. It means new regulated leaseholders will not face demands for ground rent and are entitled to refuse payment on any demand for any prohibited rent.

What is a regulated lease?

Generally, most residential long leases (over 21 years) of a single dwelling, which are not excepted leases, granted after 30th June 2022 will qualify for protections under the Act.

What is Ground Rent?

Ground rent is a property industry term given to a rent that is usually paid annually by leaseholders to their landlord on top of the property purchase price and service charges.

There is no clear service provided by the landlords in return for the payment of ground rent and there is no obligation for landlords to charge a ground rent.

What changes does the Act introduce?

- That if any ground rent is demanded as part of a new regulated lease, it cannot be for more than one peppercorn² per year (zero financial value).
- That a landlord cannot charge an administration fee for collecting a peppercorn rent. These provisions will reduce any incentive for a landlord to charge or collect any peppercorn rent. This means that future leaseholders will not be faced with financial demands for ground rent.

What are the consequences of breaching the Act and who can enforce?

An enforcement authority may impose a financial penalty of up to £30,000 (with a minimum penalty amount of £500) for a relevant breach. Under the Act, the enforcement authorities are:

- Local weights and measures, who have a duty to enforce the Act in their area and may enforce it elsewhere.
- District councils, who have a power to enforce, but do not have to, and may enforce the Act both inside and outside its area.

An enforcement authority may also order the repayment of prohibited rent to the leaseholder via a Recovery Order.

2. The Children & Families Act 2014

The use of E Cigarettes or “Vapes” is an increasingly popular method of consuming nicotine. The legislation seeks to update the law regarding the supply of tobacco products to persons under the age of 18 in line with the evolution of the sale and supply of these products to encompass products such as E cigarettes and E cigarette liquids containing nicotine amending the existing Children & Young Persons (Protection From Tobacco) Act 1991 and Children and Young Persons Act 1933 accordingly. It also makes provision for the creation of an offence of “proxy purchasing” – that is an adult who buys or attempts to buy tobacco, cigarette papers or vapes on behalf of someone under 18. The proxy purchaser commits the offence.

What are the consequences of breaching the Act and who can enforce?

Local Weights and Measures Authorities (i.e. Trading Standards departments) have the duty to enforce. A sale may result in a fine of up to £2,500.

The enforcement action for these Acts will be taken in accordance with the departmental enforcement policy to ensure consistency, proportionality and fairness.

Financial Impacts

The necessary resources are currently available within the Trading Standards, Food and Health Protection service to provide an advice service.

Should a enforcement investigation be undertaken, these can be lengthy and costly which will impact on the delivery of the wider service. The Act however specifically mentions enforcement through Weights and Measures Officers (which is provided through the Trading Standards service), therefore failure to perform the responsibilities under the Leasehold Reform (Ground Rent) Act 2022 or The Children & Families Act 2014, would detrimentally affect residents within Neath Port Talbot who would otherwise be protected from the introduction of this legislation.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

Having had due regard to the first stage Integrated Impact Assessment, a more in-depth assessment is not required. The Assessment is attached at Appendix 1.

Valleys Communities Impacts

No implications.

Workforce Impacts

Should a enforcement investigation be undertaken, these can be lengthy and costly which will impact on the delivery of the wider service, however both Acts specifically mention enforcement through Weights and Measures Officers (which is provided through the Trading Standards service), therefore failure to perform the responsibilities under the Leaseholds Reform (Ground Rent) Act 2022 or The Children and Families Act 2014, would detrimentally affect residents within Neath Port Talbot who would otherwise be protected from this legislation. The Children and Families Act 2014 merely reinforces and redefines existing offences of sale of tobacco and nicotine products to persons under the age of 18. it does not add significantly to the responsibility of the authority.

Legal Impacts

The relevant authorised officers will be given powers to operate under the Act.

Risk Management Impacts

It is a statutory requirement to implement this legislation and failure to do so will result in a high risk of legal challenge as well as reputational damage to the Authority at a strategic and operational level.

Crime and Disorder Impacts

In undertaking the provisions of this Act, the actions of the Authority may have a positive impact upon crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

Consultation

There is no requirement for external consultation on this item.

Recommendations

That having considered the report and having due regard to the Integrated Impact Assessment, it is resolved that the delegation arrangements in respect of the Trading Standards, Food & Health Protection Service which are set out the Authority's Constitution are amended to:

- a) Add the Leasehold Reform (Ground Rent) Act 2022 and The Children and Families Act 2014 to the list of legislation delegated to the Director of Environment, the Head of Planning and Public Protection and the Trading Standards, Food & Health Protection Manager set out in Schedule 1 of Paragraph 20 of the Director of Environment and Regeneration Delegated Powers section of the Constitution.
- b) Delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation.
- c) Delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the Leasehold Reform (Ground Rent) Act 2022 and The Children and Families Act 2014 in conjunction with the Head of Legal and Democratic Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge.
- d) That the Head of Legal and Democratic Services be authorised to seek amendment of the Constitution by the Council in due course in order to reflect the above changes to the authority's delegation arrangements.

Reasons for Proposed Decision

To enable the new legislation to be implemented quickly and efficiently. The Trading Standards, Food & Health Protection service, located within the wider Planning & Public Protection Service, has responsibility for the enforcement of Trading Standards legislation.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1– First Stage Integrated Impact Assessment

List of Background Papers

Leasehold Reform (Ground Rent) Act 2022 [Leasehold Reform \(Ground Rent\) Act 2022: statutory guidance for enforcement authorities | GOV.WALES](#)

<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

Officer Contact

Mark Thomas – Trading Standards, Food & Health Protection Manager
Tel: (01639) 685612 / Email: m.thomas2@npt.gov.uk



Appendix 1 – First Stage Integrated Impact Assessment

1. Details of the initiative

Initiative description and summary: Leasehold Reform (Ground Rent) Act 2022 and The Children & Families Act 2014 – NPTCBC constitutional change.
Service Area: Trading Standards
Directorate: Environment and Regeneration

2. Does the initiative affect:

	Yes	No
Service users		X
Staff		X
Wider community		X
Internal administrative process only	X	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				It will have no direct impact on protected characteristics.

Disability		X				It will have no direct impact on protected characteristics.
Gender Reassignment		X				It will have no direct impact on protected characteristics.
Marriage/Civil Partnership		X				It will have no direct impact on protected characteristics.
Pregnancy/Maternity		X				It will have no direct impact on protected characteristics.
Race		X				It will have no direct impact on protected characteristics.
Religion/Belief		X				It will have no direct impact on protected characteristics.
Sex		X				It will have no direct impact on protected characteristics.
Sexual orientation		X				It will have no direct impact on protected characteristics.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				No impact
Treating the Welsh language no less favourably than English		X				No impact

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				It will have no effect on the biodiversity duty
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				It will have no effect on the biodiversity duty

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long-term well-being of people	X		<p>Leasehold Reform (Ground Rent) Act 2022</p> <p>Enforcement of these new requirements will contribute to the wider reform agenda to tackle unfair practices in the leasehold market and to promote fairness, the Leasehold Reform (Ground Rent) Act 2022 effectively prevents most new residential leaseholders from facing financial demands for ground rent in England and Wales.</p> <p>The Children & Families Act 2014</p>

			Enforcement of these new requirements will help prevent persons under the age of 18 from being sold tobacco and nicotine products by retailers and contributes to the health agenda.
Integration - how the initiative impacts upon our wellbeing objectives	X		<p>Leasehold Reform (Ground Rent) Act 2022</p> <p>Enforcement of these new requirements in collaboration with will collaborate with the NTS Estate and Letting Agency Team will ensure advice / enforcement approach is consistent nationally.</p> <p>The Children & Families Act 2014</p> <p>Enforcement of these new requirements is consistent with the Neath Port Talbot Well Being objectives and prevention of harm to children.</p>
Involvement - how people have been involved in developing the initiative	X		<p>Leasehold Reform (Ground Rent) Act 2022 / The Children & Families Act 2014</p> <p>The legislation has been developed and implemented by Welsh Government.</p>
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		<p>Leasehold Reform (Ground Rent) Act 2022</p> <p>The Local Weights and Measures (Trading Standards in NPTCBC) have a duty to enforce, however will collaborate with the NTS Estate and Letting Agency Team to ensure advice / enforcement approach is consistent nationally.</p> <p>The Children & Families Act 2014</p> <p>The Local Weights and Measures (Trading Standards in NPTCBC) have a duty to enforce.</p>
Prevention - how the initiative will prevent problems occurring or getting worse	X		<p>Leasehold Reform (Ground Rent) Act 2022</p> <p>Enforcement of these new requirements will contribute to the wider reform agenda to tackle unfair practices in the leasehold market and to promote fairness, the Leasehold Reform (Ground Rent) Act 2022 effectively prevents most new residential leaseholders from facing financial demands for ground rent in England and Wales.</p>

			<p>The Children & Families Act 2014 The legislation modernises the control of tobacco and nicotine products in line with developments in the market and assists the Trading Standards service in ensuring that these products are not sold to persons under the age of 18.</p>
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7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
<p>Welsh Government has implemented this legislation. The Trading Standards, Food and Health Protection service located within the Planning & Public Protection department, has responsibility for the enforcement of Trading Standards legislation. This report puts the legislation on the constitution of NPTCBC to enable delegated authority to be authorised to the appropriate Officers within the Council.</p>	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Date
Completed by	Mark Thomas	Trading Standards, Food & Health Protection Manager	6 th July 2023
Signed off by	Ceri Morris	Head of Planning & Public Protection	10 th July 2023

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

Education, Skills & Wellbeing Cabinet Board
28th September 2023

**Joint Report of the Head of Planning and Public Protection and
Head of Legal and Democratic Services**

Matter for Decision

Wards Affected: All

Updates to scheme of delegation following restructuring within the Planning and Public Protection Service

Purpose of the Report

To confirm an updated scheme of delegations following a restructuring within the Planning and Public Protection Service.

Background

Members will be aware that the 'Public Protection' arm of the service – i.e. Environmental Health and Trading Standards – has recently undergone a restructure. At the end of 2021/early 2022 the service was allocated additional base budget funding from the 'Service Resilience Reserve'. This reserve was earmarked for identified priority service areas to build capacity and resilience across structures in order to support statutory functions alongside addressing backlogs of work that have built up as a consequence of the pandemic.

A key outcome of the restructure has been to create additional capacity at Accountable Manager level thereby ensuring sufficient leadership and management capacity exists going forward to deliver service priorities and recovery targets. Whereas previously there was one Accountable Manager post overseeing Environmental Health and Trading Standards, there are now two Accountable Manager posts in the newly implemented structure – i.e. 'General

Environmental Health Manager’ and ‘Trading Standards, Food and Health Protection Manager’.

The Constitution of Neath Port Talbot County Borough Council sets out the powers that have been delegated to the Director of Environment and Regeneration, Head of Planning and Public Protection and the previous Environmental Health and Trading Standards Manager.

Given the aforementioned change and the fact that the functions of the Environmental Health and Trading Standards Manager have been split between the General Environmental Health Manager and the Trading Standards, Food and Health Protection Manager, an updated scheme of delegations is required to ensure the split between duties is recorded appropriately in the Council’s records and the appropriate officers are now delegated to take action pursuant to the legislation identified in scheme of delegation annexed at Appendix 1 of this report.

In addition, as part of this management of change exercise some of the powers that were once undertaken by the Head of Streetcare section are now to be transferred to the General Environmental Health Manager and the updated scheme of delegations includes these.

Financial Impacts

There are no financial implications associated with this report as it relates to an update to schemes of delegation only.

Integrated Impact Assessment

There is no requirement for an integrated impact assessment in respect of this decision as it relates to an update to schemes of delegation only.

Workforce Impacts

No implications.

Legal Impacts

The updated scheme of delegations ensures that there is an appropriate record of officers authorised to take action pursuant to the legislative obligations placed on the Council.

Risk Management Impacts

Without approval there is a risk that the Council will not hold an updated record of which officers are in receipt of delegated powers to take enforcement action and accountable managers will not have the authority for all matters within their service areas.

Consultation

There is no requirement for external consultation on this item.

Recommendations

It is recommended that Members approve the scheme of delegation annexed at Appendix 1 of this report.

Reasons for Proposed Decision

To ensure an updated record of which officers are in receipt of delegated powers to take enforcement action is in place.

Implementation of Decision

This decision is proposed for immediate implementation with the consent of the Chair of Scrutiny.

Appendices

Appendix 1– Updated Scheme of Delegation.

List of Background Papers

There are none.

Officer Contact

Mr Ceri Morris – Head of Planning and Public Protection.

Mr Craig Griffiths – Head of Legal and Democratic Services.

Appendix 1 – Updated Scheme of Delegation

18. Waste Enforcement

- (a) **Schedule 1** sets out legislation relevant to the Waste Enforcement functions of the Authority and delegated to the Director of Environment and Regeneration; the Head of Streetcare Services and the Neighbourhood Services Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal Services including the signing of any cautions in accordance with Home Office Guidelines.

- (b) To be authorised for the following purposes for all of the items specified in Schedule 2 (including the Neighbourhood Services Manager)

- (i) to serve notice or take such actions as described in Schedule 2;
- (ii) to authorise works in default to be undertaken where the recipient of a notice referred to in (i) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (iii) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (iv) to authorise such additional officers to undertake these functions in relation to the actions specified in number 2 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

- (c) Abandoned Vehicles

To seek tenders for the removal of abandoned vehicles and to accept the lowest suitable tender.

(d) Removal and Disposal of Abandoned Vehicles

To be authorised, subject to Police checks, to remove abandoned vehicles within 24 hours of notification in circumstances where a vehicle is burned out or likely to be burnt or otherwise poses a risk to the safety of the public.

(e) Clean Neighbourhood and Environment Act 2005

The Director of Environment and Regeneration, and the Head of Streetcare are granted delegated authority to designate authorised officers for the purposes of issuing on behalf of the Authority fixed penalty notices to deal with the offences set out in Schedule 3.

SCHEDULE 1**Waste Enforcement Legislation**

Legislation	Effect Of Legislation
Anti-Social Behaviour Act 2003	A range of measures which include the protection of the local environment, littering, graffiti and fly posting
Anti-Social Behaviour, Crime and Policing Act 2014	A range of measures which include applying and/or varying injunctions; Crime Behaviour Orders; Community Protection Notices; Public Space Protection Orders; and dangerous dogs.
Control of Pollution (Amendment) Act 1989	Transport of controlled waste
Dogs (Fouling of Land) Act 1996	Allows authority to designate areas of land where fouling is prohibited
Environmental Protection Act 1990	Provides the provisions for dealing with litter.
Litter Act 1983	Prohibits littering. Power to create litter control areas
Local Government (Miscellaneous Provisions) Act 1976	Requisitions of information
Refuse Disposal Amenity Act 1978	Fly tipping; abandoned vehicles
Road Traffic Regulation Act 1984	Abandoned vehicles

SCHEDULE 2

1. Authority to serve Notice(s) under the Environmental Protection Act 1990 in relation to waste and litter.
2. Authority to serve notice in relation to abandoned refuse under Section 6 of the Refuse Disposal (Amenity) Act 1978 and to dispose of refuse on unoccupied land. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act 1978, and/or to dispose of abandoned refuse on unoccupied land
3. Authority to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to obtaining the particulars of persons interested in land. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.
4. Authority to serve notices and to have vehicles removed under Section 3 of the Refuse Disposal (Amenity) Act 1978 relating to abandoned vehicles. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act 1978, and/or to have abandoned vehicles removed.
5. Authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended.
6. Authority to issue Fixed Penalty Notice(s) for breaches of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended.

SCHEDULE 3

Description of Offence	Legislation
Leaving two or more vehicles for sale on a road	Sections 3, 4 & 6 Clean Neighbourhoods & Environment Act 2005.
Abandoned Vehicle	Sections 2 (1) (a) & Section 2A Refuse Disposal (Amenity) Act 1978.
Littering	Sections 87 & 88 Environmental Protection Act 1990.
Failure to comply with a Community Protection Notice	Sections 47, 48 & 52 of the Anti-Social Behaviour, Crime and Policing Act 2014.
Failure to comply with a Public Spaces Protection Order	Sections 67 & 68 of the Anti-Social Behaviour, Crime and Policing Act 2014
Graffiti and Flyposting	Section 43 Anti-social Behaviour Act 2003.
Failure to produce waste carrier documents and/or waste transfer documents	Sections 34(5), 34A & 34ZB Environmental Protection Act 1990, and Sections 5 & 5B Control of Pollution (Amendment) Act 1989.
Failure to comply with a Waste Receptacle Notice.	Sections 46, 47 & 47ZA Environmental Protection Act 1990.

19. Air Quality and Contaminated Land

- (a) Schedule 1 sets out legislation relevant to the Air Quality and Contaminated Land functions of the Authority and delegated to the Director of Environment, the Head of Planning and Public Protection and the General Environmental Health Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines.

Further, to make minor variations to authorisations under Part 1 of the Environmental Protection Act 1990. (Minute 6 Page 204 July 1997).

- (b) To be authorised for the following purposes for all of the items specified in Schedule 2
 - (i) to serve notice(s) or take such action(s) as described in Schedule 2;
 - (ii) to authorise works in default to be undertaken where the recipient of a notice referred to in (i) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
 - (iii) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
 - (iv) to authorise such additional officers to undertake these functions in relation to the actions specified in number 3 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.
- (c) Air Quality – Local Air Pollution Control

To determine applications for authorisation of businesses and activities that produce pollution, namely Part A2 and Part B Installations, mobile plant and small waste incineration.

SCHEDULE 1

Air Quality and Contaminated Land

Legislation	Effect Of Legislation
Clean Air Act 1993	Control of smoke grit and dust from furnaces; prior approval of furnaces; chimney heights; smoke control in relation to domestic coal
Environment Act 1995	Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.
Environmental Protection Act 1990	In relation to the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Requirement for statutory registers.
Pollution Prevention and Control Act 1999	Allows for permitting of IPPC A2 installations and LAPPC permits. Requirement for statutory registers.
Pollution Prevention and Control Regulations 2000	
Road Traffic Act 1988	Provision by way of regulations for the testing of vehicle emissions, e.g. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003
Well-being of Future Generations (Wales) Act 2015	In relation to improving the social, economic, environmental and cultural well-being of Wales

SCHEDULE 2

1. Authority to serve Notice(s) under the Environmental Protection Act 1990
2. Authority to serve Notice(s) under the Clean Air Act 1993
3. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976

20. General Environmental Health

- (i) **Schedule 1** sets out legislation relevant to the Environmental Health and Animal Impounding functions of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager.

These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed.

These Officers are also delegated to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines; and where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge:

Further:

- (a) that appropriately qualified officers authorised to enforce the Health and Safety at Work Etc. Act 1974 be appointed as Inspector under Section 19 of that Act and be confirmed as authorised to exercise the powers set out in Sections 20, 21, 22, 23, 24, 25, 39 and Schedule 1 of the said Act;
 - (b) that appropriately qualified officers appointed as authorised officers under Section 5(6) of the Food Safety Act 1990 be authorised to execute the powers set out in Sections 9, 10, 12 and 32 of that Act;
 - (c) that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 and the Food Safety Act 1990 be indemnified by the Council under Section 26 of the 1974 Act and Section 44 of the 1990 Act.
- (ii) The Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager be authorised for the following purposes for all of the items specified in **Schedule 2**

- (a) to serve notice to take such actions as described in Schedule 2;
- (b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (d) to authorise such additional officers to undertake these functions in relation to the legislation in Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) **Housing Act 1985**

- (a) to serve Notice of Entry on behalf of the Council under the provisions below:-
- (b) to authorise such additional Officers to enter specified premises in order to perform these functions where he is satisfied they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

Part II Section 54 – Provision of housing accommodation main powers and duties of Local Housing Authorities.

Part IX Section 319 – Slum Clearance, demolition

Part X Section 340 – Overcrowding

(iv) **The Health and Safety (Enforcing Authority) Regulations 1998**

To agree transfers of enforcement responsibility, under Regulation 5 of the Health and Safety (Enforcing Responsibility) Regulations 1998.

(v) **Defective Private Sewers and Drains**

The relevant Officers are authorised to act under the Council's policy approved on the 29th March 2007

(vi) **Duty Officer Delegations**

The Director of Environment and Regeneration, the Head of Planning & Public Protection and General Environmental Health Manager are authorised to delegate the power to authenticate Notices and undertake work in default, to Officers of the Environmental Health Section, when acting in the capacity of Duty Officer, for the following purposes:-

- (a) Environmental Protection Act 1990:
Statutory nuisance including noise in the street by virtue of the Noise and Statutory Nuisance Act 1993;
- (b) Clean Neighbourhoods and Environmental Act 2005:
Intruder Alarms
- (c) Noise Act 1996:
Issue of fixed Penalty Notices including Licensed Premises

(vii) **Protection from Eviction Act 1977**

- (a) That the Protection from Eviction Act 1977 is added to the list of legislation relevant to the Environmental Health function of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager;
- (b) That, in accordance with the current arrangements, the Officers identified in (a) above be authorised to institute legal proceedings in conjunction with the Head of Legal and Democratic Services including the signing of any Cautions.

(vi) **Sunbeds (Regulation) Act 2010**

- (a) That the Sunbeds (Regulation) Act 2010, and any Regulation made under it, be added to the list of Legislation relevant to General Environmental Health functions of the Authority and delegated

authority be granted to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager;

- (b) That the above mentioned Officers be also granted delegated authority to authorise individual competent and qualified Officers to act under this Legislation for the purposes of entry, inspection and enforcement;
- (c) That the above mentioned Officers be also granted delegated authority to institute legal proceedings, in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office Guidelines.

General Environmental Health

Legislation (which shall be deemed to include any subordinate legislation made under it)	Effect Of Legislation
Anti-Social Behaviour Act 2003	Closure of certain premises in regard to excessive noise. Restrictions on the sale of spray paints.
Anti-Social Behaviour & Policing Act 2014	
Building Act 1984	Dealing with ruinous and dilapidated properties, defective drainage etc.
Caravan Sites and Control of Development Act 1960	Licenses caravan sites. Conditions for spacing of caravans, fire control measures etc.
Caravan Sites Act 1968	Protection of occupiers of residential caravans from eviction and harassment
Clean Air Acts 1968 & 1993	Restricts the lead content of petrol and the sulphur of diesel fuel in order to reduce atmospheric pollution. Smoke control in relation to domestic coal. Control of smoke, grit and dust from furnaces and chimney heights.
Control of Pollution Act 1974	Control of construction site noise, Noise in street, Approved codes of practice (noise), Noise abatement zones
Control of Smoke (Pollution) Act 1989	Removes exemptions relating to smoke emission, extends offences relating to "dark smoke"
Dogs Act 1906 and 1928	Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle
Dogs Amendment Act 1920	Liability of owners of dogs regarding injuries to poultry. Controllers of cattle must bury carcasses so that no dog can find them.

Environment Act 1995	Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.
Environmental Protection Act 1990	Provides for the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Provides the provisions for dealing with statutory nuisances. Provides the provisions for dealing with litter. Requirement to appoint officers to deal with stray dogs.
Factories Act 1875 and 1923	Governs Health and Safety in factories
Food and Environment Protection Act 1985	Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out. Protects the public from the misuse of pesticides.
Health Act 2006 and Regulations	Smoke free public places and work places.
Health and Safety at Work etc. Act 1974 – appointed as inspector under Section 19	To exercise powers to an inspector under this legislation
Housing Act 1985	Demolition Orders and over-crowding
Housing Act 1996	Updates provisions of 1985 Act
Housing Act 2004	Duties and powers to take enforcement action in respect of housing conditions. Licensing of HMOs and other dwellings
Housing Grants, Construction and Regeneration Act 1996	Fitness provisions in relation to renovation and group repair schemes. Power to issue deferred action notices and to charge for enforcement action
Housing (Wales) Act 2014	Powers to take enforcement action against unregistered or unlicensed landlords and agents
Land Compensation Act 1973	Matters relating to demolition orders
Land Drainage Act 1991	Drainage of surface water from land

Landlord and Tenant Act 1985	Deals with illegal eviction and harassment
Law of Property Act 1925	Enforced Sales Procedure for Empty Properties and Debt Recovery
Local Government and Housing Act 1989	Matters relating to housing fitness and regeneration
Merchant Shipping Act 1979	Safety and welfare of ships
Mobile Homes (Wales) Act 2013	Licensing of Park Homes sites
Motor Cycle (Noise) Act 1987	Regulates the sale of exhaust systems for motor cycles
National Assistance Act 1948	Allowing people in need of care and attention to be removed to suitable premises
National Assistance (Amendment) Act 1951	Amends the above
Noise and Statutory Nuisance Act 1993	Made noise in streets a statutory nuisance. Amended COPA re. Loudspeakers
Noise Act 1996	Night time noise offence
Offices, Shops and Railway Premises Act 1963	Enforces health and safety requirements in offices, shops and railway premises
Pollution Prevention and Control Act 1999	Regulation of certain types of industrial activities to prevent pollution
Prevention of Damage by Pests Act 1949	Allows the clearance of overgrown land that can harbour rodents and to bait for rats
Private Water Supplies (Wales) Regulations 2010	Sampling analysing entry inspection and enforcement relating to private water supplies.
Public Health Act 1875	Pollution of water by gas washings; byelaws for public
Public Health Acts Amendment Act 1907	Licensing pleasure boats, control of animals driven in street
Public Health Act 1936	Deals with drainage and sewers; filthy and verminous premises, statutory nuisance
Public Health Act 1961	Drainage problems
Public Health (Control of Disease) Act 1984	To control disease to establish port health authorities and to regulate lodging-houses and canal boats. Public Health Funerals

Public Health (Drainage of Trade Premises) Act 1937	To control the discharge of trade effluents onto public sewers
Public Health (Recurring Nuisances) Act 1969	Additional powers to deal with recurring statutory nuisances
Public Health (Wales) Act 2017	Deals with control of tobacco/nicotine products and procedures relating to acupuncture, body piercing, electrolysis and tattooing
West Glamorgan Act 1987	Regulation of hairdressers

Dog Wardens and Animal Impounding

Dangerous Dogs Act 1991	Requires certain dogs to be muzzled; powers to deal with dogs which attack people
Dogs Act 1906 and 1928	Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle
Environmental Protection Act 1990 section 149	Seizure of stray dogs; requirement to appoint officers to deal with stray dogs.
Town Police Clauses Act 1847	Discretionary power to impound large animals

SCHEDULE 2

1. Authority to serve Notice(s) under the Building Act 1984.
2. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1982, and to undertake works to protect buildings against unauthorised entry.
3. Authority to serve notice under Section 4 of the Prevention of Damage by Pests Act 1949 to eradicate rats and mice on land and/or carry out related structural works. Authority to serve Notice(s) under the Prevention of Damage by Pests Act 1949, and/or to carry out related structural works.
4. Authority to serve Notice(s) under the Control of Pollution Act 1974.
5. Authority to serve Notice(s) under the Environmental Protection Act 1990. Authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended.
6. Authority to serve Notice(s) under the Land Drainage Act 1991.
7. Authority to serve Notice(s) under the Water Industry Act 1991.
8. Authority to serve Notice(s) under the Clean Air Act 1993.
9. Authority to serve Notice(s) under the Public Health Act 1936.
10. Authority to serve Notice(s) under the Public Health Act 1961.
11. Authority to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to obtaining the particulars of persons interested in land. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.
12. Authority to serve notice under Section 77 Criminal Justice and Public Order Act 1994 to direct unauthorised campers to leave land and remove their vehicles and property. Authority to serve Notice(s) under the Criminal Justice and Public Order Act 1994.

13. Authority to issue Fixed Penalty Notice(s) for breaches of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended.

21. Trading Standards, Food, Health Protection

- (i) **Schedule 1** sets out legislation relevant to the Trading Standards, food and health protection functions of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager.

These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed.

These Officers are also delegated to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines; and where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge:

Further:

- (a) that appropriately qualified officers authorised to enforce the Health and Safety at Work Etc. Act 1974 be appointed as Inspector under Section 19 of that Act and be confirmed as authorised to exercise the powers set out in Sections 20, 21, 22, 23, 24, 25, 39 and Schedule 1 of the said Act;
 - (b) that appropriately qualified officers appointed as authorised officers under Section 5(6) of the Food Safety Act 1990 be authorised to execute the powers set out in Sections 9, 10, 12 and 32 of that Act;
 - (c) that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 and the Food Safety Act 1990 be indemnified by the Council under Section 26 of the 1974 Act and Section 44 of the 1990 Act.
- (ii) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection

Manager be authorised for the following purposes for all of the items specified in **Schedule 2**

- (a) to serve notice to take such actions as described in Schedule 2;
- (b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (d) to authorise such additional officers to undertake these functions in relation to the actions specified in Schedule 2 where he satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) **The Director of Environment and Regeneration is authorised to make statutory appointments as follows:-**

Proper Officer and Medical Adviser in relation to Section 47 of the National Assistance Act 1948 (as amended by the Act of 1951), Sections 11 and 20 of the Public Health (Control of Diseases) Act 1984 and Section 24, 29, 30 and 48 of the Public Health (Control of Diseases) Act 1984 and the Health Protection (Notification)(Wales) Regulations 2010

Proper Officers for the purposes of Part 2A of the Public Health (Control of Disease) Act 1984 as amended

Public Analyst under the Food Safety Act 1990

Agricultural Analyst under the Agriculture Act 1970

Chief Inspector of Weights and Measures under the Weights and Measures Act 1985

- (iv) **Trading Standards – Fraud Act (2006)**
 - (a) Cabinet delegates its functions under the Fraud Act (2006) to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager
 - (b) The above mentioned Officers are authorised to delegate to individual, competent and qualified Officers within the Directorate of Environment and Regeneration their power to act under this legislation on behalf of the Council;
 - (c) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager are also delegated to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office guidelines; and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a charge.
- (v) **Discharge of Trading Standards Functions by Other Councils**
 - (a) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager are authorised to make arrangements for the discharge by other Councils of the functions of investigating and instituting proceedings on Trading Standards matters in the Neath Port Talbot area under Section 19 of the Local Government Act 2000 and the Consumer Rights Act Sch 5 part 5 paragraph 45, and regulations made thereunder and any other enabling power.
- (vi) **Chargeable Single Use Carrier Bags**
 - (a) Functions pursuant to Section 77 and 90 and Schedule 6 of the Climate Change Act 2008 are delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager;

- (b) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager be also granted delegated authority to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any Cautions in accordance with Home Office Guidelines, and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a Charge;
- (c) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager be also granted delegated authority to serve Fixed Monetary Penalty Notices, Variable Monetary Penalty Notices and Non-Financial Penalty Discretionary Requirements and to authorise other individual, competent and qualified officers within Social Services, Health and Housing to act under this legislation, to include the serving of such Notices on behalf of the Council.

Trading Standards, Food and Health

Legislation (which shall be deemed to include any subordinate legislation made under it)	Effect Of Legislation
Accommodation Agencies Act 1953	Controls the taking of money for providing services in connection with the finding of property to let
Administration of Justice Act 1970 and 1985	Allows a court to award compensation following conviction for a criminal offence. Creates an offence for the harassment of debtors or alleged debtors
Agricultural Produce (Grading and Marking) Act 1928-1931	Provides for the grading and marking of agricultural produce
Agriculture Act 1970 and any Regulations made thereunder	Requires the appointment of an agricultural analyst and the provision by seller of information regarding the composition of fertilisers and the feeding stuffs. Provides for controls on the labelling of fertilisers and animal feeding stuffs. Prevents supply of unfit animal feeding stuffs/pet food, e.g. dog food, cat food. Agricultural feeding stuffs
Agriculture (Miscellaneous Provisions) Act 1968	Welfare of livestock and prevention of unnecessary pain to livestock
Animal By-products (Enforcement) (No. 2) (Wales) Regulations 2011	
Animal By-products Enforcement (Wales) Regulations 2014	
Animal Health Act 1981 and 2002	Regulates movement of farm animals and provides for measures to deal with animal diseases. Provides for the control of animal diseases (that can be caught by humans) and for the welfare of animals on the farm in transit and at market

Animal Health and Welfare Act 1984	Allows an officer to seize things that may prevent disease and to make declarations as to places infected with a disease
Animal Welfare Act 2006	Protection of welfare of farmed, domestic and captive animals
Cancer Act 1939	Prohibits the advertisement of cures for cancer
Children and Young Persons Act 1933	See below
Children and Young Persons (Protection from Tobacco) Act 1991	Amends the Children and Young Persons Act to require display of notices in shops and on vending machines that it is illegal to sell tobacco to under 16s; makes those sales illegal; requires annual plan for implementation to be agreed by local authority. Prohibits the sale of tobacco to children. Controls the siting of cigarette vending machines. Controls tobacco advertising
Clean Neighbourhoods and Environment Act 2005	Duty to consider on an annual basis, underage sales of spray paints.
Companies Act 2006	Disclosure of company information and name on business premises and documentation.
Consumer Credit Act 1974 and 2006	Provides for control of consumer credit and hire. Requires licensing of credit and hire traders. Controls credit and hire advertising; debt collecting and credit reference agencies. Controls credit and hire documentation and format used to indicate credit charges.
Consumer Protection Act 1987 and any Regulations made thereunder	Prohibits the sale of goods not in compliance with the relevant safety regulations and the general safety requirements

Consumer Protection From Unfair Trading Regulations 2008	The regulations introduce a general prohibition on traders in all sectors engaging in unfair commercial practices against consumers.
Consumer Rights Act 2015	Sets out the powers of Trading Standards departments (Exc. Food & Feed) , set requirements on letting agents to publicise fees etc and offences relating to secondary ticketing
Control of Horses (Wales) Act 2014	The Act provides all local authorities in Wales with consistent legal powers to seize, impound, sell, re-home, return, dispose of and destroy horses by humane means after certain notifications and time limits, when the horses are found causing nuisance by fly grazing, straying or have been abandoned
Control of Pollution Act 1974	Controls the sale of anti-fouling paints.
Copyright Designs and Patents Act 1988	The law of copyright, rights of provisions as to the right of performers and others in performances
Copyright etc. and Trademarks (Offences and Enforcement) Act 2002	Revises penalties and allows forfeiture of offending items
Coronavirus Act 2020 and any Regulations made thereunder	
Courts and Legal Services Act 1990 (Section 104)	Prohibits “tying in” arrangements in connection with residential property loans
Criminal Attempts Act 1981	Allows for enforcement action to be taken in relation to indictable offences where preparatory acts with intent have been committed
Criminal Justice and Police Act 2001 (Chapter 2)	Allows the designation of areas of land in which public drinking is prohibited, disclosure orders and prohibits sale of alcohol to under 18s
Criminal Justice and Public Order Act 1994	Control of ticket touting at designated public events and touting for private car hire. Controls the sale of tickets at prestige

	sporting events at prices far beyond the face value of the ticket offered. Plus soliciting persons to hire vehicles to carry them as passengers
Criminal Justice Act 1988 ss 141 and 141A	Amends Licensing Act 1964 in relation to sales of alcohol to under 18s
Criminal Law Act 1977	Allows enforcement action to be taken in relation to a conspiracy to commit offences
Deer Act 1991	Controls sale of venison
Development of Tourism Act 1969	Requires the price of accommodation to be displayed in hotels
Education Reform Act 1988 (Sections 214 and 215)	Restricts the ability to award degrees to certain authorised bodies. Controls the use of terms "Bachelor, Master or Doctor"
Energy Act 1976	Requires the publication of data relating to passenger car fuel consumption
Energy Conservation Act 1981	Provides for the making of regulations requiring the labelling of certain domestic appliances as to their fuel efficiency
Energy Performance of Buildings (England & Wales) Regulations 2012	To control and enforce the requirement to provide an energy performance certificate in specified buildings.
Enterprise Act 2002	Provides controls on persistent offenders who contravene trading laws and breaches fo criminal and civil legislation.
Estate Agents Act 1979	Governs accounts in respect of client's money. Controls certain activities in connection with disposal and acquisition of interest in land by Estate Agents. Provides powers to ban "unfit" persons from estate agency work.
Farm and Garden Chemicals Act 1967	Controls labelling and marking of pesticides, herbicides and other farm and garden chemicals. Prohibits transactions in certain unlabelled products.
Fireworks Act 2003	Prohibits sale of fireworks to those below specified age. Prohibition or control of

	supply of certain fireworks. Licensing of supplies and displays
Food and Environment Protection Act 1985	Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out. Protects the public from the misuse of pesticides.
Food Hygiene (Wales) Regulations 2006	
Food Hygiene Rating (Wales) Act 2013	Food Hygiene ratings
Food Information (Wales) Regulations 2014	Food labelling
Food Safety Act 1990 and any Regulations made thereunder	Regulates food premises with respect to food safety. Requires the registration or licensing of food premises and an inspection regime. Prohibits sale of unfit or adulterated food. Controls its description, advertising and labelling.
Food Supplements (Wales) Regulations 2003	Controls relating to food supplements
Forgery and Counterfeiting Acts 1981 and 1988	Prohibits forgery and counterfeiting documents
Fraud Act 2006	Makes a provision for and in connection with, criminal liability for fraud and obtaining services dishonestly
General Product Safety Regulations 2005	Provide the basis for ensuring the safety of consumer goods by setting requirements and providing a range of provisions to secure compliance and enforcement with the requirements
Hallmarking Act 1973	Provides for the protection of purchasers of precious metals in relation to the composition, assaying, marking and description. Provides for recognition of international markings on gold, silver and platinum.

Health Act 2006 and Regulations	Smoke free public places and work places.
Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, and any amendment Regulations made thereunder	
Insurance Brokers (Registration) Act 1977	Offence of pretending to be registered as an insurance broker. Registration of insurance brokers and regulation of their professional standards.
Knives Act 1997	Prevents the marketing of dangerous knives and prohibits their sale to minors
Licensing Act 2003	Regulates sale of alcohol, provision of entertainment and late night refreshments. For trading standards makes provision in connection with the sale and consumption of intoxicating liquor in cases involving young persons under 18
Local Government Bylaws (Wales) Act 2012	
Malicious Communications Act 1988	Makes provisions for the punishment of persons who send or deliver letters or other articles for the purpose of causing distress or anxiety
Medicines Act 1968 – Section 111 and S112	Provides control for medicinal products in production, composition, labelling, advertising. Controls the incorporation of medicinal products in animal feeding stuffs. Provides the power to inspect, take samples and seize goods/documents
Motor Vehicles (Safety Equipment for Children) Act 1991	Regulates the construction, sale or supply of safety equipment for children used in motor vehicles
National Lottery etc Act 1993	Prohibits the sale of lottery tickets to persons under the legal age
Nutrition and Health Claims (Wales) Regulations 2007	Makes provision for the control of nutrition and health claims in food

Offensive Weapons Act 1996 (Section 6)	Prohibits the sale of such (knives, axes and blades) to a person under the age of 16
Official Feed and Food Control (Wales) Regulations 2009	Sets out the provisions for controls and offences relating to feed and food, defines powers and defences.
Olympic Symbol etc. (Protection) Act 1995	Prevents unauthorised use of the Olympic Games symbols and similar labels
Pesticides (Fees and Enforcement) Act 1989	Confers enforcement powers in relation to pesticides on local authorities
Petroleum Consolidation Regulations 2014	Regulations to control the storage petroleum spirit
Poisons Act 1972	Provides for registration of the sellers of poisons and controls the sale poisons
Prices Acts 1974 and 1975	Provides power to regulate the price display of certain goods and provides protection and price information for consumers
Proceeds of Crime Act 2002	The means by which enforcement authorities can investigate money laundering and to recover assets obtained during criminal activity.
Protection of Animals Act 1911, 1954 and 1958	Prohibits cruelty against farm animals. Enables a court to disqualify a person from having custody of an animal on a first conviction of cruelty; and to increase the penalties for offences relating to animal fights; and to make further provision with respect to attendance of same fights
Public Entertainment Licences (Drug Misuse) Act 1997	Power to revoke public entertainment licence due to drug misuse on premises
Public Health (Drainage of Trade Premises) Act 1937	To control the discharge of trade effluents onto public sewers
Radioactive Substances Act 1993	To control radioactive substances
Registered Designs Act 1949	Provides protection against copying for registered designs
Road Traffic Acts 1974 and 1988 as amended by the Motor Vehicle (Safety Equipment for Children) Act 1991	Grants powers to prohibit the driving of overloaded vehicles. Also to prohibit driving of unroadworthy vehicles

Road Traffic Act 1991	Makes amendments to enforcement provisions of Road Traffic Act
Road Traffic (Consequential Provisions) Act 1988	Makes amendments to the Road Traffic Acts
Road Traffic (Foreign Vehicles) Act 1972	Makes provisions for offences under the Road Traffic Act in relation to foreign vehicles
Road Traffic Offenders Act 1988	Makes enforcement provisions relating to Road Traffic Act 1988
Scotch Whisky Act 1988	Makes provision for the definition of Scotch whisky and as to the production and sale of whisky and for connected purposes
Slaughterhouse Act 1974	Makes provision for the licensing of slaughter houses and knackers yards
Slaughter of Poultry Act 1967	Provides for the humane slaughter for certain commercial purposes of poultry
Tattooing Minors Act 1969	Prohibits tattooing of under 18s except as a medical procedure
Telecommunications Act 1984	Makes provisions on the labelling and advertising of telecommunications apparatus
Theft Acts 1968 and 1978	Prohibits the obtaining of property (i.e. the price of the goods) or money by deception
Timeshare Act 1992	Regulates the conduct of the sale of timeshare properties
Tobacco Advertising and Promotion Act 2002	Prohibits tobacco advertising in the print media, billboards and direct mail. Controls advertising at point of sale
Trade in Animals and Related Products (Wales) Regulations 2011	Establish a system for trade between member States in live animals and genetic material (and for the importation of live animals, genetic material and products of animal origin from outside the European Union.
Trade Marks Act 1994	Trade Marks Act makes it an offence to sell or offer to supply any goods bearing a mark or logo identical to or likely to be taken for a Registered Trade Mark, unless the owner

	of the trade mark has given permission for it to be used on the goods in question
Trading Stamps Act 1964	Regulates the issue and advertising of trading stamps
Unsolicited Goods and Services Acts 1971-1975	Makes provision for the protection of persons receiving unsolicited goods or services, creates offences for same
Vehicles (Crime) Act 2001	Regulates motor salvage operators and registration plate suppliers and makes further provision for preventing or detecting vehicle crime
Video Recordings Act 1984 and 2010	Requires the classification and labelling of videos
Weights and Measures Acts 1976 and 1985 and any Regulations made thereunder	Establishes standards for weights and measures. Regulates weighing and measuring equipment used for trade. Protects against deficient quantity in the sale of goods. Allows provision of metrological technology service to trade and industry. Provides guidance and control on packers' quality control systems. Promotes the free flow of goods within the European Union
Welfare of Animals at Slaughter Act 1991	An Act to make further provision for the welfare of animals at slaughter

SCHEDULE 2

1. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Education, Skills and Wellbeing Scrutiny Committee
Thursday September 28th 2023

Report of the Head of Education Development – Christopher Millis

Matter for Information

Wards Affected:

All Wards

Report Title: Partnership agreement between Neath Port Talbot County Borough Council (“the LA”) and the governing bodies of all NPT schools

Purpose of the Report:

To provide Members with a summary of the Neath Port Talbot Partnership agreement

Executive Summary:

The report provides detail of Neath Port Talbot Partnership agreement

Background:

Each Welsh local authority is required to enter into a Partnership Agreement with the governing body of each school maintained by that local authority (‘LA’) according to Section 197 of the Education Act 2002. A Partnership Agreement is defined in the Act as an agreement about how an LA and the governing body of a school will act to discharge their functions in relation to the school.

The Partnership Agreement is intended to enhance and sustain effective partnership working between each local authority and the governing body of each school. The Agreement is made under The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 and sets out how a local authority and each governing body are to discharge their respective responsibilities towards a school, whether as

prescribed by legislation or as otherwise agreed between the local authority and the governing body under a Partnership Agreement.

The term of this Agreement is three years from 1st September 2023 unless circumstances as prescribed in Schedule 2 of the Regulations arise which will trigger a review sooner than three years. The document outlines in detail the expected responsibilities of the local authority and the governing body. The agreement stipulates the arrangements for reviewing the agreement as well as outlining the process for serving warning notices and the principles of collaboration.

The second section of the agreement specifies the agreed actions that can be expected from both the LA and the governing body in relation to a wide range of services for example, the School Improvement Service, the Inclusion Service, HR and other services. It also stipulates what the LA expects of the school in regard to these services.

Finally, the agreement identifies the agreed arrangements for service level agreements, policies and statutory documents that are required, and each school is required to sign and return the partnership agreement.

Financial Impacts:

No implications

Integrated Impact Assessment:

The Equality Act 2010 requires public bodies to “pay due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- There is no requirement for an integrated impact assessment as this is a matter for information

Valleys Communities Impacts:

All Neath Port Talbot schools are included within this report

Workforce Impacts:

No implications

Legal Impacts:

No implications

Consultation:

‘There is no requirement for external consultation on this item’

Recommendations:

Matter for information. No recommendations are required.

Implementation of Decision:

Matter for information. No decisions are required.

Appendices:

Appendix 1 - School Partnership draft Agreement

Appendix 2 - Primary Schools SLA 2023 - 2025 HR

Appendix 3 – Secondary Schools SLA 2023 - 2025

Appendix 4 – SLA Schools Sickness Taskforce July 2023 - 2025

Officer Contact:

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PARTNERSHIP AGREEMENT

between

NEATH PORT TALBOT COUNTY BOROUGH
COUNCIL (“the LA”)

and

THE GOVERNING BODY of **INSERT SCHOOL
NAME** (“the Governing Body”)

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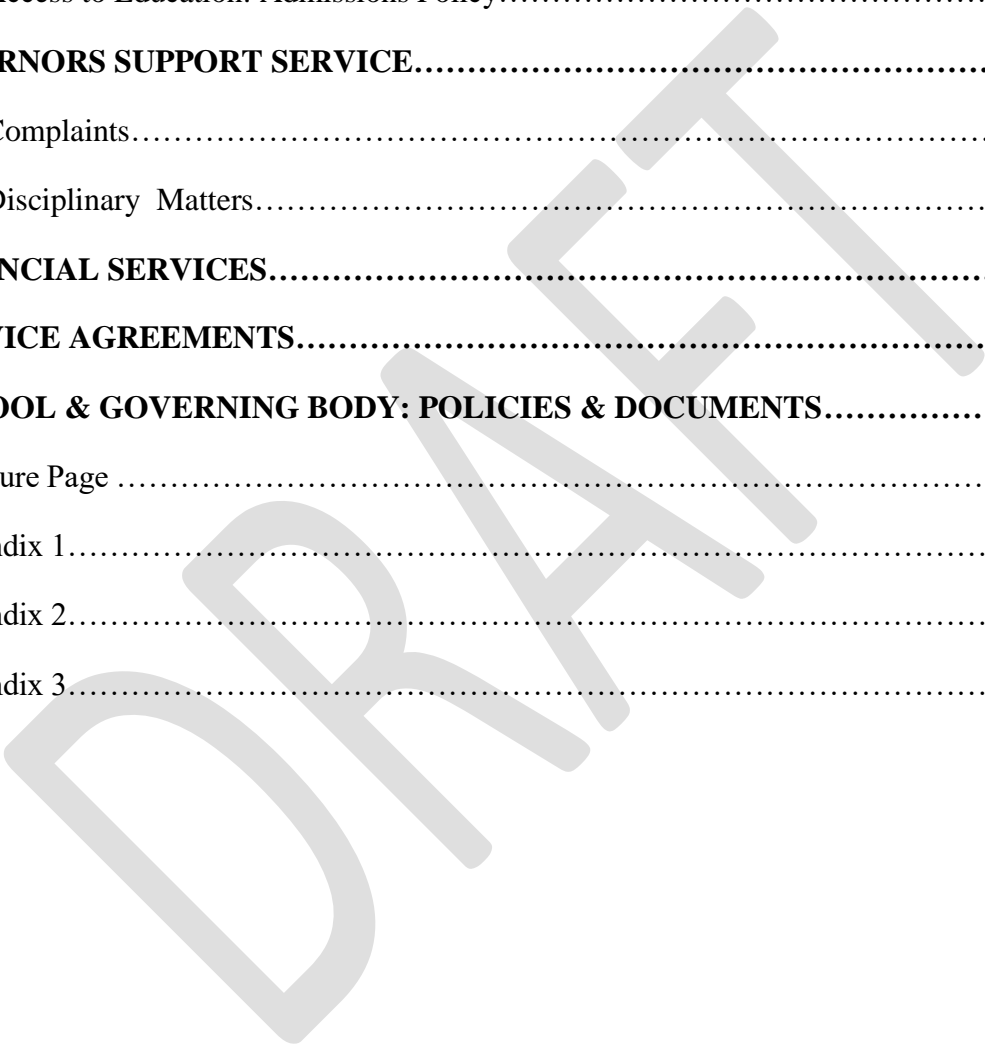
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SECTION 1

1. LEGAL BACKGROUND

Section 197 of the Education Act 2002 enables the Welsh Government ('WG') to make regulations requiring each Welsh local authority to enter into a Partnership Agreement with the governing body of each school maintained by that local authority ('LA'). A Partnership Agreement is defined in the Act as an agreement about how an LEA and the governing body of a school will act to discharge their functions in relation to the school.

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 regulates the content of each Partnership Agreement.

If the local authority is unable to reach agreement with a governing body, it can draw up a statement setting out how the local authority and the governing body will discharge their respective responsibilities towards a school.

The local authority is committed to creating an environment that secures access to learning provision and opportunities for all children, young people and adults in order that they reach their potential and their ambition. Our vision is to champion the needs of all learners, particularly our vulnerable and disadvantaged, and build strong relationships with families, schools and communities. We want to ensure that learning is a safe, nurturing and fulfilling experience in all settings, where there is respect and due regard to equality, diversity and inclusion. We will work in partnership to ensure that schools and other providers meet the learning needs of all their pupils and students, building professional capital and collective responsibility throughout the system and ensuring that literacy and numeracy are at the heart of learners' development.

2. POLICY BACKGROUND

This Partnership Agreement is intended to enhance and sustain effective partnership working between each local authority and the governing body of each school. In pursuance of this, WG has developed the Education in Wales: Our National Mission Action Plan 2017-21 to support improvements in learning and wellbeing of children and young people.

The National Mission focuses on the following four key enabling objectives:

- Developing a high-quality education profession.
- Inspirational leaders working collaboratively to raise standards.
- Strong and inclusive schools committed to excellence, equity and well-being.
- Robust assessment, evaluation and accountability arrangements supporting a self-improving system.

3. PURPOSE OF THE PARTNERSHIP AGREEMENT

This Agreement is made under The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 and sets out how a local authority and each governing body are to discharge their respective responsibilities towards a school, whether as prescribed by legislation or as otherwise agreed between the local authority and the governing body under a Partnership Agreement. This document constitutes a Partnership Agreement between the local authority and the Governing Body, for the benefit of the School (hereinafter referred to as (“the Agreement”).

4. TERM

The term of this Agreement is 3 years from 1st September 2022 unless circumstances as prescribed in Schedule 2 of the Regulations arise which will trigger a review sooner than 3 years.

5. LA RESPONSIBILITIES

The LA agrees with the Governing Body and the School that it will:

- promote high standards in primary and secondary education including the promotion of all through education where applicable
- a total commitment to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Our schools are equally committed to ensuring the safety and protection of all children and young people and will take action to safeguard their wellbeing.
- use its powers of intervention, suspend of right to delegated budgets or appoint additional governors where circumstance necessitate such actions
- prepare and publish a strategic plan that outlines key authority priorities in relation to education and learning.
- provide support in the following circumstances:
 - general advice and support
 - additional support for schools requiring intervention
 - additional support for schools who have had their right to delegated budget
 - suspended
 - additional support for schools where an inspection shows that a school
 - is causing concern

- support will be provided in the form of:
 - ✓ assist and promote the dissemination of good practice between all schools in its area, and provide opportunities for professional development
 - ✓ fund schools with a transparent formula
 - ✓ ensure and promote effective governance, leadership and management within schools
 - ✓ support improvements in teaching and learning through local and national initiatives
 - ✓ provide comparative data and high quality analyses of schools' performance*
 - ✓ form an opinion on the data and share that opinion with schools, governing bodies, senior LA officers and elected members*
 - ✓ agree challenging targets with schools regarding pupil attainment, attendance and behaviour
 - ✓ challenge every school to improve, and provide graded support as necessary in accordance with national categorisation models*
 - ✓ intervene in schools where improvements are needed
 - ✓ ensure that there are arrangements in place for identifying pupils with additional learning and educational needs
 - ✓ ensure that pupils with additional learning needs receive the support and opportunities they need to fulfil their potential
 - ✓ support core training for school staff in order to better meet the needs of pupils
 - ✓ support schools in maintaining high attendance levels
 - ✓ provide an appropriate number of learning places and ensure an appropriate learning environment for all pupils
 - ✓ provide an Admissions service
 - ✓ provide high quality training
- provide governors with support and training
- secure effective transition of pupils from one key stage to another
- exercise its duty to maintain schools in its area including Voluntary Aided Schools
- exercise its duties under Health and Safety laws and regulations
- exercise its functions in respect of the control of school premises

6. GOVERNING BODY'S RESPONSIBILITIES

The Governing Body agrees with the LA and the School that it will:

- maintain high standards of educational achievement, attendance and behaviour
- secure effective transition of pupils from one key stage to another
- act as a critical friend to the school and its leadership team
- set targets for performance of pupils at relevant key stage and targets for absence*
- determine the aims, values, policies and priorities of the school
- exercise its duties under Health and Safety laws and regulations
- exercise its functions in respect of the control of school premises
- exercise its power to provide community facilities where possible
- provide the LA with the relevant reports on the discharge of its functions
- contribute to, and approve the School Self Evaluation, and School Development/Improvement Plan including renewal and approval of statutory policies and documents
- contribute to, and approve appropriation and expenditure within the school budget
- ensure that all pupils have access to a broad and balanced range of curriculum, and that the National Curriculum is taught with sufficiently qualified staff
- monitor and review the school's progress on a regular basis
- promote the wellbeing and safeguarding of staff and pupils (including safer recruitment)
- promote the effectiveness of the Governing Body
- provide parents and stakeholders with information regarding the school e.g., the annual report
- ensure attendance at mandatory and optional training events as deemed necessary
- ensure rigorous and robust Performance Management arrangements
- ensure that the school has due regard for The Equality Act 2010 in terms of decision making for pupils with ALN.
- ensure the school adheres to the Code of Practice and fulfils their statutory responsibilities in relation to ALN.

7. REVIEW

A review of this Agreement will be undertaken by the LA and the Governing Body not less than 6 months before the expiry date of the term, or immediately should any of the following events occur:

- serious concern over the performance of the school justifying the service of a warning notice (in accordance with Section 8 below)

- the school goes into special measures, or a requirement for significant improvement is identified by inspection
- the LA uses its power to appoint additional governors
- the Welsh Ministers direct closure of the school
- the Welsh Ministers confirm proposals to restructure the provision of sixth form education
- statutory proposals are made and come into effect leading to:
 - amalgamations of primary / secondary schools
 - changes to ALN provision
 - introduction of permitted pupil selection arrangements (pupil banding)
 - alteration from single sex to co-education, or vice versa
 - introduction or ending of boarding provision
 - change of language medium of the school
 - where the LA makes, or the Minister approves, school re-organisation proposals which may lead to the establishment, alteration or discontinuance of the school
- the LA uses its power to suspend the Governing Body's right to a delegated budget
- consistent and upheld complaints by stakeholders against the school

Once a circumstance triggering a review occurs, the LA and the Governing Body will, within 6 months, implement the review and, if necessary, revise this Agreement or (if applicable) the Statement accordingly.

A review could lead to:

- no change;
- amendment of the Agreement or Statement;
- replacement with a new Agreement or Statement; or
- the LEA drawing up a Statement if the school did not agree to changes to an Agreement

8. WARNING NOTICES

Under Section 3 of the School Standards and Organisation (Wales) Act 2013, a warning notice may be given by a local authority to the governing body of a school in any one of the following circumstances:

- Ground 1: The standards of performance of pupils at the school are unacceptably low.
- Ground 2: There has been a breakdown in the way the school is managed or governed.
- Ground 3: The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to, severely prejudice the education of any pupils at the school.
- Ground 4: The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).

- Ground 5: The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.
- Ground 6: The governing body or head teacher has acted, or is proposing to act unreasonably, in the exercise of any of its, his, or her functions under the Education Acts.
- Ground 7: His Majesty’s Chief Inspector of Education and Training in Wales (“the Chief Inspector”) has given a notice under section 37(2) of the Education Act 2005 that the school requires significant improvement and that notice has not been superseded by the Chief Inspector giving notice under that section that special measures are required to be taken in relation to the school, or a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires significant improvement.
- Ground 8: His Majesty’s Chief Inspector of Education and Training in Wales has given a notice under section 37(2) of the Education Act 2005 that special measures are required to be taken in relation to the school and that notice has not been superseded by a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires special measures.

9. COLLABORATION

The LA and the Governing Body agree that they will work together in good faith and in an open, collaborative and constructive manner under this Agreement and in a spirit of mutual trust, and will each respond in a timely manner to all reasonable requests from the other.

SECTION 2

1. PUPIL PROGRESS, ATTENDANCE AND TARGETS

Setting targets at individual cohort, school and authority level is an integral part of the LA's school improvement strategy.

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none">• Discuss and agree pupil progress and interim school performance targets at relevant stages and KS4.• Discuss and analyse school and LA target and performance data.• Challenge schools that do not support pupils' progress well enough• Provide professional development and guidance on analysing data.	<ul style="list-style-type: none">• Set and analyse school and pupil performance targets annually in accordance with LA guidance and deadlines.• Set sufficiently challenging and ambitious targets for attendance.• Appraise the quality leadership and the schools' ability to support the progress of all learners• Respond to the challenge set by the LA when progress in learning is not effectively supported.• Arrange for school representatives to attend data (self-evaluation) training provided by the LA, in particular school governors.

NPT Contacts

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2.1 SCHOOLS' ENTITLEMENT TO LA SUPPORT

ACTION TAKEN BY THE LA TO MONITOR SCHOOLS

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Monitor and appraise schools' performance, individually and collectively, in relation to pupil achievement and progress, and the quality of the educational provision, noting strengths and weaknesses and identifying areas for improvement. • Share information on a regular basis, to improve communication about schools, drawing evidence from the following: <ul style="list-style-type: none"> • visits by Education Support Officers, Educational Psychologists, Inclusion Officers, Advisory Teachers etc. • information gained from meetings with, and visits by all school support teams and Education Support Officers. • Estyn report conclusions. • Identification of schools that require additional support 	<ul style="list-style-type: none"> • Provide an evaluation of school effectiveness in preparation for the Autumn Term dialogue between the school and the LA. • Develop effective self-evaluation and monitoring processes as a means of identifying strengths and areas for improvement. • Following the support visit process, ensure that agreed priorities become clear actions that address areas for improvement. Implement the Improvement/ Development Plan and monitor it. • Monitor, review and update the School Improvement Plan on a regular basis to reflect the outcomes of the self-evaluation process. • Continuous monitoring of the quality of teaching • Senior Management Team to fully share and explain the school's evaluation to the governors (including where appropriate the school's interim performance in relation to other similar schools and the school's benchmarking data.)

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2:2 SUPPORT FOR SCHOOLS PLACED IN A STATUTORY CATEGORY BY ESTYN

In accordance with Section 39 & 40 of the Education Act 2005, the school and local authority are required to prepare a written statement of the action which they propose to take in the light of the report by Estyn along with the period within which they propose to take it.

LA	SCHOOL/GOVERNING BODY
<p>As a matter of urgency the LA will:</p> <ul style="list-style-type: none"> • Ensure that the school has an appropriate and detailed Action Plan to address identified shortcomings. • Undertake an urgent review of the school’s staffing structure. • Agree on a level of support for the school through initial and regular meetings including the Headteacher and Chair of Governors (and Diocese in the case of Voluntary Aided schools). • Offer, where appropriate, the support of a mentoring headteacher. • Provide significant additional support from other Educational Services to address specific shortcomings. • Undertake a firmer role in monitoring the school Action Plan and extra visits to assess progress on a regular basis. • The LA will produce an Action Plan to support, challenge and monitor the school’s progress in moving away from Special Measures/in need of significant improvement. • The Education Support Officer will provide regular progress reports for the Director of Education, Leisure and Lifelong Learning as well as the Chair of Governors, until the school is deemed ready to be removed from special measures. 	<p>As a matter of urgency the school must:</p> <ul style="list-style-type: none"> • Acknowledge the identified shortcomings and draw up a detailed Action Plan in consultation with the Governors, to address these recommendations. • Provide a copy of the Action Plan for the Education Support Officer. • Set up a monitoring system to ensure that the Action Plan is implemented within the agreed timetable. • School to provide detailed progress reports for the Governors and the LA.

- | | |
|---|--|
| <ul style="list-style-type: none">• Where a school does not improve, the LA will use its statutory intervention powers in accordance with the School Standards and Organisation (Wales) Act 2013. | |
|---|--|

Note that the LA has intervention powers that become operational when Estyn has named a school as one that requires special measures or one that needs significant improvement, or when the LA has serious concerns for the school without intervention. These intervention powers are implemented by the LA according to the specific matters of concern identified at the school. The LA will use its intervention powers as quickly as possible, starting with formal warnings to improve, to ensure the necessary improvements take place as soon as possible.

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3. THE ROLE OF SCHOOLS AND THE LA IN DEVELOPING EFFECTIVE TRANSITION

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Cultivate close working relationships between infant, primary and secondary schools by promoting and supporting area-based approaches. • Ensure there are appropriate arrangements and processes to support effective transition from school to FEI sectors and post 16 providers. • Facilitate, support and maintain transition plans between primary and secondary catchment areas. • Arrange for pupil data to be transferred between primary and secondary schools. • Facilitate, support and maintain Cluster plans • Ensure there are effective transition plans in place for pupils with ALN. 	<ul style="list-style-type: none"> • Maintain and review transition plans in relation to core aspects: <ul style="list-style-type: none"> ➢ Management and cohesion; ➢ Additional Learning Needs; ➢ Joint curriculum planning; ➢ Teaching and learning; ➢ Assessing, monitoring and reporting on pupil progress; ➢ Pastoral links; ➢ Information on pupil achievement, attainment, attendance and behaviour; ➢ The learning needs of individual pupils. • Develop a shared understanding of progress, which includes consistent approaches to learning, teaching and assessment across KS2 and KS3. • Help pupils to make better progress by sharing expertise and ensuring continuity of work plans from KS2 to KS3. • Secondary Schools to receive National Test Data • Ensure pupil cohesion and progress. • Provide full information about any pupil’s participation in intervention groups in primary school so that the secondary school can review appropriately to ensure continued support. • Provide relevant and updated information to FEIs and post 16 providers as appropriate in order to facilitate successful transition.

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4. SUPPORTING SPECIFIC LEARNING IN SCHOOLS

4.1 Early Years (3-7)

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Offer training on foundation learning • Monitor the impact of training and appraise the quality of classroom provision. • Provide advisory support following self-evaluation activities • Offer advisory support on determining the assessment arrangements for learners on entry to school. • Inform and lead schools on national and local priorities. • Ensure the needs of learners with ALN are identified early and where appropriate, suitable plans and provision is identified and in place to meet need. 	<ul style="list-style-type: none"> • Ensure that all members of staff are trained to implement Foundation learning requirements. • Monitor the impact of the training in the classroom and ensure follow-up actions. • Support, ensure implementation of, and monitor Advisory Team recommendations. • Ensure that statutory arrangements for on-entry assessment and reporting are implemented by complying fully with statutory assessment and reporting arrangements in accordance with Welsh Government annual guidelines • Identify school priorities through the self-evaluation process and target national and local initiatives to raise standards and quality • Fulfil duties in relation to The Equality Act 2010 and ALNET 2018 in relation to supporting learners on entry into school with ALN and / or Disability.

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4.2 14-19 PROVISION

The LA, School and Governing Body will collaborate through the NPT 14-19 Learning Pathways Network. The group consists of all stakeholders who are involved in providing courses for 14 – 19 year olds, working in partnership to develop opportunities for all young people 14-19 years old within NPT. The learner is central to all developments and credence is given to the learner’s voice.

Regular reports on Learner participation and achievement are provided in accordance with the terms of the RCSIG grant the LA receives from the WG towards 14-19 provision.

LA	School/Governing Body
<ul style="list-style-type: none"> • Set up a 14-19 Executive Network Group and action groups/networks. Organise regular meetings of these group. • Ensure that the requirements of the Measure are implemented and an appropriate curriculum delivered. • Ensure conditions in schools that promote a positive learning environment. • The 14-19 Coordinator to coordinate all relevant developments and monitor outcomes and ensure quality. • Monitor attendance at the school and promote inclusion. • Support schools to develop the 14-19 aspect of the Learning Pathways, leading to collaboration between all partners (schools, colleges and training agencies). • Strengthen the partnership co-operation between establishments. • Ensure that 14-19 learners are given the opportunity to express their opinion through ‘Learners Voice’ questionnaire. • Promote and ensure increased participation by 16-18 year olds in education, training or employment. • Introduce Hwb+ learning platform in each secondary school and promote the use and development of the learning platform in schools. 	<ul style="list-style-type: none"> • Relevant members to attend 14-19 Executive Network Group and the network/action groups. Implement resolutions agreed by these groups. • Develop appropriate Learning Pathways to meet the needs, interests and pupils’ aspirations from all levels of ability. • Promote the school as a learning environment for all. Provide relevant skills training throughout their school careers. • Ensure that the 14-16 or 14-19 curriculum meets the needs of all learners and where appropriate that complementary provision is facilitated to ensure that all learners leave school with qualifications. • Ensure as accurately as possible that learners are entered for the most appropriate courses and tiers relevant to their needs and that early entry is used to maximise pupil performance. • Set attendance targets and ensure inclusion. • Through collaboration with other establishments, ensure that the 6 Key Aspects of the 14-19 Learning Pathways are accessible and benefit all learners. • Increase the performance of 16 year olds across all performance measures and decrease the potential of pupils becoming NEET.

<ul style="list-style-type: none"> • To facilitate regular meeting with work based learning providers, schools and organisations that can help young people engage in education, employment and training opportunities. 	<ul style="list-style-type: none"> • Plan the curriculum in partnership with others. Jointly plan timetables and offer common options. • Identify courses that could be offered through the partnership, in order to ensure viable and affordable classes. • Ensure that a range of activities and services of high quality are provided. • Ensure that the ‘School Council’ is representational and inclusive, and contributes effectively to the running of the school. • To target subjects/individuals that under-perform, specific targets should be set and appraisals undertaken to ascertain how these targets correspond to actual performance. • Every school to attend further training on how to use Hwb+ and promote the use of the learning platform in our schools. • Representatives from schools to be present in these meetings in order to cascade the information and decisions to the remainder of the staff. • Schools to understand the importance of developing ICT policies within schools. • To attend regular meeting with work based learning providers and organisations that can help young people engage in education, employment and training opportunities.
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5. SUPPORTING VULNERABLE PUPILS

5.1 ATTENDANCE

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Implement a consistent and common set of attendance procedures as agreed by the Local Authority. • Monitor and analyse attendance rates • Monitor attendance through the regular inspection of registers as per Welsh Government (WG) guidelines and attendance meetings with Education Welfare Officers. • Ensure a case management policy is undertaken and accurate and objective records and reports are available. • Maintain records of attendance meetings highlighting pupils with attendance issues and ongoing cases. • Local Authorities (LA's) Education Welfare Service (EWS) criteria for referral. • Education Welfare Officers (EWO) will visit schools regularly to provide professional advice, guidance, support and intervention on improving attendance and related issues. • The Education Welfare Service will provide professional advice, support and guidance to pupils/parent & carers to ensure attendance related issues linked to absenteeism, including persistent absenteeism and lateness, is prevented from deterioration. Ensuring children and young people benefit from the educational opportunities provided to them. • Support lateness at school with late gate patrols, at varying times throughout the year. • Send single point of contact (SPOC) and other referrals where it is deemed necessary, to remove barriers to engagement linked to EWO caseload. 	<ul style="list-style-type: none"> • Implement a consistent and common set of attendance procedures as agreed by the local authority. • Maintain a complete and accurate register of all enrolled pupils (the school register is a legal document and it is the Headteacher's responsibility to ensure its completion and accuracy.) • Accurately record and monitor the attendance of all pupils on the register. Under the Pupil Registration (Wales) Regulations 2010, attendance registers must be marked twice a day AM and PM, using the electronic system. It is an offence not to maintain accurate registers. • Have a good first day response system in place AM and PM with prompt follow up action to ensure the safeguarding of young people, include those known to be vulnerable. • Clearly distinguish between absences, which are authorised and unauthorised in line with WG criteria. • Headteachers to ensure regular checks of the electronic registers are made to ensure that there are 'no missing marks' and the accuracy of codes. • Regular monitoring of registers and noting pupils with attendance rates below 95%. Following the appropriate procedures and sharing the information with the Education Welfare Service. • Respond to termly attendance reports within 10 working days. • Return attendance rates to the LA electronically in accordance with WG guidelines. • Headteachers to set annual targets to reduce absence in conjunction with their

<p>This is to include providing feedback at safeguarding meetings, where attendance has become a concern and a multi-agency approach is required to improve outcomes for the young person/family in a person centred way.</p> <ul style="list-style-type: none"> • Provide advice on proven strategies that help promote attendance. Support in the development of school attendance policies and procedures. • The Education Welfare & Elective Home Education Service work will ensure the equal rights of individuals, regardless of race, culture, religion, gender, age, sexual orientation, disability, social background or additional needs. • Where interventions have failed, the EWS will act on behalf of the LA and commence statutory proceedings, by enforcing a parents duty to provide an appropriate education, this may include prosecutions, fixed penalty notices (FPN), School Attendance Orders(SAO), or Education Supervision Order (ESO) • Work with the Police in undertaking Truancy Patrols. • Ensure schools follow procedures for Children Missing Education (CME) • EWS will take the lead on all case referred through as CME. • We will ensure effective tracking mechanisms are in place, to help locate a child missing from education, including cross boundary, multi-agency approaches. • Receive updates from the Department for Education (DfE) on all CME leads across UK and Ireland. The Education Welfare Service Manager is named as the lead for Neath Port Talbot Council. • Working in partnership and hold CME meetings with England/Wales leads. 	<p>governing body.</p> <ul style="list-style-type: none"> • Headteachers to review and monitor attendance rates and take action when necessary as part of the Support, Challenge and Intervention ladder. • Implement the annual attendance self-evaluation review and implement any action plan that might arise from the self-evaluation. • Develop a whole school policy on attendance and implement strategies to be used which will monitor and improve attendance. • Schools to notify EWO if attendance has become an issue due to bullying at school. • Schools to record all incidents of bullying, including the protective characteristics, as per the statutory guidance ‘Rights, Respect and Equality’ by Welsh Government. • Children Missing Education (CME) is a safeguarding issue. Schools should put in place effective systems for monitoring children and young people missing from education, reporting any concerns immediately to the Education Welfare Service. • Have clear child protection guidelines about the action to take should they become concerned about the whereabouts of any child or young person. • When a child or sibling appear to have gone missing or are withdrawn from a school without any notice given by the parent/carer or without the school being advised of a new school, the school should try to make contact with the parents/carers. If these efforts fail, the school should notify the Education Welfare Service promptly. • Schools cannot ‘off roll’ a young person who is CME. The All Wales Attendance Framework and Pupil Registration
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<ul style="list-style-type: none"> • We will respond to ‘requests for checks’ from other LA to help locate young people, who left their area, and may be under the radar of services within Neath Port Talbot. • When a young person is identified in Neath Port Talbot, the Education Welfare Service, will help support the young person into school. Where this fails, the Education Welfare Service will apply to the Law Courts a SAO. • Ensure schools follow procedures for Elective Home Education. • Requests received from school to the Education Welfare Service, will be picked up promptly. Support will immediately be put in place by the Elective Home Education (EHE) Coordinators. • The EHE Coordinators will offer professional advice, guidance and support to parents/ carers and young people regarding an education. • Where there are identified concerns regarding the vulnerability of a family, the relevant support will be offered and referrals to other professional services will be sort. • Annual visits will be undertaken including attendance at Statement/IDP reviews. • If it appears to the EHE Coordinators that a child of compulsory school age is not receiving suitable education, a 15 day notice will be served. The Service will offer support to the family to engage in home education. If a parents fails to satisfy the EHE Coordinators that an education is taking place a parent/carer will be served notice of a School Attendance Order. 	<p>(Wales) Regulations 2010 must be followed.</p> <ul style="list-style-type: none"> • Known school movements should be followed up, to ensure a young person does not become CME. The Common Transfer File (CTF) should be uploaded to School to School (S2S). Any concerns relating to a young person not arriving at the new school/local authority area must be promptly reported to the Education Welfare Service. • Elective Home Education Requests (EHE). A young person cannot be removed from the school roll unless the school receives written notification that the child is to be home educated. • Where the child is attending a special school under arrangements made by the LA, parents must obtain permission from the LA before the child’s name can be removed from the register. • Schools to notify the Education Welfare Service on all requests from parents to Electively Home Educate, including the de-registration form. • After the school receives written notification of a parent/carer’s intention to home-educate their child(ren), the name of the child(ren) must be removed from the schools admissions register under (Regulation 8(1)(d) Education (Pupil Registration) (Wales) Regulations 2010). The school must notify the Education Welfare Service within the 10 school days following the date of removal (regulation 12(3)).
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NPT Contacts

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Elective Home Education, Children Missing from Education and Bullying

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5.2 Exclusions and Disengagement

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Try to improve educational attainment by decreasing the number of days lost through exclusions and disengagement. • Offer support and advice to headteachers to help them meet WG recommendations regarding exclusion procedures as outlined in Circular No. 1/2004 ‘School Exclusions and Pupil Referral Units’; or any other subsequent WG documentation amending those procedures. • Analyse and disseminate comparative data on fixed term and permanent Secondary School exclusions. • Attend all Governor meetings where permanent exclusions are discussed. • Challenge schools that do not meet targets. • Facilitate managed moves provision as appropriate and in line with agreed policy. • Provide training for staff to build their capacity to better support pupils with social, emotional and behavioural difficulties (SEBD). • Support schools in embedding the Whole School Approach to Emotional Health and Wellbeing. • Provide high quality training and intervention for schools in order to effectively support pupils with challenging behaviour. 	<ul style="list-style-type: none"> • Observe WG recommendations regarding exclusion procedures set out in Circular No.: 1/2004 ‘School Exclusions and Pupil Referral Units’; or any other subsequent WG documentation amending those procedures. • Embed the Whole School Approach to Emotional Health and Wellbeing. • Implement strategies to manage behaviour effectively in the classroom and only issue exclusions as a last resort. • If concerned about individual pupils presenting with challenging behaviour, seek support, advice and training from the Wellbeing and Behaviour Service as well as wider Inclusion Service staff if appropriate.

NPT Contacts

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And for Inclusion / ALN support please see below

5.3 INCLUSION AND ADDITIONAL LEARNING NEEDS

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Implement and monitor the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) and the new Code of Practice for ALN (2021). • Support schools in introducing new legislation and the implementation of new statutory documents for pupils with ALN. • Ensure schools are inclusive environments providing quality Inclusive and Additional learning provision (ILP and ALP). • Develop digital systems to support new legislation and processes. • Provide support to ensure the early identification of need and appropriate intervention, to enable learners with ALN to fulfil their potential. • Provide guidance and support to all schools, including specialist provisions and settings • Monitor, evaluate and review quality and impact of interventions and provision across all settings, facilitate sharing of good practice and support improvement. • Facilitate a multi-agency approach to meeting the needs of our most complex C&YP • Provide a high level of appropriate training for all school based staff, which reflects the needs of C&YP in NPT • Ensure that the LA keeps Additional Learning Provision under review and regularly monitors the capacity and effectiveness of its specialist provisions. 	<ul style="list-style-type: none"> • Implement and monitor the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) and the new code of Practice for ALN (2021). • Ensure all school staff are appropriately trained in identifying and understanding C&YP’s additional learning needs and that the impact of continuing professional development in this area is reviewed regularly. • Develop, implement and review whole school policies to ensure inclusive learning environments. • All staff are aware of their responsibilities in the early identification of need and taking appropriate and effective action. • Monitor progress and impact of interventions and additional learning provisions. • Ensure all reviews are person centred and conducted in a timely manner. • Designate an Additional learning Needs Co-ordinator in accordance with the (Wales) Regulations 2020. • Ensure that school provides appropriate and effective high quality Inclusive Learning Provision (ILP) and Additional Learning Provision (ALP) as outlined within the Additional Learning Needs Code for Wales (2021) and the NPT Principles and Expectations documentation.

<ul style="list-style-type: none"> • Ensure that all schools receive a statutory School Based Counselling Service in line with the School Standards and Organisation Act. 	<ul style="list-style-type: none"> • Regularly review the need of all learners with ALN to ensure school keeps ALP under review, in order to meets any change in need. • Ensure that they provide suitable accommodation and facilities for the School Based Counsellor to work within schools and adhere to appropriate referral pathways. • Fulfil duties in relation to The Equality Act 2010 and ALNET 2018 in relation to supporting learners on entry into school with ALN and / or Disability.
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NPT Contacts

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5.4 SUPPORT FOR CHILDREN LOOKED AFTER (CLA)

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Work closely as community planning partners in a shared responsibility for children looked after. • Establish a clear shared vision and priorities to improve outcomes for children looked after. • Ensure a rigorous and systematic approach to the evaluation of services for children looked after. • Provide training to ensure that all relevant staff are aware of their corporate parenting responsibilities. 	<ul style="list-style-type: none"> • Ensure a shared responsibility in identifying and meeting the needs of children and young people looked after and removing the barriers to their success in Education. • Ensure that admissions, programmes of learning and support are arranged and agreed with relevant staff promptly. • Set high expectations for children looked after and establish strong partnership working to meet their needs. • Promote positive attitudes and high expectations for children looked after and recognise and celebrate their achievements. • Include children looked after and listen to their voice.

NPT Contacts

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5.5 Vulnerable Learners Service (VLS). The VLS Support Learners and families from Ethnic Minority (EM) backgrounds, those who speak English as an Additional Language (EAL), Gypsy and Roma Travellers (GRT) and Service Children (SC).

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • To manage the Minority Ethnic Achievement Grant funding on behalf of the authority’s schools. • To manage other grants awarded to the VLS on behalf of the LA. • To work closely with the Education Welfare Service and schools to monitor attendance rates within the Gypsy and Traveller community. • To support schools to assess EAL learners English Language skills and provide accurate data for the WG PLASC annual collection. • To visits schools to monitor and support learners, including the assessments and progress of EAL pupils using the WG model of language acquisition. • Provide Support, advice for Vulnerable groups of learners from EM/EAL/GRT/SC Communities • Provide training for schools, enabling staff to understand the specific needs and cultural backgrounds of learners from different cultural and diverse backgrounds. • To Support/advise schools where learners from EM/EAL/GRT/GT/SC are at risk of underachievement. • To provide continues and suitable training for VLS staff, ensuring they understanding the latest research and pedagogy on EM/EAL/GRT/GT/SC pedagogy to provide suitable and current knowledge to share with NPT schools. • To provide school with suitable resources to support the learning of 	<ul style="list-style-type: none"> • Notify the EAL VLS if schools require advice or support when a new EM/EAL/GT/GRT/SC learners has been admitted into the school. • Keep accurate and up to date records on the Language Acquisition of learners whose Second Language is English. (In accordance with the Welsh Governments model of English Language Acquisition.) • To attend training offered for school staff to understand the needs and provisions that’s schools have to put into place to support and understand cultural and diverse needs of EM/EAL/GRT/GT/SC Learners. • Utilise any funding allocated in accordance with MEAG regulations & the guidance of the LA. • Schools should ensure that teachers and teaching staff who support EM/EAL/GRT/SC learners liaise with the VLS to make suitable provision (when appropriate) for their needs as well as ensure their learners are provided with appropriate strategies to access the National Curriculum.

EM/EAL/GT/GRT/SC learners in NPT schools.

- To support and enable schools to communicate with parents/guardians /carers by translating appropriate documentation (where necessary), as well as attending parent meetings/review meetings where appropriate.
- To support the GRT/GT families/community who reside on Local Authority designated G and T sites including those living in private and social accommodation.
- To work in partnership with other organisations and agencies to support EM/EAL/GRT/GT/SC families and learners.
- To provide in class support where appropriate.
- To encourage and provide support for schools who enter EAL learners to gain external qualifications in their first language.
- To provide schools and other partners an understanding of cultural issues from the EM/EAL/GRT/SC communities.
- To encourage and provide support, advice and guidance to schools enabling them to celebrate cultural events.
- To ensure learners from the EM/EAL/GT/GRT /SC have their voices heard within NPT and be represented on appropriate platforms such as the Youth Council.

NPT Contacts

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5.6 SAFEGUARDING CHILDREN

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • The LA Education Safeguarding Officer and Deputy Safeguarding Officer are available to offer advice and guidance to school's Designated Safeguarding Person (DSP), the Designated Governor for Safeguarding and any other staff as required. • The LA offers regular safeguarding training for all school governors. This training includes information on the procedures to be followed when there are allegations against staff/volunteers. • The LA arranges regular, specific training for the school's Designated Safeguarding Person. • The LA's Education Safeguarding Officer will provide training materials for the annual staff training facilitated by the Designated Safeguarding Person. • The LA supports development of safeguarding practices in school by coordinating and monitoring the process of Safeguarding Peer Review. • The LA will provide a model Safeguarding and Child Protection policy, in line with Keeping Learners Safe, for schools to adopt. • The LA's Education Safeguarding Officer and Deputy Safeguarding Officer will offer advice and support to Headteachers and Chairs of governing bodies when they are managing allegations against staff. • The LA's Education Safeguarding Officer will ensure safeguarding information is disseminated 	<ul style="list-style-type: none"> • The Governing Body must nominate a Designated Governor for Safeguarding; the School must have a named member of staff with responsibility for Co-ordinating Safeguarding within the school (Designated Safeguarding Person) and at least one deputy. All staff, pupils, parents and carers must know the Designated Safeguarding Person and Deputy/ies. • The Headteacher will ensure the Chair of Governors is informed of all allegations against staff/volunteers. The Headteacher must attend Professional Strategy Meetings in line with the Wales Safeguarding Procedures. • The Chair of Governors must liaise with the LA and attend Professional Strategy Meetings if an allegation is made against the Headteacher. • The Chair of the Governing Body and the Designated Governor for Safeguarding will be expected to attend training so that they are conversant with their role and responsibilities. • All members of the Governing Body should receive Safeguarding training in line with Keeping Learners Safe (Welsh Government Guidance: 283/2022) • The Designated Safeguarding Person must regularly (at least every 3 years) attend safeguarding training so that they are conversant with their role and responsibilities. • The Designated Safeguarding Person will deliver a comprehensive safeguarding training to all staff on an annual basis, together with regular updates as necessary. • The School will report incidents of bullying,

<p>appropriately to all DSPs.</p>	<p>racist abuse, discrimination and harassment to the Child and Family Support Team.</p> <ul style="list-style-type: none">• The School’s Designated Safeguarding Person alongside the Designated Governor for Safeguarding will review the Safeguarding policies on a yearly basis and present these to the governing body for ratification/adoption.
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NPT Contacts

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EDUCATION SAFEGUARDING OFFICER

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6. WELSH EDUCATION STRATEGIC PLAN (WESP)

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Ensure and check that all schools provide accurate information regarding their language definition on PLASC every year; provide information for the public on the nature of the provision across the county. • Appoint a Welsh Language consultant to promote WESP targets within all schools and reducing surplus places in Welsh-medium schools. • Provide guidance on developing Welsh education provision, including annual school visits, offering advice and monitoring schools' progress with their School Development Plans. The LA will report on relevant progress against the Welsh in Education Strategic Plan. • Provide immersion provision for latecomers to the Welsh language in the North and South of the Local Authority. • Create a policy setting out the Local Authority's expectations of pupils continuing within the Welsh sector. • Provide advice, training and appropriate resources to promote the development and visibility of the new curriculum with the focus on confidence in the Welsh language. • Ensure that every school implements 	<ul style="list-style-type: none"> • Provide an accurate language definition on PLASC every year, and provide relevant information for parents about the school's language provision. • Schools to work in partnership the Welsh Language consultant with the aim of promoting and implementing WESP targets and reducing surplus places in Welsh-medium schools. • Schools to identify pupils within the system that require support from immersion provision and inform/signpost latecomers to the Welsh language to this provision. • Schools will support and implement the policy setting out the Local Authority's expectations of pupils continuing within the Welsh sector when dealing with parents, resulting in a collective responsibility to support parents and encourage confidence. • Schools to identify specific development needs and allocate specific budgets to meet training and resource requirements in line with the Curriculum for Wales framework. • Schools will implement the Welsh Language Charter and set ambitious targets aimed at improving Welsh

<p>the Welsh Language Charter and sets targets aimed at improving Welsh language skills.</p> <ul style="list-style-type: none"> • Provide Welsh language training for all teaching and non-teaching staff in all sectors. 	<p>language skills.</p> <ul style="list-style-type: none"> • Schools to identify and encourage staff to partake in Welsh language training and courses.
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NPT Contacts

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7.2 LANDLORD AND TENANT MATTERS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Provide advice and guidance on all matters relating to the management of school premises including repairs and maintenance to buildings and grounds. • Provide funding through the schools' delegated budgets for day-to-day revenue repairs and maintenance. • Prioritise an annual programme of capital maintenance works subject to availability of funding and oversee all aspects of project management from design, procurement, construction, commissioning and handover. • Provide guidance regarding the property owner's duty and the school's duty as tenant with regard to buildings and grounds maintenance. • Advise schools on estate management matters, including queries and disputes regarding boundaries, land ownership, rights of way etc. • Discuss terms and sanction leases and agreements with third parties e.g. Childcare, Flying Start, After School Clubs • Arrange legislative servicing and testing of mechanical and electrical installations. • Conduct various legislative risk assessments e.g. asbestos, safe water, safety glazing etc. • Facilitate various legislative risk assessments e.g. fire, asbestos, safe water, safety glazing and where appropriate advise and organise remedial works etc. • Monitor the general condition/state of repair of sites. • Advise on relevant insurance requirements. 	<ul style="list-style-type: none"> • Inform the LA before starting on any maintenance work. • Ensure all building maintenance work is undertaken in accordance with the LA's Financial Regulations and Corporate Procedures. • Ensure that works are only undertaken by suitably qualified, competent and indemnified contractors chosen from the appropriate category on the LA's Approved List of Contractors. • Ensure that the site is kept in good repair and meets Health and Safety Legislation requirements. • Determine the proportion of the delegated budget to be allocated for repairs and maintenance on an annual basis. • Draw the LA's attention to matters causing concern in relation to the management of the site and grounds. • Liaise on all maintenance matters causing concern with the nominated school Building Surveyor or Mechanical and Electrical Engineer and implement a suitable remedial action plan. • Take due regard to any assessments on the building before undertaking maintenance work. • Discuss insurance needs with the LA.

	<ul style="list-style-type: none"> Undertake an annual Health and Safety Audit and ensure that the Health and Safety Certificate is sent to the LA.
LA	SCHOOL/GOVERNING BODY
<p>The LA also offers assistance, through the SLA, with all aspects of the work involved in managing the school site.</p> <p>Owing to legal requirements and possible outcomes in relation to this area of responsibility, schools/governors are required to give serious consideration to signing an SLA provided by the LA; protecting schools/governors if matters arise that are a cause for concern.</p>	

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7.3 SCHOOL SITE MANAGEMENT

The LA owns the property and has landlord status. The school occupies the site as a tenant. Although occupation and use of sites is under the control of the Governing Body, with community and voluntary controlled schools, the Authority DOES NOT own the property in the case of voluntary controlled schools.

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • The Governing Body will receive written consent from the LA to occupy and use the site. • Provide specific guidance under relevant legislation on the use of sites it owns or maintains. • In exceptional circumstances the Authority will use the powers at its disposal to provide specific guidance on the use of maintained schools. • Provide advice and guidance on matters pertaining to hiring school sites. 	<ul style="list-style-type: none"> • Bear in mind the benefit of making the site available for community use. However, the Governing Body cannot change the use of, or dispose of any aspect of sites the Authority retains ownership of e.g. playing fields etc., without the written consent of the Authority. • Consider a transfer of control agreement if its purpose is to promote community use of the school site – subject to regulations set out in The Control of School Premises (Wales) Regulations 2008. • Arrangements for all short-term, sessional use of maintained school sites (including use associated with the purposes of the school, e.g. parent teacher association fundraising events etc., or events that benefit the community e.g. holiday play scheme activities etc.) The Governing Body should consider the guidelines for setting Rates for this type of use and set them, as well as any conditions of use.

NPT Contacts

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7.4 Health and Safety matters

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • In conjunction with the Corporate Health and Safety Section:- <ul style="list-style-type: none"> ○ Monitor and review to ensure compliance with health and safety legislation; ○ Provide advice and guidance on health and safety matters; ○ monitor & review the delivery of health, safety & risk management in schools, via: <ul style="list-style-type: none"> ○ inspections of activities &/or premises, & ○ audits of management arrangements; ○ provide advice and guidance to schools on the identification & control of risks; ○ encourage schools to adopt high standards of health, safety and risk management, intervening when necessary to make the school &/or activities safe; • The Occupational Health, Safety and Wellbeing Team (OHSWT) provides the necessary framework to deliver council services in line with the Health & Safety at Work Act 1974 utilising the Corporate Health and Safety Policy, Health and Safety Procedures and associated forms, for schools including those required to: <ul style="list-style-type: none"> ○ implement the corporate health and safety policy and health and safety procedures, &/or; ○ manage risks particular to schools sector; • Provide occupational health advice and support including pre-employment screening &/or health surveillance. • Ensure that health and safety issues are taken into account when: 	<ul style="list-style-type: none"> • Develop local management arrangements for implementing the health and safety policy and requirements of the LA. • Exercise day-to-day control of the school premises &/or activities, adopting safe practices in accordance with the risk assessments &/or guidance provided by the LA. • Co-operate with the LA, including its monitoring arrangements, and report any matters that may jeopardise the LA's ability, as an employer, to comply with its health & safety responsibilities. • Ensure that all accidents, hazardous events or conditions are reported & investigated in accordance with the relevant procedures and to co-operate with any investigation of health and safety in their workplace so that causes can be established, lessons learnt and our performance improved. • Encourage employee involvement in health, safety and risk management at the school, and that an effective health and safety committee meets regularly which supports managers efforts to develop a positive health and safety culture. • Co-operate with the LA's Building Services Manager(s) regarding the provision, upgrade, repair and maintenance of the school premises so that they remain safe.

<ul style="list-style-type: none"> ○ appointing &/or supervising the work of contractors, and that only competent contractors are engaged, in accordance with the relevant health, safety &/or procurement procedures; ● Provide advice and guidance to employees & pupils with appropriate personal protective equipment, and ensuring it is used &/or worn when necessary; 	<ul style="list-style-type: none"> ● Ensure that any defects &/or hazardous conditions identified within the workplace(s) for which they are responsible are reported and dealt with in a timely manner and – in the interim – areas of the workplace &/or items of equipment that present serious and imminent danger to person are isolated. ● Conduct occasional inspections &/or tours of the premises to ensure that risk controls continue to be effective, and that a safe means of access and egress is provided & maintained (e.g. fire escape routes are clear and fire alarm system remains operational). ● Ensure that health and safety issues are taken into account when: <ul style="list-style-type: none"> ○ choosing, specifying, procuring &/or introducing equipment &/or substances into the workplace. ● Ensure that any equipment, machinery, or dangerous substance, is always used by employees or pupils in accordance with the instructions &/or training they have been given. ● Ensure staff and governors attend health and safety training courses provided.
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NPT Contacts

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General Health and Safety Enquiries

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7.5 ACCESS TO EDUCATION: ADMISSIONS POLICY

The LA admits pupils to maintained schools as a central function. It has also been agreed that the LA assist St Joseph’s RC School and 6th Form with Year 7 admission applications.

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Provide an appropriate range and number of school places. • Coordinate effective arrangements for admitting children to schools. Including setting the oversubscription criteria • Calculate the school’s capacity and admission numbers and ensure schools are not overcrowded. • Arrange School Admissions Appeals. • Organise School Admissions Forum twice a year. • Ensure that offer letters for secondary school places are issued on the *1st March or the next working day. • Ensure that offer letters for primary school places are issued on the *16th April or the next working day. • <i>*(unless this date falls on a non-working day, letters will be issued on the next available working day)</i> 	<ul style="list-style-type: none"> • The LA’s Admissions Officer should accept any in year application before the pupil is admitted to school. • Agree annual admission numbers with the LA. • Manage class sizes appropriately and in line with WG regulations

NPT Contacts

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8. GOVERNORS' SUPPORT SERVICE

The LA will:

- Provide a service to create new/temporary Governing Bodies that involves preparing and updating Government Instruments.
- Provide help and advice for Governors and Headteachers on managing regulatory and procedural matters.
- Provide up-to-date, accurate, relevant information for Governors to help them fulfil their roles.
- Deliver a suite of training to governors that will include mandatory requirements such as induction, data and chair training, along with broader range of subject matters based upon relevant school policies and Regulatory changes.
- Facilitate a forum for Chair and Vice-Chair of Governors, with members of the senior management team that will promote best practice and partnership working.

LA	SCHOOL/GOVERNING BODY
<p>Governor Training</p> <ul style="list-style-type: none"> • Provide a coordinated training programme. • Offer advice, support and training to Governing Bodies or/ and their clerks. • Deliver Welsh Government mandatory training. 	<ul style="list-style-type: none"> • Promote the attendance of governors at training courses. • Identify specialist governors to attend training courses. • Monitor and take action towards governors who do not attend mandatory training.
<p>Reports</p> <ul style="list-style-type: none"> • Develop model template policies, guidance material and resources. • Keep governor records: membership, terms of service and minutes of meetings. • Offer guidance and advice on the process of conducting governor elections. • Administer the process of appointing local authority governors. • Provide guidance on the content of the Annual Report to Parents and any report requested by the LA. • Provide guidance and advice on developing school policies 	<ul style="list-style-type: none"> • Facilitate good partnership arrangements with other schools, Governing Bodies and the LA. • Work with the LA to improve recruitment and selection procedures. • Ensure that those Governors required to do so have a DBS. • Complete reports by the Governing Body regarding fulfilment of roles and the Annual Report to Parents and present them to the LA. • The Headteacher will produce a termly report for submission to the governing

body as part of their termly meeting.

- Submit governing body minutes to the LA at the same time as other governors receive them.

SA

Where no SA is undertaken, the Governing Body Clerk will be responsible for all Governor Clerking Services.

NPT Contacts

Kathryn Gilbert
Principal Schools Governance Officer

01639 763598
k.gilbert@npt.gov.uk

John Burge
Co-ordinator,
Child & Family Support Team

j.burge@npt.gov.uk

8.1 COMPLAINTS

The LA has no statutory role in resolving complaints about schools – the statutory responsibility lies with the Governing Body. However, the Governing Body may ask for help to investigate a complaint, for advice on dealing with it, or advice regarding the response. The LA may choose to exercise its powers to review the procedure a Governing Body used to reach a decision, but not to operate as an appeal mechanism or review the decision itself. If the LA come to the conclusion that the process followed in a specific case is defective, it may ask the Governing Body to reconsider the matter.

The LA must be informed about any complaints about the Governing Body as a whole or in relation to an alleged criminal offence.

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none">• Develop model policies, procedures and practices so that schools are well advised and supported on complaints matters.	<ul style="list-style-type: none">• Adopt a compliant complaints policy and ensure full accessibility to all stakeholders, including placing a copy on the school's website.• Follow adopted policies, procedures and practices when dealing with complaints.• Set up a sub-committee to deal with complaints issues.

NPT Contacts

Kathryn Gilbert
Principal Schools Governance Officer

01639 763598
k.gilbert@npt.gov.uk

John Burge
Co-ordinator
Child & Family Support Team

j.burge@npt.gov.uk

8.2 DISCIPLINARY MATTERS

The Headteacher and Governing Body are strongly advised to seek the advice of the LA and its Human Resources Officers before the school commences any disciplinary procedures in cases of serious misconduct and during every stage thereafter. The Keeping Learners Safe (Welsh Government Guidance: 283/2022) and other Wales Child Protection Procedures and ‘Welsh Government Disciplinary and Dismissal Procedures for School Staff’ should be followed when dealing with disciplinary matters involving Child Protection.

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Develop policies, procedures and model practices so that schools are well advised and supported on employment matters. • Promote and monitor policies and practices that ensure equal opportunities. • If the LA is informed that allegations have been made against a member of staff, the LA will offer advice to the Governing Body. 	<ul style="list-style-type: none"> • Adopt rules and procedures to regulate the behaviour and discipline of all school staff (schools may adopt LA policies or their own policies). • Follow adopted policies, procedures and practices when dealing with disciplinary matters. • Ensure equal opportunities for all members of staff and pupils. • The Governing Body should conclude disciplinary procedures against an employee who may be dismissed as a result of these procedures should that employee resign at any point during the process.

*** Please see the Human Resources Service Agreement as an appendix, which contains all the services provided to schools separately**

NPT Contacts

Stephanie Evans
HR Manager

s.evans2@npt.gov.uk

9. FINANCIAL SERVICES

The Director of Finance is the designated responsible officer for ensuring that the LA makes arrangements for the proper administration of its financial affairs. The LA also provides an internal audit service

LA	SCHOOL/GOVERNING BODY
<ul style="list-style-type: none"> • Provide guidance in the form of Standard Financial Instructions (SFIs) to ensure that schools have responsibility and accountability in relation to budget management. • Ensure that schools receive their indicative delegated budget shares as soon as the LA's budget is approved by Council. • Provide advice to schools on effective budget management. • Provide guidance to schools on the closing of the financial accounts at year end • To work with schools with deficit reserves to ensure that appropriate recovery plans are in place • Consult with schools regarding any changes to the schools formulae. • Consult with schools regarding new government grant initiatives. • Work closely with the Welsh Audit Office on the audit of specific grants 	<ul style="list-style-type: none"> • Adhere to the LA's Standard Financial Instructions (SFI's) • Be proactive in planning future year's budgets. Schools may carry forward any surplus balances to assist future year budgets. • Report to the LA on an annual basis how it intends to utilise any surplus balances. • Not overspend the resources made available to them. Deficit budgets are not permitted without the prior approval of the Director of Education, Leisure and Lifelong Learning and the submission of a full recovery plan. • Undertake vigorous budget monitoring to ensure that they maximise available resources. • To ensure that any excessive reserve balance are not carried forward at year end • Play an active role regarding changes to the schools formulae. • Liaise with the LA regarding new grant initiatives and adhere to grant terms and conditions • Promptly implement the recommendations of internal audit reports wherever practical. • Publish PDG spending plans

NPT Contacts

Julie Merrifield,
Support Services Co-ordinator

01639 763554
j.merrifield@npt.gov.uk

Llywelyn Williams
School Management & Information Manager

01639 763290
l.williams7@npt.gov.uk

10. SERVICE AGREEMENTS

The LA acknowledges the requirements placed upon the School and the Governing Body, especially in relation to legal responsibilities, and as such it has developed a number of SAs.

The SAs reduce the burden of following agreed protocols and ensure that any action taken conforms to legal requirements, and therefore protects the School and the Governing Body where the outcomes of their actions, if the worst should happen, could be challenged in a court of law.

In this context, the LA strongly advises the Governing Body to sign the SAs provided, since the consequences of not doing so could lead to significant legal obligations for the School and the Governing Body.

A list of current SAs:

- Access to Leisure Services *
- Building Maintenance Services **
- Bursar Scheme *
- Education, Library and Resource Services **
- Financial Services **
- Grounds Maintenance Service **
- Human Resource Services **
- Music Service **
- Primary Support Officer Service *Services
- Professional Clerk arrangements to the Governing Body**

* Primary School Service Agreements only

** Primary and Secondary School Service Agreements

Opt-out of SA

The agreement will remain in place for three financial years or until one or other of the parties indicates that they wish to withdraw from the agreement giving at least three months' notice (i.e. before 1st January for following financial year)

Application of Service Agreements (SAs) to Schools

- Schools are not bound to take up Authority SAs and may opt out of Authority SAs. Schools which enter into SAs with the Local Authority are bound by the terms contained within each SA, which may allow for variation of terms and conditions.
- Schools opting into the Local Authority's Agreement will be bound by its terms and conditions. Governing Bodies should give the Local Authority the required notice in writing of the intention to opt out of the Local Authority's arrangements.

11. SCHOOL & GOVERNING BODY: POLICIES & DOCUMENTS

Statutory Policies/Procedures
Admissions Policy (Voluntary Aided and Foundation schools only/ Community and Controlled schools policy is set by the LA)
Charging Policy
Child Protection/Safeguarding Children in Education
Complaints Policy and Procedures
Curriculum Policy
Data Protection Policy
Equality Policies
Health & Safety Policy (Voluntary Aided and Foundation Schools only / Community and Controlled schools policy is set by the LA)
School Teachers' Pay and Conditions Policy
Performance Management
Pupil Behaviour and Discipline (including Anti Bullying) Policy
Sex Education
Additional Learning Needs/Special Educational Needs Policy
Staff Discipline, Conduct, Capability and Grievance Procedures

Non Statutory Recommended Policies
Premises Management Policy
School Toilet Policy
School Uniform Policy
Social Networking Policy/E-Safety Policy

Substance Misuse Policy
Sustainable Development Policy
Whistleblowing Policy
Whole School Food and Fitness Policy

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Statutory Documents/Information
Accessibility Plan
Action Plan following School Inspection
Annual Governors' Report
Assessment Arrangements
Careers Education and Information (Secondary schools only)
Freedom of Information Publication Scheme
Governors' Allowances (Schemes for payment of)
Home School Agreements
Instrument of Government
Intimate Care Policy
Healthcare Needs Policy
Minutes and Papers of the Governing Body
Register of Pupils and Register of Attendance
Register of Business Interests of Governors and Head Teacher
School Development Plan
School Prospectus
Target Setting
Transition Plan KS2 to KS3

Non Statutory Recommended Documents
School Self - Evaluation Document / Report

A PARTNERSHIP AGREEMENT dated the _____ 2023

BETWEEN:

(1) **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** of Civic Centre,
Port Talbot, SA13 1PJ ('the LA')

and

(2) **THE GOVERNING BODY**('the Governing Body') of _____
SCHOOL ('the School')

SIGNED for and on behalf of **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

Director of Education, Leisure and Lifelong Learning

SIGNED for and on behalf of **THE GOVERNING BODY** of _____ **SCHOOL**

Chair of Governors



Human Resources Service Level Agreement Primary Schools

Service level agreement for the provision of HR services to Primary Schools 2023-2025

Purpose

To provide LLAN representatives with a draft service level agreement for the provision of HR services to Primary Schools within Neath Port Talbot County Borough Council. This draft is provided to promote discussion so that the general requirements for HR support can be agreed, as well as specific priorities for 2023-2025.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services . All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

Head teachers will be aware of the financial challenges which the Council have faced over the last 10 years which has resulted in a reduction across the HR team. As a result of this, it is more important than ever that the work of the team is planned and focused on the priorities of service users to ensure that the available resources are used in a way that is most effective and where the team can add the most value.

Scope of services provided

The four HR teams, set out below, provide a range of workforce related services across the Council to a number of service users and stakeholders:

- Human Resources
- Training, Learning and Development
- Occupational Health & Safety Team
- Emergency Planning Team

Suggested priorities for 2023-2025

Suggested priorities are set out in the attached draft service level agreement. NAASH are asked to provide feedback in relation to the suggested priorities with a view to agreeing a programme of work for the HR team that will best support Head teachers in from 2023-2025.

Agreement

Agreed at LLAN meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

Telephone: 01639 763315

DRAFT

Service Level Agreement for the provision of HR services

1. Service Provider

HR Division
Neath Port Talbot County Borough Council
The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees
Tel: 01639 763315
Email: s.rees5@npt.gov.uk

2. The Client

Head teachers and Governing Bodies of Primary Schools in Neath Port Talbot County Borough Council

3. Service Specification

The services to be provided under this Agreement are outlined in Appendix 1 to this Agreement.

These services will be provided to support the Client in better managing and developing the Neath Port Talbot Primary School workforce, leading to improved outcomes for all pupils.

These services will comprise a combination of (a) responses to requests for advice and other HR support, along with (b) a pre-planned programme of work which reflects priorities determined by the Client.

The priorities for the 2023-2025 period are as follows:

Employment policies:

- Schools Grievance Procedure
- Schools Dignity at Work Procedure
- Schools Disciplinary Policy and Procedure
- Capability Policy
- Schools Pay Policy

Employee relations:

- Provision of advice and guidance in the event of any industrial action
- Support and advice in relation to Employment Tribunal cases
- Support and advice at negotiating and consultation forums, ELLL Negotiating Forum, Education JCG, Education, Health and Safety Committee
- Attendance and HR advice on policy and process at Staff Disciplinary and Dismissal Committees and Staff Disciplinary and Dismissal Appeal Committees

Safeguarding:

- Continue to utilise the electronic process for administering Disclosure and Barring Service checks, in collaboration with Powys Council, improving efficiency of safe recruitment pre-employment checks.
- Continue to provide training and guidance support to Schools to promote a culture of safe recruitment and safe employment practice.
- Attendance, support and HR advice at PASM and relevant school Governor meetings.

Management of Change:

- 2023-2025 Budget – ongoing HR support from 1st September 2023 onwards for all schools implementing staffing changes to achieve a balanced budget
- Budget – HR support to address any workforce planning actions required, together with any resultant management of change support.

Workforce-related Head teacher and Governor Training

- Specific topics and events to be in accordance with LLAN priorities and delivered as agreed by the Chair of LLAN.
- Safeguarding in Schools Training to continue to be delivered bi-annually in conjunction with the Education Safeguarding Officer during the 2023-2025 period.
- Training in relation to Sickness Absence management, the Schools Disciplinary Procedure and Redundancy Procedure to be provided annually and also on an ad-hoc basis as necessary.

Maximising Attendance at Work

- Ongoing support from the HR team and the Occupational Health Unit to support Head teachers and Governing Bodies to manage and reduce the incidence of sickness absence in the school workforce.
- Specific Long Term Absence Management Support, funded by schools to be agreed via a separate Service Level Agreement

Recruitment and Resourcing

- Advice in relation to the Council's Safe Recruitment Policy
- Advice in relation to the recruitment process
- Advice on employment contracts

4. Response Arrangements

- (i) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (ii) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (iii) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;
- (iv) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide

any additional service required at other times, with reasonable notice, particularly in relation to the annual cycle of budget-related staffing changes.

5. Monitoring arrangements

- (i) Summary details of the service provided by the HR team will be monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (ii) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

6. Review Procedure

This Agreement will be reviewed every 2 years to consider its operation and to agree any changes required about any aspect of this Agreement.

7. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

8. HR Service Contact details

HR Officer c2@npt.gov.uk contacts for schools are provided below:-

Carla Banham
c.banham@npt.gov.uk 01639 763568

Maureen Treharne (Mon/Tue/Wed)
m.treharne@npt.gov.uk 01639 686268

Jodie Barnett
j.barnett1@npt.gov.uk 01639 763563

Dayna James
d.james3@npt.gov.uk 01639 686961

Kirsty Thomas (Sickness Taskforce)
k.thomas@npt.gov.uk 01639 763705

Chris Walsh
c.walsh@npt.gov.uk 01639 763408

Stephanie Evans HR Manager

s.evans2@npt.gov.uk

In the event of a designated member of the HR team being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required.

In addition to the above, there is a generic e-mail that schools can use to ask for general advice and support – hr.education@npt.gov.uk which is staffed during working hours.

9. Period of Agreement

1st September 2023 to 31st March 2025

DRAFT

HR Services

The Human Resources Division is a resource for the provision of specialist HR advice and support, including putting in place the necessary employment framework, e.g. employment policies, procedures, advice and training, to support Head teachers to maximise the performance for their employees. HR also directly assists with the most difficult aspects of managing people.

The HR Manager and HR Officers will provide professional HR advice and support in the following areas of workforce related activity, always having regard to agreed priorities:

1. Recruitment and selection
2. HR advice in relation to safeguarding in employment, including child protection processes
3. HR advice in relation to employment contracts
4. Employment legislation and conditions of service for teachers and support staff, including contractual documentation, the Local Government Pension Scheme and the Teacher Pension Scheme.
5. Maximising attendance at work
6. Discipline, Grievance, Dignity at Work, Capability and Performance Management processes
7. Employee relations, including support in relation to trade union and teaching association consultation and negotiations
8. Equality of opportunity in employment
9. Termination of employment
10. Occupational Health Unit support, including health surveillance, health monitoring, safety critical and statutory medicals, lifestyle screening health promotion, pre-placement screening, immunisations, work station assessments and maximising attendance at work advice referral service.
11. Health and Safety support in accordance with the BSI OHSAS 18001 Safety Management System.
12. iTrent HR Database
13. Provision of employment related training

A small core team of HR staff will provide the above services, supplemented with support from the wider HR team as necessary.

The service is not open-ended and an ongoing dialogue between LLAN and the Head of People and Organisational Development will enable the HR team to prioritise and plan the HR work programme to ensure that the resources available to Primary Schools can be used to best effect.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Human Resources Service Level Agreement Secondary Schools

www.npt.gov.uk

Service level agreement for the provision of HR services to Secondary Schools 2023-2025

Purpose

To provide NAASH representatives with a draft service level agreement for the provision of HR services to Secondary Schools within Neath Port Talbot County Borough Council. This draft is provided to promote discussion so that the general requirements for HR support can be agreed, as well as specific priorities for 2023-2025.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services . All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

Head teachers will be aware of the financial challenges which the Council have faced over the last 10 years which has resulted in a reduction across the HR team. As a result of this, it is more important than ever that the work of the team is planned and focused on the priorities of service users to ensure that the available resources are used in a way that is most effective and where the team can add the most value.

Scope of services provided

The four HR teams, set out below, provide a range of workforce related services across the Council to a number of service users and stakeholders:

- Human Resources
- Training, Learning and Development
- Occupational Health & Safety Team
- Emergency Planning Team

Suggested priorities for 2023-2025

Suggested priorities are set out in the attached draft service level agreement. NAASH are asked to provide feedback in relation to the suggested priorities with a view to agreeing a programme of work for the HR team that will best support Head teachers in from 2023-2025.

Agreement

Agreed at NAASH meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

Telephone: 01639 763315

DRAFT

Service Level Agreement for the provision of HR services

10. Service Provider

HR Division
Neath Port Talbot County Borough Council
The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees
Tel: 01639 763315
Email: s.rees5@npt.gov.uk

11. The Client

Head teachers and Governing Bodies of Secondary Schools in Neath Port Talbot County Borough Council

12. Service Specification

The services to be provided under this Agreement are outlined in Appendix 1 to this Agreement.

These services will be provided to support the Client in better managing and developing the Neath Port Talbot Primary School workforce, leading to improved outcomes for all pupils.

These services will comprise a combination of (a) responses to requests for advice and other HR support, along with (b) a pre-planned programme of work which reflects priorities determined by the Client.

The priorities for the 2023-2025 period are as follows:

Employment policies:

- Schools Grievance Procedure
- Schools Dignity at Work Procedure
- Schools Disciplinary Policy and Procedure
- Capability Policy
- Schools Pay Policy

Employee relations:

- Provision of advice and guidance in the event of any industrial action
- Support and advice in relation to Employment Tribunal cases
- Support and advice at negotiating and consultation forums, ELLL Negotiating Forum, Education JCG, Education, Health and Safety Committee
- Attendance and HR advice on policy and process at Staff Disciplinary and Dismissal Committees and Staff Disciplinary and Dismissal Appeal Committees

Safeguarding:

- Continue to utilise the electronic process for administering Disclosure and Barring Service checks, in collaboration with Powys Council, improving efficiency of safe recruitment pre-employment checks.
- Continue to provide training and guidance support to Schools to promote a culture of safe recruitment and safe employment practice.
- Attendance, support and HR advice at PASM and relevant school Governor meetings.

Management of Change:

- 2023-2025 Budget – ongoing HR support from 1st September 2023 onwards for all schools implementing staffing changes to achieve a balanced budget
- Budget – HR support to address any workforce planning actions required, together with any resultant management of change support.

Workforce-related Head teacher and Governor Training

- Specific topics and events to be in accordance with NAASH priorities and delivered as agreed by the Chair of NAASH.
- Safeguarding in Schools Training to continue to be delivered bi-annually in conjunction with the Education Safeguarding Officer during the 2023-2025 period.
- Training in relation to Sickness Absence management, the Schools Disciplinary Procedure and Redundancy Procedure to be provided annually and also on an ad-hoc basis as necessary.

Maximising Attendance at Work

- Ongoing support from the HR team and the Occupational Health Unit to support Head teachers and Governing Bodies to manage and reduce the incidence of sickness absence in the school workforce.
- Specific Long Term Absence Management Support, funded by schools to be agreed via a separate Service Level Agreement

Recruitment and Resourcing

- Advice in relation to the Council's Safe Recruitment Policy
- Advice in relation to the recruitment process
- Advice on employment contracts

13. Response Arrangements

- (v) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (vi) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (vii) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;

- (viii) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide any additional service required at other times, with reasonable notice, particularly in relation to the annual cycle of budget-related staffing changes.

14. Monitoring arrangements

- (iii) Summary details of the service provided by the HR team will be monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (iv) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

15. Review Procedure

This Agreement will be reviewed every 2 years to consider its operation and to agree any changes required about any aspect of this Agreement.

16. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

17. HR Service Contact details

HR Officer contacts for schools are provided below:-

Carla Banham
c.banham@npt.gov.uk 01639 763568

Maureen Treharne (Mon/Tue/Wed)
m.treharne@npt.gov.uk 01639 686268

Jodie Barnett
j.barnett1@npt.gov.uk 01639 763563

Dayna James
d.james3@npt.gov.uk 01639 686961

Kirsty Thomas (Sickness Taskforce)
k.thomas@npt.gov.uk 01639 763705

Chris Walsh
c.walsh@npt.gov.uk 01639 763408

Stephanie Evans – HR Manager
s.evans2@npt.gov.uk

In the event of a designated member of the HR team being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required.

In addition to the above, there is a generic e-mail that schools can use to ask for general advice and support – **hr.education@npt.gov.uk** which is staffed during working hours.

18. Period of Agreement

1st September 2023 to 31st March 2025

DRAFT

HR Services

The Human Resources Division is a resource for the provision of specialist HR advice and support, including putting in place the necessary employment framework, e.g. employment policies, procedures, advice and training, to support Head teachers to maximise the performance for their employees. HR also directly assists with the most difficult aspects of managing people.

The HR Manager and HR Officers will provide professional HR advice and support in the following areas of workforce related activity, always having regard to agreed priorities:

14. Recruitment and selection
15. HR advice in relation to safeguarding in employment, including child protection processes
16. HR advice in relation to employment contracts
17. Employment legislation and conditions of service for teachers and support staff, including contractual documentation, the Local Government Pension Scheme and the Teacher Pension Scheme.
18. Maximising attendance at work
19. Discipline, Grievance, Dignity at Work, Capability and Performance Management processes
20. Employee relations, including support in relation to trade union and teaching association consultation and negotiations
21. Equality of opportunity in employment
22. Termination of employment
23. Occupational Health Unit support, including health surveillance, health monitoring, safety critical and statutory medicals, lifestyle screening health promotion, pre-placement screening, immunisations, work station assessments and maximising attendance at work advice referral service.
24. Health and Safety support in accordance with the BSI OHSAS 18001 Safety Management System.
25. iTrent HR Database
26. Provision of employment related training

A small core team of HR staff will provide the above services, supplemented with support from the wider HR team as necessary.

The service is not open-ended and an ongoing dialogue between NAASH and the Head of People and Organisational Development will enable the HR team to prioritise and plan the HR work programme to ensure that the resources available to Secondary Schools can be used to best effect.

APPENDIX 3

Service level agreement for the provision of the HR service in relation to Maximising Attendance of Staff in Schools (The Sickness Taskforce)

Purpose

To provide NAASH and LLAN representatives with a service level agreement for the provision of HR services to Primary, Secondary and Special Schools within Neath Port Talbot County Borough Council.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services. All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

In March 2016, a HR Officer was appointed to the 'Schools Sickness Taskforce'. This HR Officer developed the procedure for managing sickness absence in schools, based on the policy and procedure already available. A Training programme was also developed which started to be rolled out to schools in July 2016 and ran until January 2017.

The programme has been reviewed annually in LLAN and NAASH to report on progress and savings. The programme has been deemed to be worthwhile and has made savings in some years.

There is one HR Officer dedicated to supporting the Schools Sickness Taskforce, funded by the schools.

Agreement

Agreed at NAASH meeting on Date TBC

Agreed at LLAN meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

SERVICE LEVEL AGREEMENT
FOR THE PROVISION OF
HUMAN RESOURCE SERVICES
IN RELATION TO MAXIMISING ATTENDANCE OF STAFF IN SCHOOLS
(THE SICKNESS TASKFORCE)

Service level agreement for the provision of the HR service in relation to Maximising Attendance of Staff in Schools (The Sickness Taskforce)

19. Service Provider

HR Division

Neath Port Talbot County Borough Council

The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees

Tel: 01639 763315

Email: s.rees5@npt.gov.uk

20. The Client

Head teachers and Governing Bodies of Schools in Neath Port Talbot County Borough Council

21. Service Specification

The services to be provided under this Agreement in relation to Maximising Attendance of Staff in Schools are outlined below:

- Provide Training to Headteachers and Chairs of Governors in relation to the process and procedure for Maximising Attendance of Staff in Schools.
- Monitor long term absences within Schools and prompt and advise Headteachers and Governors on the Maximising Attendance at Work Policy for Schools, as appropriate.
- Advise and assist in implementation of early intervention and support strategies.
- Advise and accompany Headteachers and Governors at formal meetings.
- Provide advice and attendance at OHU Case Conferences and Ill Health Retirement procedures
- Advise on sickness absence communication and correspondence.
- Ensuring Policy and Procedure are legally compliant and reviewed when necessary.
- Advise Headteachers and Governors on the application of terms and conditions in relation to Sickness Absence in schools.

22. Response Arrangements

- (ix) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (x) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (xi) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;
- (xii) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide any additional service required at other times, with reasonable notice..

23. Monitoring arrangements

- (v) Summary details of the service provided by the HR Officer as part of the Sickness Taskforce will be reported to and monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (vi) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

24. Review Procedure

This Agreement will be reviewed every 2 years in the Autumn term, to consider its operation and to agree any changes required about any aspect of this Agreement. The current funding arrangement is in place until 31st August 2024.

25. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

26.HR Service Contact details

The HR Officer allocated to the Schools Sickness Taskforce is currently Kirsty Thomas – k.thomas@npt.gov.uk, 01639 763705. Should this change, all parties will be notified as soon as is practicable. In the event of the HR Officer allocated to the Schools Sickness Taskforce being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required within reasonable timescales.

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Human Resources Service Level Agreement Primary Schools

www.npt.gov.uk

**Service level agreement for the provision of HR services to Primary
Schools 2023-2025**

Purpose

To provide LLAN representatives with a draft service level agreement for the provision of HR services to Primary Schools within Neath Port Talbot County Borough Council. This draft is provided to promote discussion so that the general requirements for HR support can be agreed, as well as specific priorities for 2023-2025.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services . All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

Head teachers will be aware of the financial challenges which the Council have faced over the last 10 years which has resulted in a reduction across the HR team. As a result of this, it is more important than ever that the work of the team is planned and focused on the priorities of service users to ensure that the available resources are used in a way that is most effective and where the team can add the most value.

Scope of services provided

The four HR teams, set out below, provide a range of workforce related services across the Council to a number of service users and stakeholders:

- Human Resources
- Training, Learning and Development
- Occupational Health & Safety Team
- Emergency Planning Team

Suggested priorities for 2023-2025

Suggested priorities are set out in the attached draft service level agreement. NAASH are asked to provide feedback in relation to the suggested priorities with a view to agreeing a programme of work for the HR team that will best support Head teachers in from 2023-2025.

Agreement

Agreed at NAASH meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

Telephone: 01639 763315

Service Level Agreement for the provision of HR services

1. Service Provider

HR Division
Neath Port Talbot County Borough Council
The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees
Tel: 01639 763315
Email: s.rees5@npt.gov.uk

2. The Client

Head teachers and Governing Bodies of Primary Schools in Neath Port Talbot County Borough Council

3. Service Specification

The services to be provided under this Agreement are outlined in Appendix 1 to this Agreement.

These services will be provided to support the Client in better managing and developing the Neath Port Talbot Primary School workforce, leading to improved outcomes for all pupils.

These services will comprise a combination of (a) responses to requests for advice and other HR support, along with (b) a pre-planned programme of work which reflects priorities determined by the Client.

The priorities for the 2023-2025 period are as follows:

Employment policies:

- Schools Grievance Procedure
- Schools Dignity at Work Procedure
- Schools Disciplinary Policy and Procedure
- Capability Policy
- Schools Pay Policy

Employee relations:

- Provision of advice and guidance in the event of any industrial action
- Support and advice in relation to Employment Tribunal cases
- Support and advice at negotiating and consultation forums, ELLL Negotiating Forum, Education JCG, Education, Health and Safety Committee

- Attendance and HR advice on policy and process at Staff Disciplinary and Dismissal Committees and Staff Disciplinary and Dismissal Appeal Committees

Safeguarding:

- Continue to utilise the electronic process for administering Disclosure and Barring Service checks, in collaboration with Powys Council, improving efficiency of safe recruitment pre-employment checks.
- Continue to provide training and guidance support to Schools to promote a culture of safe recruitment and safe employment practice.
- Attendance, support and HR advice at PASM and relevant school Governor meetings.

Management of Change:

- 2023-2025 Budget – ongoing HR support from 1st September 2023 onwards for all schools implementing staffing changes to achieve a balanced budget
- Budget – HR support to address any workforce planning actions required, together with any resultant management of change support.

Workforce-related Head teacher and Governor Training

- Specific topics and events to be in accordance with LLAN priorities and delivered as agreed by the Chair of LLAN.
- Safeguarding in Schools Training to continue to be delivered bi-annually in conjunction with the Education Safeguarding Officer during the 2023-2025 period.
- Training in relation to Sickness Absence management, the Schools Disciplinary Procedure and Redundancy Procedure to be provided annually and also on an ad-hoc basis as necessary.

Maximising Attendance at Work

- Ongoing support from the HR team and the Occupational Health Unit to support Head teachers and Governing Bodies to manage and reduce the incidence of sickness absence in the school workforce.
- Specific Long Term Absence Management Support, funded by schools to be agreed via a separate Service Level Agreement

Recruitment and Resourcing

- Advice in relation to the Council's Safe Recruitment Policy
- Advice in relation to the recruitment process
- Advice on employment contracts

4. Response Arrangements

- (i) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (ii) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (iii) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;
- (iv) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide any additional service required at other times, with reasonable notice, particularly in relation to the annual cycle of budget-related staffing changes.

5. Monitoring arrangements

- (i) Summary details of the service provided by the HR team will be monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (ii) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

6. Review Procedure

This Agreement will be reviewed every 2 years to consider its operation and to agree any changes required about any aspect of this Agreement.

7. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

8. HR Service Contact details

HR Officer c2@npt.gov.uk contacts for schools are provided below:-

Carla Banham
c.banham@npt.gov.uk 01639 763568

Maureen Treharne (Mon/Tue/Wed)
m.treharne@npt.gov.uk 01639 686268

Jodie Barnett
j.barnett1@npt.gov.uk 01639 763563

Dayna James
d.james3@npt.gov.uk 01639 686961

Kirsty Thomas (Sickness Taskforce)
k.thomas@npt.gov.uk 01639 763705

Chris Walsh
c.walsh@npt.gov.uk 01639 763408

Stephanie Evans HR Manager
s.evans2@npt.gov.uk

In the event of a designated member of the HR team being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required.

In addition to the above, there is a generic e-mail that schools can use to ask for general advice and support – **hr.education@npt.gov.uk** which is staffed during working hours.

9. Period of Agreement

1st September 2023 to 31st March 2025

HR Services

The Human Resources Division is a resource for the provision of specialist HR advice and support, including putting in place the necessary employment framework, e.g. employment policies, procedures, advice and training, to support Head teachers to maximise the performance for their employees. HR also directly assists with the most difficult aspects of managing people.

The HR Manager and HR Officers will provide professional HR advice and support in the following areas of workforce related activity, always having regard to agreed priorities:

1. Recruitment and selection
2. HR advice in relation to safeguarding in employment, including child protection processes
3. HR advice in relation to employment contracts
4. Employment legislation and conditions of service for teachers and support staff, including contractual documentation, the Local Government Pension Scheme and the Teacher Pension Scheme.
5. Maximising attendance at work
6. Discipline, Grievance, Dignity at Work, Capability and Performance Management processes
7. Employee relations, including support in relation to trade union and teaching association consultation and negotiations
8. Equality of opportunity in employment
9. Termination of employment
10. Occupational Health Unit support, including health surveillance, health monitoring, safety critical and statutory medicals, lifestyle screening health promotion, pre-placement screening, immunisations, work station assessments and maximising attendance at work advice referral service.
11. Health and Safety support in accordance with the BSI OHSAS 18001 Safety Management System.
12. iTrent HR Database
13. Provision of employment related training

A small core team of HR staff will provide the above services, supplemented with support from the wider HR team as necessary.

The service is not open-ended and an ongoing dialogue between LLAN and the Head of People and Organisational Development will enable the HR team to prioritise and plan the HR work programme to ensure that the resources available to Primary Schools can be used to best effect.

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Human Resources Service Level Agreement Secondary Schools

www.npt.gov.uk

**Service level agreement for the provision of HR services to Secondary
Schools 2023-2025**

Purpose

To provide NAASH representatives with a draft service level agreement for the provision of HR services to Secondary Schools within Neath Port Talbot County Borough Council. This draft is provided to promote discussion so that the general requirements for HR support can be agreed, as well as specific priorities for 2023-2025.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services . All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

Head teachers will be aware of the financial challenges which the Council have faced over the last 10 years which has resulted in a reduction across the HR team. As a result of this, it is more important than ever that the work of the team is planned and focused on the priorities of service users to ensure that the available resources are used in a way that is most effective and where the team can add the most value.

Scope of services provided

The four HR teams, set out below, provide a range of workforce related services across the Council to a number of service users and stakeholders:

- Human Resources
- Training, Learning and Development
- Occupational Health & Safety Team
- Emergency Planning Team

Suggested priorities for 2023-2025

Suggested priorities are set out in the attached draft service level agreement. NAASH are asked to provide feedback in relation to the suggested priorities with a view to agreeing a programme of work for the HR team that will best support Head teachers in from 2023-2025.

Agreement

Agreed at NAASH meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

Telephone: 01639 763315

Service Level Agreement for the provision of HR services

1. Service Provider

HR Division
Neath Port Talbot County Borough Council
The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees
Tel: 01639 763315
Email: s.rees5@npt.gov.uk

2. The Client

Head teachers and Governing Bodies of Secondary Schools in Neath Port Talbot County Borough Council

3. Service Specification

The services to be provided under this Agreement are outlined in Appendix 1 to this Agreement.

These services will be provided to support the Client in better managing and developing the Neath Port Talbot Primary School workforce, leading to improved outcomes for all pupils.

These services will comprise a combination of (a) responses to requests for advice and other HR support, along with (b) a pre-planned programme of work which reflects priorities determined by the Client.

The priorities for the 2023-2025 period are as follows:

Employment policies:

- Schools Grievance Procedure
- Schools Dignity at Work Procedure
- Schools Disciplinary Policy and Procedure
- Capability Policy
- Schools Pay Policy

Employee relations:

- Provision of advice and guidance in the event of any industrial action
- Support and advice in relation to Employment Tribunal cases
- Support and advice at negotiating and consultation forums, ELLL Negotiating Forum, Education JCG, Education, Health and Safety Committee

- Attendance and HR advice on policy and process at Staff Disciplinary and Dismissal Committees and Staff Disciplinary and Dismissal Appeal Committees

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- Continue to utilise the electronic process for administering Disclosure and Barring Service checks, in collaboration with Powys Council, improving efficiency of safe recruitment pre-employment checks.
- Continue to provide training and guidance support to Schools to promote a culture of safe recruitment and safe employment practice.
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- 2023-2025 Budget – ongoing HR support from 1st September 2023 onwards for all schools implementing staffing changes to achieve a balanced budget
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- Specific topics and events to be in accordance with NAASH priorities and delivered as agreed by the Chair of NAASH.
- Safeguarding in Schools Training to continue to be delivered bi-annually in conjunction with the Education Safeguarding Officer during the 2023-2025 period.
- Training in relation to Sickness Absence management, the Schools Disciplinary Procedure and Redundancy Procedure to be provided annually and also on an ad-hoc basis as necessary.

Maximising Attendance at Work

- Ongoing support from the HR team and the Occupational Health Unit to support Head teachers and Governing Bodies to manage and reduce the incidence of sickness absence in the school workforce.
- Specific Long Term Absence Management Support, funded by schools to be agreed via a separate Service Level Agreement

Recruitment and Resourcing

- Advice in relation to the Council's Safe Recruitment Policy
- Advice in relation to the recruitment process
- Advice on employment contracts

4. Response Arrangements

- (i) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (ii) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (iii) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;
- (iv) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide any additional service required at other times, with reasonable notice, particularly in relation to the annual cycle of budget-related staffing changes.

5. Monitoring arrangements

- (i) Summary details of the service provided by the HR team will be monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (ii) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

6. Review Procedure

This Agreement will be reviewed every 2 years to consider its operation and to agree any changes required about any aspect of this Agreement.

7. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

8. HR Service Contact details

HR Officer c2@npt.gov.uk contacts for schools are provided below:-

Carla Banham
c.banham@npt.gov.uk 01639 763568

Maureen Treharne (Mon/Tue/Wed)
m.treharne@npt.gov.uk 01639 686268

Jodie Barnett
j.barnett1@npt.gov.uk 01639 763563

Dayna James
d.james3@npt.gov.uk 01639 686961

Kirsty Thomas (Sickness Taskforce)
k.thomas@npt.gov.uk 01639 763705

Chris Walsh
c.walsh@npt.gov.uk 01639 763408

Stephanie Evans – HR Manager
s.evans2@npt.gov.uk

In the event of a designated member of the HR team being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required.

In addition to the above, there is a generic e-mail that schools can use to ask for general advice and support – **hr.education@npt.gov.uk** which is staffed during working hours.

9. Period of Agreement

1st September 2023 to 31st March 2025

HR Services

The Human Resources Division is a resource for the provision of specialist HR advice and support, including putting in place the necessary employment framework, e.g. employment policies, procedures, advice and training, to support Head teachers to maximise the performance for their employees. HR also directly assists with the most difficult aspects of managing people.

The HR Manager and HR Officers will provide professional HR advice and support in the following areas of workforce related activity, always having regard to agreed priorities:

1. Recruitment and selection
2. HR advice in relation to safeguarding in employment, including child protection processes
3. HR advice in relation to employment contracts
4. Employment legislation and conditions of service for teachers and support staff, including contractual documentation, the Local Government Pension Scheme and the Teacher Pension Scheme.
5. Maximising attendance at work
6. Discipline, Grievance, Dignity at Work, Capability and Performance Management processes
7. Employee relations, including support in relation to trade union and teaching association consultation and negotiations
8. Equality of opportunity in employment
9. Termination of employment
10. Occupational Health Unit support, including health surveillance, health monitoring, safety critical and statutory medicals, lifestyle screening health promotion, pre-placement screening, immunisations, work station assessments and maximising attendance at work advice referral service.
11. Health and Safety support in accordance with the BSI OHSAS 18001 Safety Management System.
12. iTrent HR Database
13. Provision of employment related training

A small core team of HR staff will provide the above services, supplemented with support from the wider HR team as necessary.

The service is not open-ended and an ongoing dialogue between NAASH and the Head of People and Organisational Development will enable the HR team to prioritise and plan the HR work programme to ensure that the resources available to Secondary Schools can be used to best effect.

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Service level agreement for the provision of the HR service in relation to Maximising Attendance of Staff in Schools (The Sickness Taskforce)

Purpose

To provide NAASH and LLAN representatives with a service level agreement for the provision of HR services to Primary, Secondary and Special Schools within Neath Port Talbot County Borough Council.

Background information

The HR team is led by the Head of People and Organisational Development, who reports directly to the Director of Strategy and Corporate Services. All key HR activities are planned and delivered in consultation with Corporate Directors and Heads of Service.

In March 2016, a HR Officer was appointment to the 'Schools Sickness Taskforce'. This HR Officer developed the procedure for managing sickness absence in schools, based on the policy and procedure already available. A Training programme was also developed which started to be rolled out to schools in July 2016 and ran until January 2017.

The programme has been reviewed annually in LLAN and NAASH to report on progress and savings. The programme has been deemed to be worthwhile and has made savings in some years.

There is one HR Officer dedicated to supporting the Schools Sickness Taskforce, funded by the schools.

Agreement

Agreed at NAASH meeting on Date TBC

Agreed at LLAN meeting on Date TBC

Contact

Sheenagh Rees, Head of People and Organisational Development

Email: s.rees5@npt.gov.uk

SERVICE LEVEL AGREEMENT
FOR THE PROVISION OF
HUMAN RESOURCE SERVICES
IN RELATION TO MAXIMISING ATTENDANCE OF STAFF IN SCHOOLS
(THE SICKNESS TASKFORCE)

Service level agreement for the provision of the HR service in relation to Maximising Attendance of Staff in Schools (The Sickness Taskforce)

1. Service Provider

HR Division

Neath Port Talbot County Borough Council

The Quays, Brunel Way, Briton Ferry, Neath SA11 2GG

Head of People and Organisational Development – Sheenagh Rees

Tel: 01639 763315

Email: s.rees5@npt.gov.uk

2. The Client

Head teachers and Governing Bodies of Schools in Neath Port Talbot County Borough Council

3. Service Specification

The services to be provided under this Agreement in relation to Maximising Attendance of Staff in Schools are outlined below:

- Provide Training to Headteachers and Chairs of Governors in relation to the process and procedure for Maximising Attendance of Staff in Schools.
- Monitor long term absences within Schools and prompt and advise Headteachers and Governors on the Maximising Attendance at Work Policy for Schools, as appropriate.
- Advise and assist in implementation of early intervention and support strategies.
- Advise and accompany Headteachers and Governors at formal meetings.
- Provide advice and attendance at OHU Case Conferences and Ill Health Retirement procedures
- Advise on sickness absence communication and correspondence.
- Ensuring Policy and Procedure are legally compliant and reviewed when necessary.
- Advise Headteachers and Governors on the application of terms and conditions in relation to Sickness Absence in schools.

4. Response Arrangements

- (i) Matters requiring an urgent response will be given priority over other requests for advice or support, with an initial response made at the earliest opportunity;
- (ii) Responses to non-urgent matters will be made as soon as reasonably practical having regard to the nature, scope and complexity of the matter to be addressed;
- (iii) In all cases, the impact or potential impact of the issue concerned will be clarified by the Head teacher so that the urgency of response required can be properly assessed;
- (iv) The HR service described in this Agreement will typically be available from 8.45 a.m. to 5.00 p.m. Monday to Thursday, and 8.45 to 4.30 Fridays, but every effort will be made to provide any additional service required at other times, with reasonable notice..

5. Monitoring arrangements

- (i) Summary details of the service provided by the HR Officer as part of the Sickness Taskforce will be reported to and monitored by the Service Provider and will be discussed with the Client as part of agreed annual review procedures;
- (ii) Any concerns arising on the part of the Client or Service Provider regarding the operation of this Agreement should be highlighted as soon as possible so that the matter causing concern can be addressed at the earliest opportunity.

6. Review Procedure

This Agreement will be reviewed every 2 years in the Autumn term, to consider its operation and to agree any changes required about any aspect of this Agreement. The current funding arrangement is in place until 31st August 2024.

7. Procedure for Dispute Resolution

The parties to this Agreement will undertake to use their best endeavours to resolve any dispute arising, in the first instance, by mutual consultation. Exceptionally, if the matter still cannot be resolved, the parties will engage a third party agreeable to both sides to arbitrate, the resultant decision being binding on both parties.

8. HR Service Contact details

The HR Officer allocated to the Schools Sickness Taskforce is currently Kirsty Thomas – k.thomas@npt.gov.uk, 01639 763705. Should this change, all parties will be notified as soon as is practicable. In the event of the HR Officer allocated to the Schools Sickness Taskforce being unavailable, for whatever reason, an appropriate substitute HR colleague will provide the service or response required within reasonable timescales.

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Education, Skills and Wellbeing Cabinet Board

28th September, 2023

Report of the Head of Education Development – Chris Millis

Matter for information

Wards Affected: All

PUPIL EXCLUSIONS FROM SCHOOLS

Purpose of the Report

1. To provide Members with information and data in relation to pupil exclusion rates for Neath Port Talbot schools for the 2022/23 academic year.

Background

2. Pupils can only be excluded from school for disciplinary reasons. They cannot be excluded because a school cannot meet their needs or for something which their parents did or did not do. Only the headteacher can make a decision to exclude a pupil. Pupils should be given an opportunity to present their case before this decision is made.
3. The Welsh Government guidance document "Exclusion from schools and pupil referral units" states that "a decision to exclude a learner should be taken only in response to serious breaches of the school's behaviour policy and if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school".

4. There are two types of exclusion: permanent and fixed. Any exclusion of a pupil, even for a short period of time, must be formally and accurately recorded. 'Informal' or 'unofficial' exclusions, such as sending a pupil home to cool off are unlawful. Unlawful exclusion of a pupil with a disability may amount to disability discrimination under the Equality Act 2010.
5. A decision to exclude a pupil from school permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. Examples of such reasons might include: serious actual or threatened violence against another pupil or a member of staff; sexual abuse or assault; supplying an illegal drug; use or threatened use of an offensive weapon.
6. Early identification of need along with early intervention should be used to support pupils with social, emotional and behavioural difficulties. This should include: an assessment of whether appropriate support is in place to support any additional learning need or disability that a pupil may have and the use of a multi-agency assessment for pupils who require support with behavioural issues.
7. Exclusions from schools needs to be looked at in the wider context including, adverse childhood experiences, links to poverty, the impact of education funding, reduction in grants, a high number of movers into the area with complex needs and how schools/headteachers are held accountable.
8. A number of headteachers have reported a notable increase in behavioural issues by pupils since their return to school following the Covid pandemic which in turn has had a consequential increase in the number of exclusions issued.

Exclusion Data

9. For the 2022/23 academic year the number of pupils given a fixed exclusion was 760. This is a 39% increase from 2018/19 (last full year pre-Covid) where 545 pupils were given a fixed exclusion.
10. The rise in exclusions from 2018/19 to 2022/23 is markedly different between boys and girls with boys exclusion rates increasing by 22% (93 additional exclusions) and girls by a 92% (122 additional exclusions). Whilst there remain more exclusions of boys than of girls the gap between the two has narrowed significantly from three times as many to twice as many (66% and 33% respectively).

11. There is little difference between FSM and non-FSM pupils in terms of the number of pupils given fixed-term exclusions. This mirrors the position from 2018/19.
12. There is a negligible increase in percentage terms of CLA (Children Looked After) pupils subject to a fixed exclusion; in headcount terms this equates to 49 pupils. The proportion of the number of days CLA pupils are excluded in comparison to the overall total number of fixed days for all pupils has fallen since 2018/19 from 11.2% to 8.6%.
13. The number of pupils with a formal SEN/ALN status (School Action, School Action+, Statemented, School or LA maintained IDP) who received a fixed-term exclusion during 2022/23 fell by 14% compared to 2018/19. This is likely to be a temporary reduction as schools and local authorities across Wales transition to the new requirements of the ALNET system (Additional Learning Needs Education Tribunal).
14. Year's 8, 9, and 10 were the cohort year groups with the highest number of exclusions throughout the year. The same three year groups had the highest number of exclusions in 2018/19.
15. Persistent disruptive behaviour was the reason for the highest number of exclusions during the year. Followed by verbal/threatening behaviour towards an adult. Persistent disruptive behaviour has seen a significant increase since 2018/19 accounting for 597 incidences of exclusions during 2022/23.
16. 47 pupils were permanently excluded from school in 2022/23. This is an increase from 19 the previous year and from 17 during 2018/19.
17. Boys are repeatedly permanently excluded more than girls, however, as with fixed-term exclusions the ratio has reduced from 3:1 in 2018/19 to 2:1 in 2022/23 with a significant increase in the number of girls being excluded. Girls accounted for 50% of all permanent exclusions during 2022/23 whereas they accounted for just 25% of permanent exclusions in 2018/19.
18. There were increases in permanent exclusions of both FSM and CLA pupils, however, the increase of both categories were in proportion to the increase of exclusions across the wider pupil population of both 2018/19 and 2022/23. FSM pupils accounted for 80% majority of permanent exclusions during the year. This follows a similar trend in 2018/19.
19. In a similar vain to the picture of fixed exclusions, the percentage increase of pupils with a formal SEN/ALN status (School Action,

School Action+, Statemented, School or LA maintained IDP) who were permanently excluded was lower than those pupils who did not have any SEN/ALN. This is likely to be a temporary reduction as schools and local authorities across Wales transition to the new requirements of the ALNET system (Additional Learning Needs Education Tribunal). The number of pupils permanently excluded with a formal SEN/ALN status increased by 7 to 22, whilst the number of pupils without increased by 24 to 27.

20. The majority of pupils permanently excluded were in the Year 9 cohort followed by the Year 10 cohort.
21. The majority of the reasons for the permanent exclusions during the 2022/23 year related to physical violence towards a pupil or persistent disruptive behaviour.
22. While the figures present a challenging picture it must be remembered that many schools are doing excellent work to avoid exclusions and support those vulnerable learners and marginalised groups to succeed within our education system.

How do we compare across Wales

23. Exclusion data across Wales has not yet been published for the period up to 2022/23 that this report refers to. The most recent national data available relates to 2020/21, however, Members will be aware that during this period the country was subject to several lockdowns and regular pupil attendance at school was severely affected. The last officially published full year exclusion data, therefore, relates to academic year 2018/19.
24. Welsh Government measures exclusions rates per 1,000 of the pupil population in three areas: permanent exclusions, fixed exclusions over 5 days in length and fixed exclusions less than 5 days in length. Over the three years to 2021/22 Neath Port Talbot has been in the lower half of the Welsh average in all three areas.
25. Anecdotal evidence from officer conversations with colleagues in other local authorities suggests that many other local authorities have seen a significant increase in behavioural issues over the past year or two and exclusion rates have increased across Wales. To what extent is yet to be understood.

Alternatives to avoiding exclusion

26. Exclusion should not be used if alternative solutions are available. Examples include:
- Pastoral Support Programmes (PSPs) for pupils who are not responding to schools' general actions to combat disengagement and disaffection and are in need of longer-term intervention. PSPs are plans for learners to better manage their behaviour and should be drawn up using a multi-agency approach (including the pupil and parents/carers) and reviewed on a regular basis. NPT guidance on PSPs has recently been reviewed and issued to schools and the local authority now has in place a PSP Monitoring Group comprising of senior officers who undertake a critical oversight of individual plans to ensure suitable arrangements are in place and pupils are not on inappropriate reduced timetables.
 - Internal exclusion, which can be used to diffuse situations that occur in school that require a pupil to be removed from class but may not require exclusion from the school premises. The exclusion could be to a designated area within the school where pupils can receive the appropriate support needed and may continue during break periods.
 - Managed move: if a school feels that it can no longer meet the need of a particular pupil, the school may arrange, normally through the LA, for another school to take over the pupil's education. This should only be done with the full agreement of all parties involved, including the parents/carers and the local authority. Schools are responsible for ensuring appropriate transition support is in place.
 - Restorative justice, which gives pupils the opportunity to redress the harm that has been done to a victim and enables all parties with a stake in the outcome to participate fully in the process. All professionals need to be involved in the process and all parties must consent to participate.
 - Access to a more appropriate curriculum that better meets the needs of pupils. This can include vocational training or work placement.
27. Within NPT a great deal of work is being undertaken across services to address pupils' needs more holistically, to remove barriers to learning and address their wider needs. Examples of this include:

- Creation of a new Case Assessment and Progression Team that will identify pupils at future risk of detachment from school and/or those who are struggling with behavioural problems, academic achievement, attendance and exclusion challenges that are already open to more than one service area and who would benefit from a co-ordinated and collective approach to supporting that pupil with solutions that will allow continued engagement.
- Education Transition Workers engaging directly with pupils who need support at key points of transition in order to improve engagement, reduce the risk of exclusion and ensure a successful passage into a new school/placement. The main focus are: Children/young people moving into the LA and in-year transfers with complex needs; Children/young people who have been permanently excluded from school within the LA, and Children/young people who are Looked After and movers into the LA.
- Wellbeing Team & Cynnydd support pupils with social, emotional and behavioural difficulties (SEBD), undertaking direct work with pupils, families and schools, along with training and strategic multi-agency working around areas linked to wellbeing & behaviour. Helping schools and services understand the drivers of behaviour is the most important aspect of this.
- Multi-agency and cross service/directorate working is continually improving and developing, for example education sit on Early Intervention Panel (EIP); Social Services colleagues sit on the Education PSP Monitoring Group and Police continue to share important information regarding domestic incidents involving children via PPNs (Public Protection Notifications).

Financial Impact

28. There is no financial impact associated with this proposal.

Integrated Impact Assessment

29. There is no requirement to undertake an Integrated Impact Assessment as this report is for information purposes only.

Valleys Communities Impacts

30. The report is for information purposes only, however, the exclusion data contained within the report covers all schools across Neath Port Talbot.

Workforce Impacts

31. There are no workforce or staffing issues directly associated with this report.

Legal Impacts

32. There is no legal impact associated with this report.

Risk Management

33. There are no risks associated with this information report, however, Members will be fully aware of the educational risks for those pupils subject to being excluded from school and likewise, the detrimental impact disruptive behaviour has on other pupils wishing to learn.

Consultation

34. There is no requirement under the Constitution for external consultation on this item.

Recommendations

35. That Members note the contents of this report.

Appendices

36. Appendix A: List of schools with individual exclusion rates.

List of Background Papers

37. None.

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Appendix A

Academic Year 2022/23				
School Name	Number of Fixed Term Exclusions	Number of Fixed Term Exclusions per 100 pupils	No. of Pupils given Fixed Exclusions per 100 pupils	No. of Days per 100 pupils
Abbey Primary				
Alderman Davies Church-in-Wales Primary	2	0.7	0.3	1.7
Alltwen Primary				
Awel y Môr Primary				
Baglan Primary				
Blaenbaglan Primary				
Blaendulais Primary	7	6.4	1.8	22.3
Blaengwrach Primary	1	0.7	0.7	1.8
Blaenhonddan Primary				
Bryncoch Church-in-Wales Primary				
Catwg Primary				
Central Primary	6	1.3	0.6	4.3
Cilffriw Primary				
Coed Hirwaun Primary				
Coedffranc Primary				
Creunant Primary				
Croeserw Primary	17	10.8	5.1	10.8
Crymlyn Primary				
Crynallt Primary	58	14.2	2.4	18.1
Cwmafan Primary	5	1.2	1.0	3.3
Cwmnedd Primary	3	1.6	0.5	3.1
Cymer Afan Primary	1	1.0	1.0	0.5
Eastern Primary	13	7.3	3.4	13.8
Glyncorwg Primary				
Gnoll Primary				
Godre'rgraig Primary	2	1.6	0.8	3.1
Llangiwig Primary	1	1.0	1.0	0.5
Maesmarchog Community Primary	1	1.0	1.0	1.0
Melin Primary				
Pen Afan Primary				
Rhos Primary				
Rhydyfro Primary	5	3.0	1.8	6.0
Sandfields Primary				
St Joseph's Catholic Infant				
St Joseph's Catholic Junior	1	0.7	0.7	0.7
St Joseph's Catholic Primary	1	0.8	0.8	2.1
St Therese's Catholic Primary				

Tairgwaith Primary	1	1.0	1.0	1.9
Tonnau Primary Community				
Tywyn Primary				
Wauinceirch Primary				
YGG Blaendulais	2	2.1	1.0	6.3
YGG Castell-nedd	7	1.7	0.7	3.2
YGG Cwm Nedd				
YGG Gwaun Cae Gurwen	7	3.6	1.6	7.8
YGG Pontardawe	1	0.3	0.3	0.9
YGG Rhosafan				
YGG Tyle'r Ynn				
YGG Cwmllynfell				
YGG Trebannws	6	5.9	2.9	16.7
YGG Tregeles				
Ynysfach Primary	19	11.3	2.4	19.0
Ysgol Carreg Hir	2	0.5	0.5	0.3
Ysgol Bae Baglan (Yrs 1-6)	5	1.7	1.0	1.5
Ysgol Gymraeg Ystalyfera-Bro Dur (Yrs 1-6)	2	1.4	1.4	2.1
Ysgol Cwm Brombil (Yrs 1-6)	6	2.4	1.2	3.2
Ysgol Bae Baglan	344	28.7	9.7	70.8
Ysgol Gymraeg Ystalyfera-Bro Dur	77	5.5	3.8	8.9
Cefn Saeson Comprehensive	295	34.6	10.8	61.7
Cwmtawe Community School	93	7.9	5.1	33.7
Dwr y Felin Comprehensive	92	8.2	3.9	22.4
Llangatwg Community School	102	13.5	7.4	33.4
St Joseph's Catholic School & 6th Form Centre	279	31.2	10.8	66.6
Ysgol Cwm Brombil	332	29.0	10.8	49.7
Ysgol Hendrefelin	127	82.5	30.5	142.9
Ysgol Maes Y Coed				

Permanent Exclusions

YGG Gwaun Cae Gurwen	1
Cefn Saeson Comprehensive	3
Cwmtawe Community School	8
Dwr y Felin Comprehensive	8
Llangatwg Community School	6
St Joseph's Catholic School & 6th Form Centre	11
Ysgol Bae Baglan	2
Ysgol Cwm Brombil	10

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
EDUCATION SKILLS AND WELLBEING CABINET BOARD

28th September 2023

REPORT OF THE HEAD OF LEISURE TOURISM HERITAGE AND CULTURE

MATTER FOR INFORMATION

WARDS AFFECTED: All

WELSH PUBLIC LIBRARY STANDARDS ANNUAL REPORT 2021-22

Purpose of Report

1. To provide an update to Members for the Library service - Annual Return to Welsh Government, Culture Division in respect of the authorities' library services performance against the current Welsh Public Library Standards (WPLS) Framework 6 and to note feedback, comments and recommendations in the recently issued (July 2023) Welsh Libraries Report 2021-2022.

Executive Summary

2. The current Welsh Public Library Standards (Framework 6) usually consists of 12 Core Entitlements and 16 Quality Indicators, 10 of which have set targets. Due to the impact of COVID which resulted in the disruption and closure of many libraries during the year 2020 – 21, the Annual Return required by Welsh Government to evaluate the library services performance against the WPLS was amended as it was impractical to report against the full framework for that year.
3. Therefore, for 2021-22, the Annual return included a summary of provision against the 12 Core Entitlements, details of achievements against 6 Quality Indicators instead of the usual 16, a narrative report on the strategic direction of the service and case studies which demonstrate the impact of the library service on the public. The Welsh government report is overwhelmingly positive for Neath Port Talbot with all the objectives fully met, a considerable increase in active borrowers and some excellent new initiatives highlighted.

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Background

4. The Annual Assessment Report from Welsh Government, which is usually published in November following the submission of the Annual Return in the previous July, provides a detailed response on the Authorities performance against the current standards framework. There was a slight delay in this year, with the report coming through from Welsh Government in August 2023.
5. As was the case for the 2020-21 Report, for 2021-22, a more general Welsh Libraries Report has been produced by Welsh Government, which in addition to collecting data from all 22 authorities, also captures qualitative information and the experiences of library customers via case studies.
6. Throughout 2021-22 the Library Service was still feeling the effect of the pandemic. Libraries were unable to offer their full range of services and events/activities, and the Service was restricted in what it could deliver across all communities in Neath Port Talbot. Where it could, the Service delivered online sessions and events in place of in-person events.

7. Our Home Delivery Service and Mobile Library continued throughout 2021-22 to deliver reading materials to our most vulnerable residents, providing social interaction and support to those who became isolated.
8. The suspension of book fines was made permanent in 2021-22. In doing so the Service has removed, what is to some, a barrier to access.
9. While libraries were restricted in what they could deliver, staff promoted the wide range of e-resources that were available to residents, and additional content was provided for E books and E Audio services.
10. Towards the end of 2021-22 the Service was beginning to resume a number of its regular activities. In-person visits to schools returned as did a full Song and Rhyme programme for babies and toddlers.
11. Issue and Visitor figures were steadily increasing and staff were engaging and supporting members of the public with enquiries, including one to one assistance.
12. We upgraded our options for printing and included WiFi printing as part of our service. This came about as part of the demand from our users.

Financial Impact Assessment

13. There is no financial impact as a result of the 2021-22 Welsh Public Library Standards Annual Assessment Report (Appendix 1).

Valleys Communities Impact

14. There are no specific Valleys Communities Impacts arising from this report. It should be noted that whilst we recognise the invaluable contribution of volunteers at community managed libraries in Neath Port Talbot, a number of which are in valley communities, we are not able include them in our statutory return.

Integrated Impact Assessment

15. A First Stage Integrated Impact Assessment has been undertaken (Appendix 2) which concludes that a full Integrated Impact Assessment is not required for this report.

Workforce Impact

16. There are no workforce implications as a result of the Welsh Public Library Standards Report.

Legal Impact

17. The Annual Return to Welsh Government ensures the Council complies with its statutory duty to provide a Public Library service as required under the Public Libraries and Museums Act 1964.

Risk Management

18. There are no risk management issues associated with this report.

Consultation

19. There are no requirements for additional external consultation on this item.

Recommendation

20. It is recommended that Members note the contents of Annual Assessment Report 2021-22 and Neath Port Talbot Library Service's Annual Return 2021-22.

Reasons for Proposed Decision

21. No decision required.

Implementation of Decision

22. The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1 – Welsh Public Library Standards Annual Assessment Report and Foreword 2021-22

Appendix 2 – First Stage Integrated Impact Assessment

Appendix 3 – Neath Port Talbot Library Service Annual Return 2021-22

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List of Background Papers

None

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Neath Port Talbot

Overview and location

Neath Port Talbot library service is operated by Neath Port Talbot Council and has eight static service points with one mobile library and a housebound service, plus six community-managed libraries. 90% of the population live within 2.5 miles of a library.

Library service performance

Neath Port Talbot provided evidence that it had fully met all 12 of the core entitlements. The independent assessment confirmed that it had fully met all of the core entitlements.

Core entitlement	Service self-Assessment	Independent assessment
1 Libraries in Wales will be free to join and open to all.	Fully met	Fully met
2 Libraries in Wales will ensure friendly, knowledgeable, and qualified staff are on hand to help.	Fully met	Fully met
3 Libraries in Wales will provide access to a range of services, activities and high-quality resources in a range of formats to support learning, personal well-being and development, community participation, and culture and recreation.	Fully met	Fully met
4 Libraries in Wales will provide appropriate services, facilities and information resources for individuals and groups with special needs.	Fully met	Fully met
5 Libraries will provide appropriate safe, attractive, and accessible physical spaces with suitable staffed opening hours.	Fully met	Fully met
6 Libraries in Wales will lend books for free and deliver free access to information, including online information resources available 24 hours a day.	Fully met	Fully met
7 Libraries in Wales will provide free use of the Internet and computers, including Wi-Fi.	Fully met	Fully met
8 Libraries in Wales will provide access to services, cultural activities and high-quality resources in the Welsh language.	Fully met	Fully met
9 Libraries in Wales will work in partnership to share catalogues and facilitate access to the resources of all Welsh libraries.	Fully met	Fully met
10 Libraries in Wales will work with a range of partners to promote and deliver services to new and diverse audiences, enabling more people to benefit from their services.	Fully met	Fully met

11 Libraries in Wales will regularly consult users to gather their views on the service and information about their changing needs.	Fully met	Fully met
12 Libraries in Wales will provide access to the library service's strategy, policies, objectives, and vision, in print and online, in a range of languages appropriate for the community.	Fully met	Fully met
Total – fully met	12	12
Total – partially met	0	0
Total – not met	0	0

Library use

Over the reporting year, the service had 96 active borrowers per 1,000 population, representing a 78% increase from the previous year. Adult book issues increased by 110% to 968 issues per 1,000 population, while children's book issues increased by 215% to 346 issues per 1,000 population. The use of electronic downloads also remained high.

Highlights

Highlights from the 2021/22 return period included:

- Extensive consultation to scope a new project to create a Makerspace in Port Talbot Library involving staff, library users, schools and colleges, artists, digital experts and designers.
- Permanent removal of fines for overdue items.
- 2021 saw the library service's most successful Summer Reading Challenge programme and a well-attended adult learners' week.
- Staff worked with colleagues in Child Development, Think Family Partnership, Neath Port Talbot Schools and Neath Port Talbot theatres to deliver Welsh Government-funded Winter of Wellbeing activities.
- A Social Media and Promotions group was set up in 2021 to work on various campaigns, marketing and the promotion of libraries. The group proactively worked with colleagues in NHS library services to deliver resources and library messages to staff and patients in local hospitals.

Materials, Welsh language and overall spend

Neath Port Talbot is in the bottom quartile for material spend per 1000 population. 18% of the budget is spent on children's resources which is the median for all services.

Welsh language stock selection policy is reviewed annually, and it changed its supply arrangements in 2021 to partner with a new local supplier to better meet local needs. 7% of the materials budget was spent on Welsh language items, a 4% increase from the previous return period. It is in the third quartile for acquisitions per 1000 Welsh speakers, and the median for issues per 1000 Welsh speakers. It worked with the Books Council of Wales and its reading groups, and introduced Welsh language song and rhyme time with Menter Iaith.

Staffing

The service has 7.5 full-time equivalent (FTE) posts filled by staff with library-related qualifications including the service manager. In addition, three main libraries all have a professionally qualified senior librarian. During 2021/22 Neath Port Talbot resumed face-to-face staff training sessions alongside maintaining opportunities for virtual training and staff spent 0.7% of their time on training. This is less than the previous year due to challenges around sickness, Covid-19 and having to concentrate on keeping branches open. Courses included diversity training, safeguarding, and first aid. Staff have annual performance appraisals to ensure that they are maximising their potential and these ensure the training courses being completed are relevant. The library service has a training budget to ensure that staff are able to continue their professional development. Many staff members enhanced their skills during the reporting period and are now better qualified.

Digital data

Neath Port Talbot provided digital data including online sessions held and number of individuals who viewed live/recorded sessions. It stopped collecting usage data on 'Click and Collect' orders in 2022, however the service remains operational. It provided 56 online sessions during the period which included live school sessions with participants, but the exact number of people is unknown due to large class sizes and attendance not being recorded. Other online content was provided through Facebook and YouTube. In terms of e-issues per 1,000 population, there was a 25% increase, moving its position up into the third quartile this year. Neath Port Talbot provided online health and well-being workshops for Council staff, using online stock on Borrowbox. It provided e-resources including Press Reader which gives access to 7,000 UK and international newspapers and magazines, and instant translation in up to 18 languages.

Future plans

Many of the recommendations from the 2019 Library Review have been implemented and continue to form the basis of future plans including an enhanced, more adaptable mobile library service that will be able to serve more communities and a refurbished home delivery service that will deliver improvements to some of the most vulnerable residents. A major proposal from the 2019 Review was a new central library for Neath. This is now nearing completion as part of Neath's town centre regeneration and was due to open in the autumn of 2022 but will now open early in 2023.

It intends to publish a new Library Strategy in 2023. Port Talbot Library will be developed into a Makerspace.

Case studies

Neath Port Talbot provided four extensive case studies with illustrative user feedback, including how the Service contributes to improving the well-being of children, young children and adults, and can help make people more independent and contribute to the community.

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Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Welsh Public Library Standards Annual Return and Assessment Report 2021-22
Service Area: Leisure, Tourism, Heritage and Culture
Directorate: Education

2. Does the initiative affect:

	Yes	No
Service users		✓
Staff		✓
Wider community		✓
Internal administrative process only	✓	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		✓				This Report does not have any impact on the protected characteristic.
Disability		✓				This Report does not have any impact on the protected characteristic.
Gender Reassignment		✓				This Report does not have any impact on the protected characteristic.
Marriage/Civil Partnership		✓				This Report does not have any impact on the protected characteristic.

Pregnancy/Maternity		✓				This Report does not have any impact on the protected characteristic.
Race		✓				This Report does not have any impact on the protected characteristic.
Religion/Belief		✓				This Report does not have any impact on the protected characteristic.
Sex		✓				This Report does not have any impact on the protected characteristic.
Sexual orientation		✓				This Report does not have any impact on the protected characteristic.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		✓				People's opportunities to use the Welsh language are not affected by this Report.
Treating the Welsh language no less favourably than English		✓				This Report has no impact on whether or not the Welsh language is treated less favourable than English.

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
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To maintain and enhance biodiversity		✓				There will no impact on the ability to maintain and enhance biodiversity.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		✓				There will no impact on the ability to promote the resilience of ecosystems.

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	✓		The Welsh Public Library Standards are an integral part of Welsh Government's management of libraries in Wales and this Report is an essential part of this process.
Integration - how the initiative impacts upon our wellbeing objectives	✓		The effective management of libraries in Neath Port Talbot is an essential component of delivering on the authority's well-being objectives.
Involvement - how people have been involved in developing the initiative		✓	The Report provides an overview of Welsh Government's assessment of Neath Port Talbot Libraries for the period 2021-22 and therefore no other parties are involved in the process.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions		✓	The Report provides an overview of Welsh Government's assessment of Neath Port Talbot Libraries for the period 2021-22 and therefore this sustainable development principle is not applicable to this process.

Prevention - how the initiative will prevent problems occurring or getting worse	✓		The Welsh Public Library Standards annual report provides Council with an evaluation of the Library Service's adherence to its statutory obligations as expressed in the Standards Framework.
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7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion	
<p>This Report provides Members with an evaluation of the Welsh Public Library Standards Annual Return 2021-22 and Welsh Government's assessment of that report.</p> <p>The Report has no impact on any protected characteristic.</p>	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

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	Name	Position	Signature	Date
Completed by	Clare Davies	Library Services Manager	Clare Davies	18/09/23
Signed off by	Chris Saunders	Head of Service/Director	Chris Saunders	18/09/23

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Entitlement	Compliance (please select)	Authority comments
<p>1 Free to join, and open to all.</p>	<p>Fully Met</p>	<p>The Library Service meets its statutory obligation of being free to join and free to access the core range of services of book borrowing and accessing information - this includes access to all our services, both physical and on line and is not restricted to branch library users. Housebound users can join the library and also get access to the full range of resources available via the Home library Library Service. Fines for overdue items were suspended as a result of COVID in March 2020 and have since been permanently abolished, removing a barrier to free and open access for all. Membership of Neath Port Talbot Libraries gives all users access to libraries managed by the Library Service in addition to all community managed libraries in NPT. Users are able to join the library either through their local branch library or via the online joining form. Any visitors, and this would include travellers and the homeless, can take out an introductory membership as a short term measure which gives them full access to all library resources. The only restriction is that they are unable to borrow the full entitlement of books and/or other items. Once they have satisfied the full membership criteria they would be enlisted as a permanent member of the Library Service. The Service is wholly committed to providing activities and resources to all residents and visitors to Neath Port Talbot. Our libraries are set up in a way to ensure that differing user needs are catered for. This includes providing child friendly spaces for children and their families/carers. An important feature for us in the new Neath Library project is enhancing the children's area of the library.</p>
<p>9 Ensure friendly, knowledgeable and qualified staff are on hand to help.</p>	<p>Fully Met</p>	<p>The Library Service conducted a full user survey in February 2019. What the results from this survey showed was that the public value both the library service and library staff very highly. Annual performance appraisals are completed for all staff to ensure that they are fully able to maximise their potential and continue their professional development. Ensuring training is up to date and relevant to what staff and users need is a key part of the library training programme. The Library Service has a training budget to ensure that staff are able to continue their professional development and to meet new challenges - none more so than the challenges presented over the last two years. Many staff members have enhanced their skills during the last year and are now better qualified and equipped to carry out their roles. In addition to qualified professional, specialist staff at Library Headquarters, the three main libraries all have a professionally qualified senior librarian backed up by a library staff that boasts a wealth of experience. Moreover, paid library staff are available for 100% of the hours at every service point, ensuring that we are able to maintain a consistent level of delivery at all times. Professional advice and support is made available to community managed libraries and a professionally qualified librarian is always on duty.</p>

Entitlement	Compliance (please select)	Authority comments
<p>3 Provide access to a range of services, activities and resources to support lifelong learning, personal well-being and development, community participation, and culture & recreation.</p>	<p>Fully Met</p>	<p>In contributing to Neath Port Talbot's Corporate priorities, the Library Service remains focused on delivering services and resources in the areas of digital inclusion, health and well being, children's literacy and lifelong learning. These areas of work are vital and are addressed in our Service Recovery Plan for 2022-23. Over the course of 2021-22 we gradually increased our range of activities and events in libraries in line with Covid restrictions at the time. Where we were not able to stage a library based event we ensured the activity took place online. For the most part these were events and activities with schools. In the latter half of 2021-22 we did fully resume physical song and rhyme sessions, local history talks, reading and writing groups and other community engagement events. As part of the Winter of Wellbeing project we staged a wide range of children's events through February and March 2022. In addition, working in tandem with Think Family Partnership we delivered a successful Christmas Santa Song and Rhyme sessions in December 2021. All of these events had well-being, community participation and recreation at the heart of the activity.</p>
<p>Provide appropriate services, facilities and information resources for individuals and groups with special requirements.</p>	<p>Fully Met</p>	<p>A range of services are provided for all individuals and groups with special needs. The Home Library Service (over 600 members) provides books (including large print) and spoken word directly delivered to people's homes. The addition of a new electric vehicle in 2021 has enhanced the efficiency of this service, while ensuring we reduce our carbon footprint at the same time. As a result of the partnership with British Wireless for the Blind users now have access to a range of specially adapted equipment for clients with visual impairments. Digital services enables 24-hour access to information resources as well as ebooks, emagazines and eaudio resources. There is a wide range of assistive technology and hardware available at all Neath Port Talbot managed libraries. Libraries have worked with refugees to assist in their language and technology skills, and have provided support to users who have English as a second language. A collection of resources aimed at people with dementia and their carers is also in place. The Library Service participates in the bibliotherapy scheme for children - Better with Books. The new Mobile Library - a smaller, more versatile vehicle, fully equipped for wheelchair access - has meant that we have been able to meet the needs of even more users in the remote areas of Neath Port Talbot. We trialled a tablet lending scheme in 2021-22 but found that it was competing against many other similar gifting initiatives in Neath Port Talbot. As a result of the trial we have decided to use these tablets to support visitors to the library and demonstrate the range of on line services. Additionally, we have run a project to loan MP3 players to visually impaired people with eaudio books of their choice from our online collection.</p>

Entitlement	Compliance (please select)	Authority comments
<p>5 Provide a safe, attractive and accessible physical space with suitable staffed opening hours.</p>	<p>Fully Met</p>	<p>All eight of our libraries have been refurbished via Welsh Government capital funding grants over the last decade. The work that has been undertaken to enhance the library environment at all static service points is borne out by our survey results with high levels of satisfaction. Opening hours at libraries are reviewed frequently and adjusted to cater for local needs. Planned changes to opening hours at three of our libraries were suspended in 2020-21 but were reinstated in 2021-22. These changes are in direct response to community feedback. Library space has been constantly monitored over the year to ensure compliance with relevant COVID safety measures. Since reopening fully at the beginning of April 2021 there have been no enforced closures of libraries, in spite of considerable staffing challenges. In December 2019 a full review of the Library Service was presented to elected Members. The outcome of this Review was a commitment to a new Neath Library building, relocating it from the present building to the town centre development. This project is now well underway and is due to complete by the end of 2022. In early 2022 we submitted a new bid to the capital funding programme to develop a Makerspace area at Port Talbot Library. As a result of the successful bid Port Talbot Library be revitalised in 2022 providing visitors with a new, exciting facility.</p>
<p>Lend books for free, and deliver free access to information, including online information resources available 24 hours a day.</p>	<p>Fully Met</p>	<p>The free lending and reservation of books remains an important element of our core service. In 2020 we suspended fines for overdue items and in 2021-22 permanently abolished them in recognition of the barrier they present to library users. We continue to provide a free request service for books on order and in stock within Neath Port Talbot libraries and from other library services across Wales (free interlending). This free request service is also extended to the seven community managed libraries. Free access to information remains a core library service available through the internet, our non-fiction stock or reference collection material. This also includes free access to a full range of physical newspapers and magazines, including newspapers (PressReader) and magazines (Libby). The Service has actively promoted Neath Port Talbot's community directory - an online resource for all community information needs and Digital by Choice as well as continuing to support the Passport scheme which opens up academic libraries, including Swansea University, to Neath Port Talbot's library members. The Service actively participates in and supports Books4u, the regional interlending scheme.</p>

Entitlement	Compliance (please select)	Authority comments
<p>7 Provide free use of the Internet and computers, including Wi-Fi.</p>	<p>Fully Met</p>	<p>Using the internet and our public computers, including wifi, at all eight statutory branch libraries is free irrespective of the length of session. There are no charges relating to time used. Library members may use a PC for up to 2 hours daily (bookable, if needed) and additional hours can be requested if there is free space / availability. In 2021-22 we safely managed the reintroduction of our ICT services at all of our libraries. We promote a range of formal and informal IT and digital literacy training and support, provided by library staff and Digital Communities Wales. Over the course of the year we reintroduced a programme of digital training and support at all our libraries. At a number of libraries there are now regular classes and drop-in help sessions to support library users with their digital skills. Any sessions relating to computer use and IT training are advertised internally and externally through a variety of means including adverts, social media, partner organisations and via our website. NPT libraries introduced WiFi printing at all 8 of our libraries during 2021-22 as a direct result of customer feedback during COVID recovery.</p>
<p>Provide access to services, cultural activities and high quality resources in the Welsh language.</p>	<p>Fully Met</p>	<p>Our Welsh language stock selection policy is reviewed annually. As a result we made changes to our supply arrangements in 2021. We have now established a new relationship with a local supplier that will greatly improve our Welsh language books offer and better cater to local community needs. This change contributed to a 136% increase in the spend on Welsh language books and other resoucrs in 2021-22. The Library Service will often liaise with the Books Council of Wales on stock requirements as well as its Welsh language reading groups. We offer a wide range of formats- these include large print, audio books, ebooks, emagazines and eaudio. The Library Service provides a wide variety of material in all formats, both written and digital for all ages in a wide variety of languages. Once we reintroduced our Song and Rhyme sessions we included a series of Sesiwn Ganu events - Welsh language song and rhyme sessions in partnership with Menter Iaith.</p>

Entitlement	Compliance (please select)	Authority comments
<p>9 Work in partnership to share catalogues and facilitate access to the resources of all Welsh libraries.</p>	Fully Met	<p>The Library Service's catalogue has seen much improvement in recent years. Users now get a much better experience featuring images, information about the book and links to reservations similar to those offered by the retail sector. In addition the all -Wales Pori app has benefitted many library users, providing easy access to the library and our stock catalogue from a mobile device. The Library Service works in partnership across South Wales on the Books4u inter lending scheme and also provides access to academic libraries through the Passport scheme. This facilitates open access to university and college libraries within South West Wales. A link to Access to Research is available on the Service's website and staff are encouraged to promote a range of national library services and resources to users. The implementation of the new all-Wales Library Management System allows access to Neath Port Talbot's stock catalogue. We also provide a link to enable residents to easily join the National Library of Wales.</p>
<p>10 Work with a range of partners to promote and deliver services to new and diverse audiences, enabling more people to benefit from their services.</p>	Fully Met	<p>Prior to the pandemic library staff regularly attended a number of external events throughout the County and actively promoted the library service through a number of methods - activities, information sessions, performances and projects. These events promoted the service to both users and non-users through events and programmes including World Book Day, National Libraries Week, Adult Learners Week, Every Child a Library Member, Summer Reading Challenge, Better With Books, Bookstart Week, Margam Park events, Aberafan Beach Festival and Pontardawe Festival. Over the course of the last twelve months we have taken steps to reintroduce much of this work. 2021 saw our most successful Summer Reading Challenge programme and a well attended adult learners week. We have worked with colleagues in Child Development, Think Family Partnership, NPT Schools and NPT theatres to deliver Winter of Wellbeing activities. A NPT library service Social Media and Promotions Group was set up in 2021 to work on various campaigns, marketing and the promotion of libraries. The Group has been proactively working with colleagues in NHS library services to help deliver both resources and the library message to staff and patients in local hospitals. A designated marketing budget is used to promote the library Service during these occasions. The Service has also worked alongside partners to promote and deliver to different audiences - Social Services, Flying Start, Schools, Third Sector. Social media now plays an active role in the communications policy of the Library Service. The Library Service has an Instagram, Facebook and Twitter account as well as a YouTube channel and is currently exploring options for a TikTok account to extend the reach of our marketing to non users.</p>

Entitlement	Compliance (please select)	Authority comments
<p>11 Regularly consult users to gather their views on the service and information about their changing needs.</p>	Fully Met	<p>User and Non-user surveys are usually undertaken every 2 years (February 2019 being the most recent due to Covid restrictions). These seek the views of both adults and children at all eight statutory libraries. In addition, surveys are carried out for specific aspects of the service, such as IT services, opening hours and at external events. We undertook an extensive user consultation exercise in 2021 as part of the application process for the Port Talbot Library Makerspace project. In this we consulted with staff, library users, schools and colleges, artists, IT specialists, neighbouring library services and designers. Users are consulted through feedback forms, social media contact and via Neath Port Talbot's Comments, Compliments and Complaints procedure. Staff also collect anecdotal feedback at a number of external events which enable us to engage with both users and non users. Feedback has led to the upgrading of both computer hardware and software at all libraries in recent years, as well as implementing a WiFi printing service at all libraries during the past year. Following consultation on budget proposals in 2018 an exceptionally high number of responses was received opposing the possible option of transferring or closure of a number of branch libraries. This led to the Library Review which was published in December 2019. Integral to this Review were public meetings with users at all of our libraries together with Elected Members and focus groups with school children at a number of schools. This year, the library service has also engaged with NPT's Youth council as a means of evaluating library services to teenagers. Our next full library user survey is scheduled before March 2023 and the results will be included in our 2023 return.</p>
<p>12 Provide access to the library service's strategy, policies, objectives and vision, in print and online, in a range of languages appropriate for the community.</p>	Fully Met	<p>In 2016 the Service produced a five-year library strategy. This was published in 2016 and can be found on the Library Service's home page in both English and Welsh. The Library Service strategy brought together and updates a number of library policies and outlined the vision and objectives up to 2021 in conjunction the Council's corporate priorities. https://npt.gov.uk/default.aspx?page=15631</p> <p>In consultation with both our former and present Cabinet Members, and with the Head of Service, it was recommended that the existing library Strategy roll over to March 2023 as the aims and objectives outlined are still relevant and related to the Council's overall aims and objectives. Furthermore, given the developments that are taking place both in Neath Port Talbot with work underway to develop a new Culture and Heritage Strategy, and strategic developments across Wales, such as the development of a new Welsh Government Culture strategy and framework 7 of the Welsh Public Library Standards framework, it was decided that producing a new library strategy at this time is not the most prudent of actions. There are also changes emerging in library usage patterns as the service recovers following COVID which will impact on any future strategy.</p>



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL /
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT
TALBOT**

**Education, Skills and Wellbeing Cabinet Board / Bwrdd Cabinet
Addysg, Sgiliau a Llesiant**

28th September 2023

**Director of Education, Leisure and Lifelong Learning /
Cyfarwyddwr Addysg, Hamdden ac Gydol Oes**

Andrew Thomas

Matter for Monitoring

Wards Affected: All Wards

Report Title

Quarterly Performance Management Data 2023-2024 –
Quarter 1 Performance (1st April 2023– 30th June 2023)

Purpose of the Report:

To provide members with quarter 1 performance management data, complaints and compliments for the period 1st April 2023 to 30th June 2023 for Education, Leisure and Lifelong Learning Directorate. This will enable the ESW Cabinet Board to discharge their functions in relation to performance management.

New quarterly performance reports are reported to members from the 1st quarter 2023/24. This new format moves away from the table format that we have previously reported for a number of years to a graph format. The reports will include more cumulative quarterly trend data and have been developed to be visually better, appendix 1 also includes a performance summary doughnut within the cover page.

Members will receive performance scrutiny training during October 2023 which will include a section on the new reports format.

Executive Summary:

28 measures reported in the period. Twelve are improving or achieving target, two are within 5% of previous year's performance and five measures are 5% or more off track. The nine measures are not suitable for comparison in this period are either new performance measures, academic year figures which will be reported in subsequent quarters or measures reported annually.

The 12 measures improving or on target are:

- Provisional school attendance data for academic year 2022/23 shows a slight increase for primary and secondary schools;
- More registered Welsh language childcare spaces;
- Increase in 11-19 year olds in contact with the Youth Service;
- At the end of quarter 1 2023/24, 91% of young people reported an increase in their wellbeing following youth work support;
- 100% (73) of Individual Development Plans (IDP's) issued within statutory timescales excluding exceptions.
- Increased visits to our public libraries and theatres;
- Significant increase in the number of people attending community and school based physical and sport activities;
- More visitors to our leisure centres and an increase in new members;
- Increase in learners on the Jobs Growth Wales plus scheme.

The two measures reporting as Amber and within 5% of previous year's quarter 1 performance are the number of English medium registered childcare spaces available and visits to Margam Country Park.

The five measures reporting as 5% or more below previous year's quarter 1 performance are both permanent and fixed pupil exclusion measures, percentage of Think Family programme participants closing with successful outcomes, Families First participants closing with non-engagement/opting out and Communities for Work Plus outcomes are lower than target.

Background:

Members are presented with a full suite of Education, Leisure and Lifelong Learning KPI's (Corporate Plan and Local KPI's).

A list of quarter 1 key performance KPI's with progress comments on each indicator are attached as appendix 1.

KPI status:

- GREEN (green traffic light) - KPI's that have improved on or achieved target
- AMBER (amber traffic light) - KPI's that have not achieved target but performance is within 5%
- RED (red traffic light) - KPI's that are 5% or more below target

Where available, appendix 1 provides performance data for quarter 1 performance for 2021/22, 2022/23 & 2023/24. The target provided is for the corresponding period.

Appendix 2 provides quarter 1 information for Compliments and Complaints data, collected in line with the Council's Comments, Compliments & Complaints Policy for Cabinet.

Financial Impacts:

The performance described in the report is being delivered against a challenging financial backdrop and reduced budget.

Integrated Impact Assessment:

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

Valleys Communities Impacts:

This impacts all wards.

Workforce Impacts:

The Council's workforce continues to contract as financial resources continue to reduce. In recognition of the scale of change affecting the workforce, a new Corporate Workforce Plan has been developed to support the workforce to adapt to the changes that are taking place.

Legal Impacts:

This Report is prepared under:

The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions".

The Well-being of Future Generations (Wales) Act 2015

The Neath Port Talbot County Borough Council Constitution requires each cabinet committee to monitor quarterly budgets and performance in securing continuous improvement of all the functions within its purview.

Risk Management Impacts:

Failure to provide a suitable monitoring report within the timescales could lead to non-compliance with our Constitution. Also, failure to have robust performance monitoring arrangements in place could result in poor performance going undetected.

Consultation:

There is no requirement under the Constitution for external consultation on this item.

Recommendations:

Members monitor performance contained within this report.

Reasons for Proposed Decision:

Matter for monitoring. No decision required.

Implementation of Decision:

Matter for monitoring. No decision required.

Appendices:

Appendix 1: Key Performance Management Data - Quarterly.

Appendix 2: Compliments and Complaints Data

List of Background Papers:

The Neath Port Talbot Corporate Improvement Plan - 2022-2027

Monitoring forms/spreadsheets

Welsh Government Statistical Releases

Officer Contact:

Neal Place, Performance Management Officer.

E-mail n.place@npt.gov.uk. Tel. 01639 763619

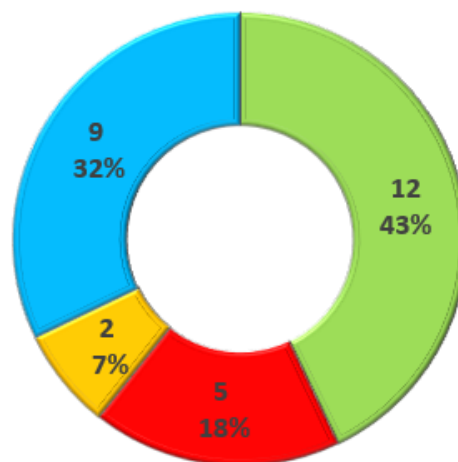
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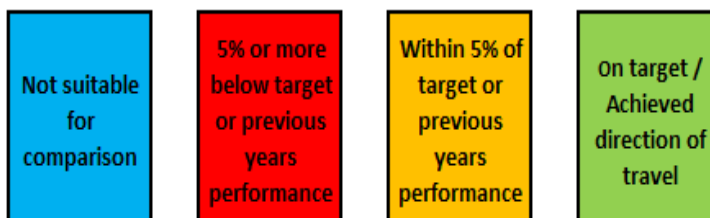
Performance Measures

Appendix 1 - Education, Skills and Wellbeing Cabinet Board -
Quarter 1 (1st April - 30th June) - 2023/24

Performance Measures Summary

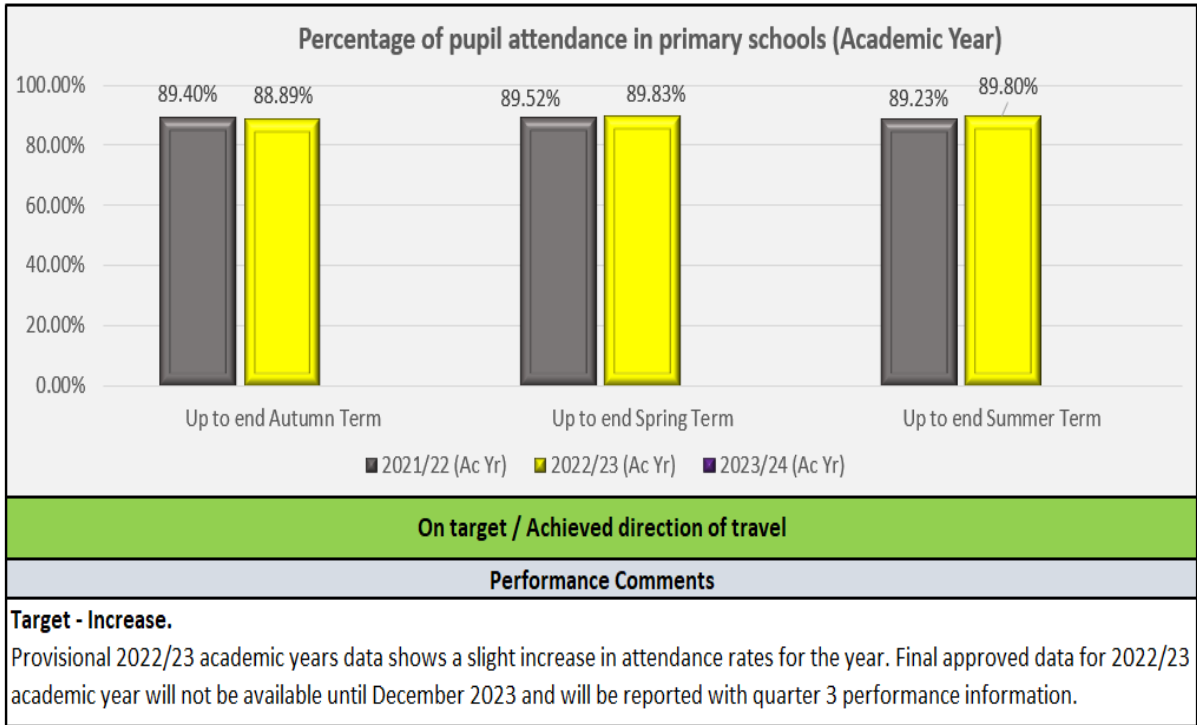


Performance Key BRAG (Blue, Red, Amber, Green)

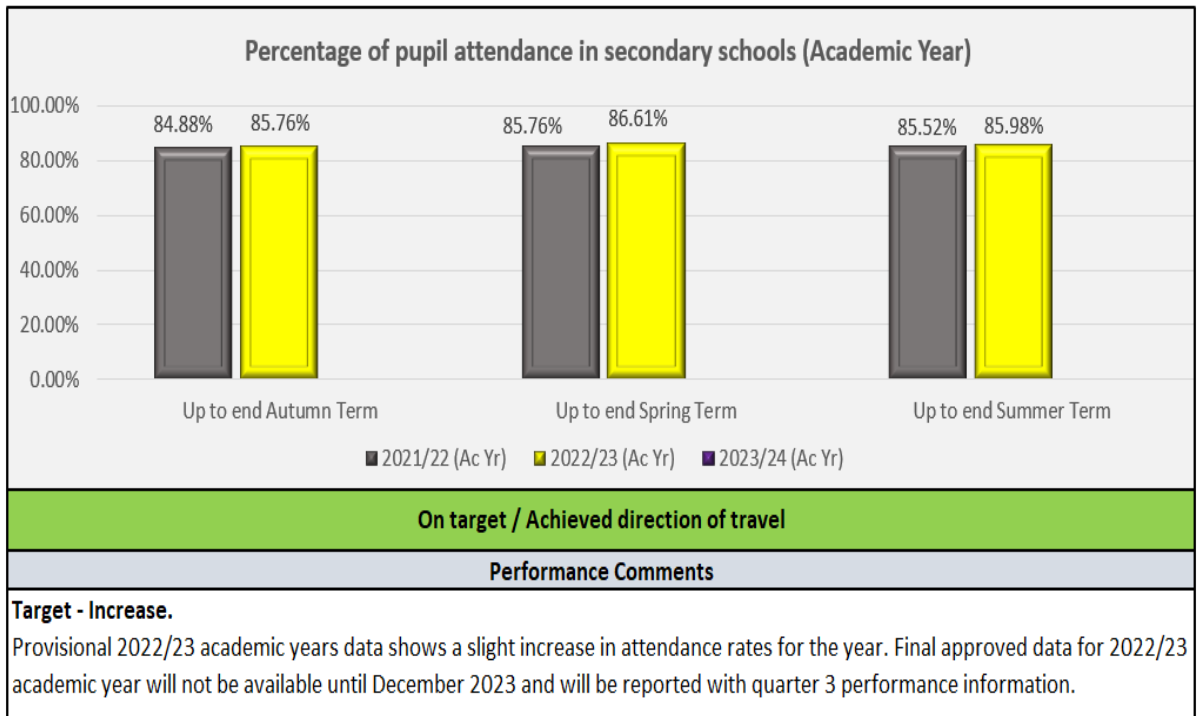


Well Being Objective 1 - Best Start In Life

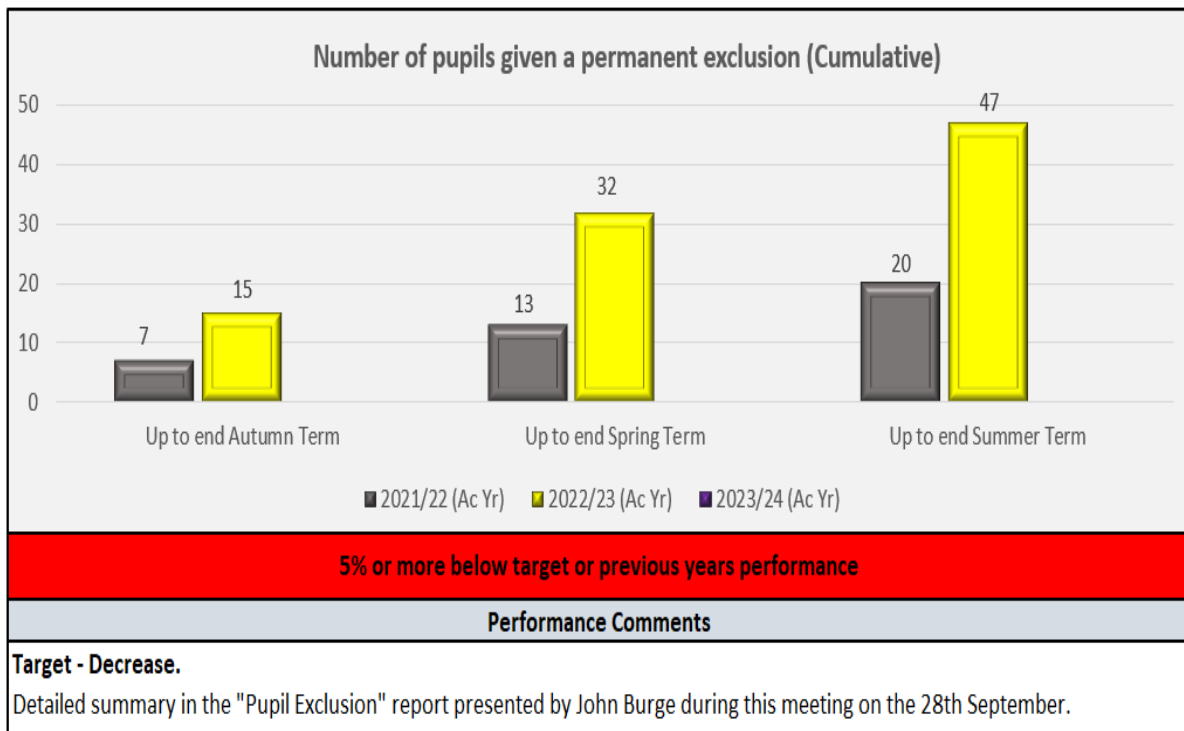
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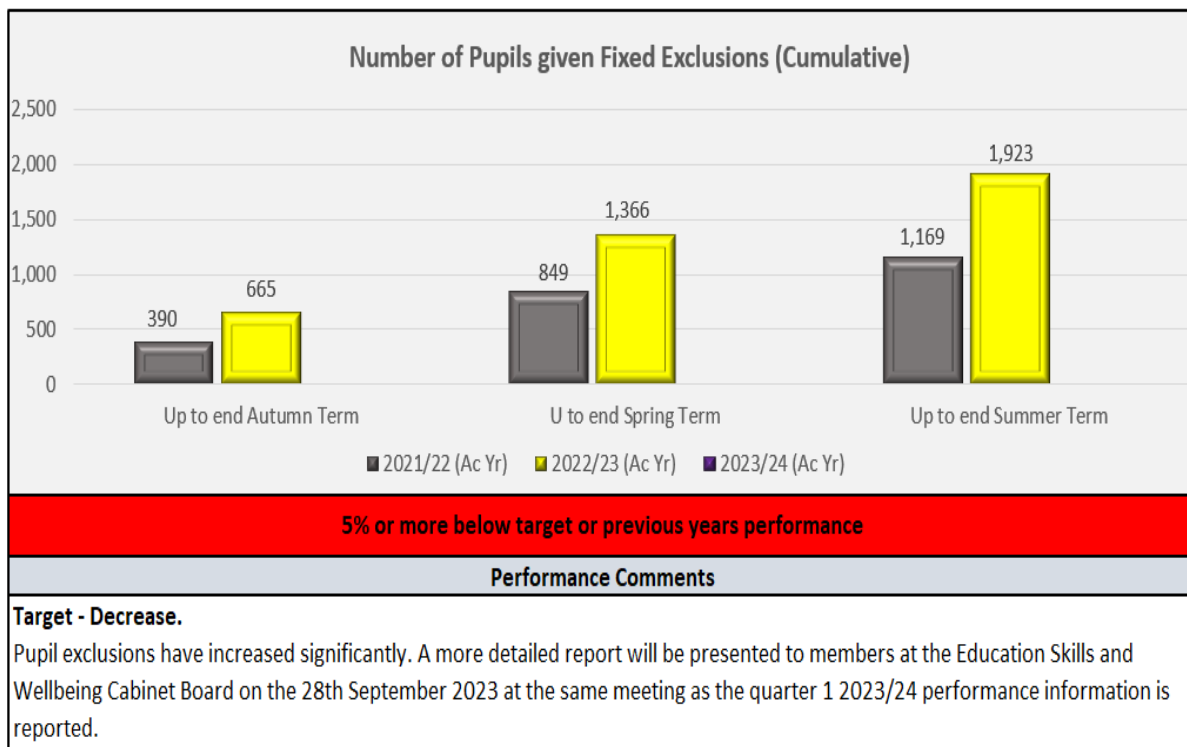
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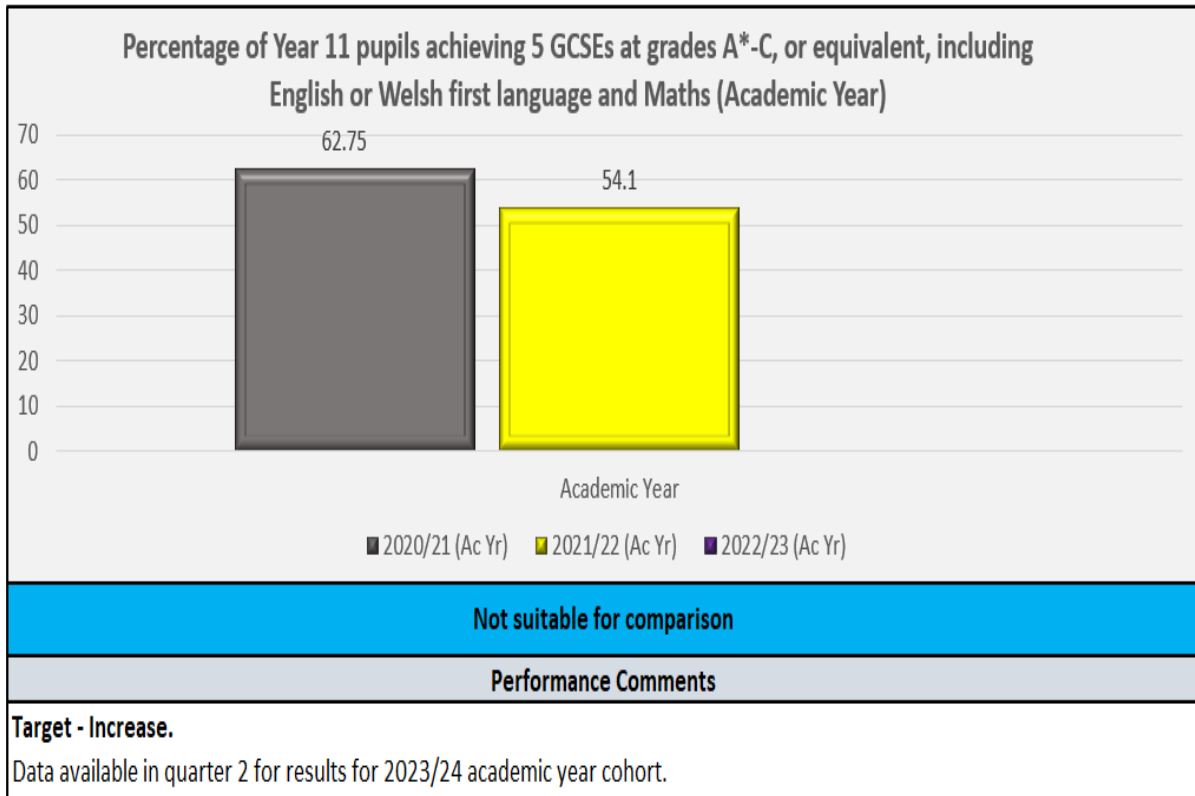
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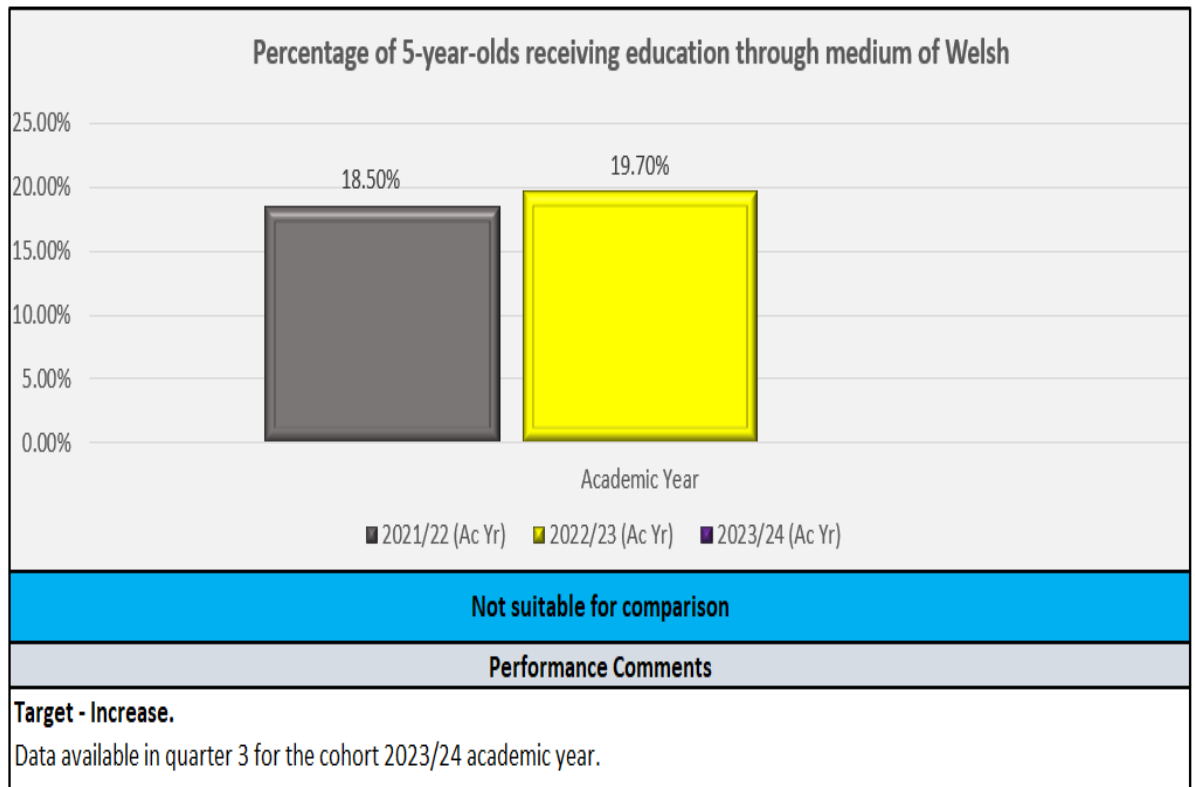
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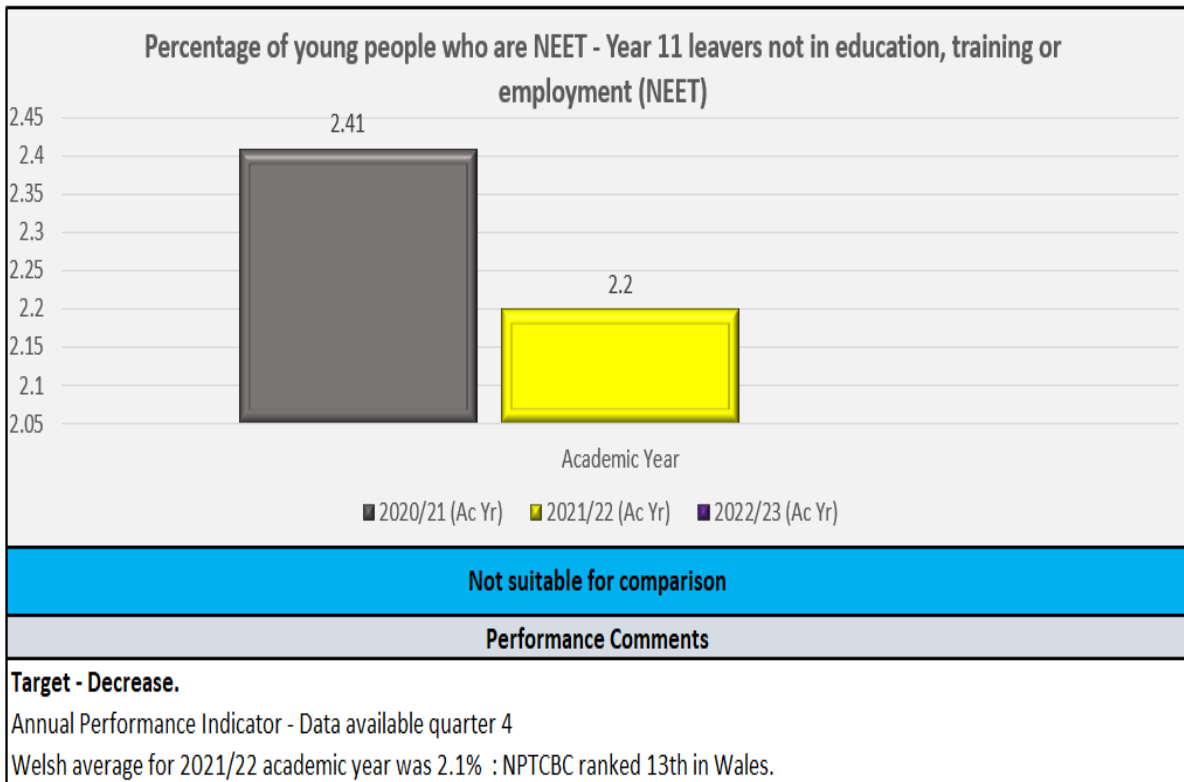
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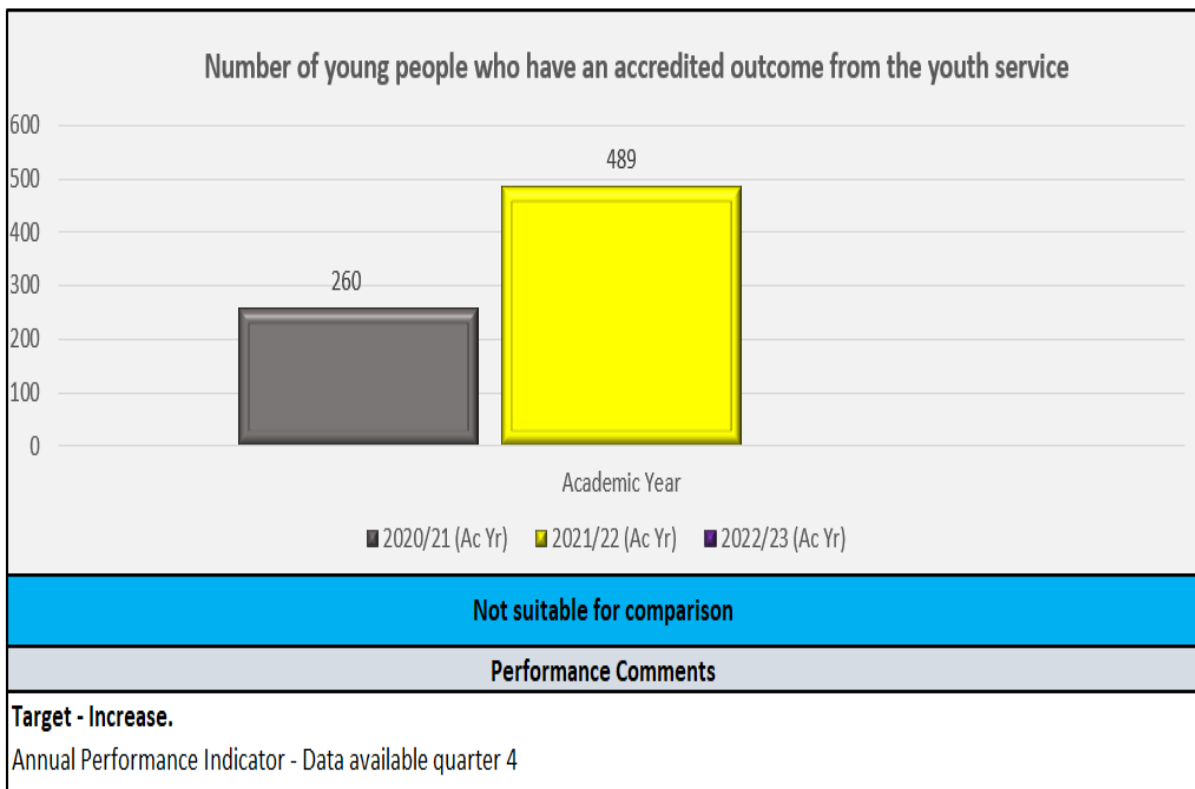
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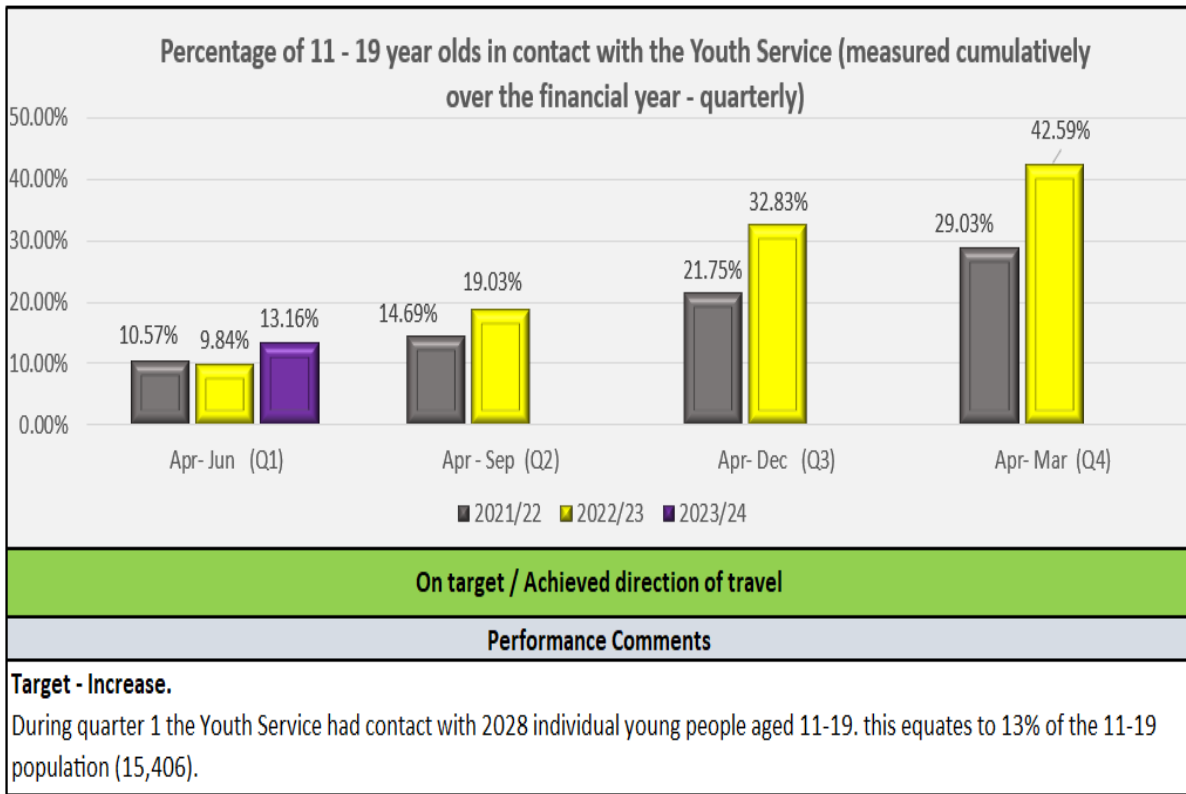
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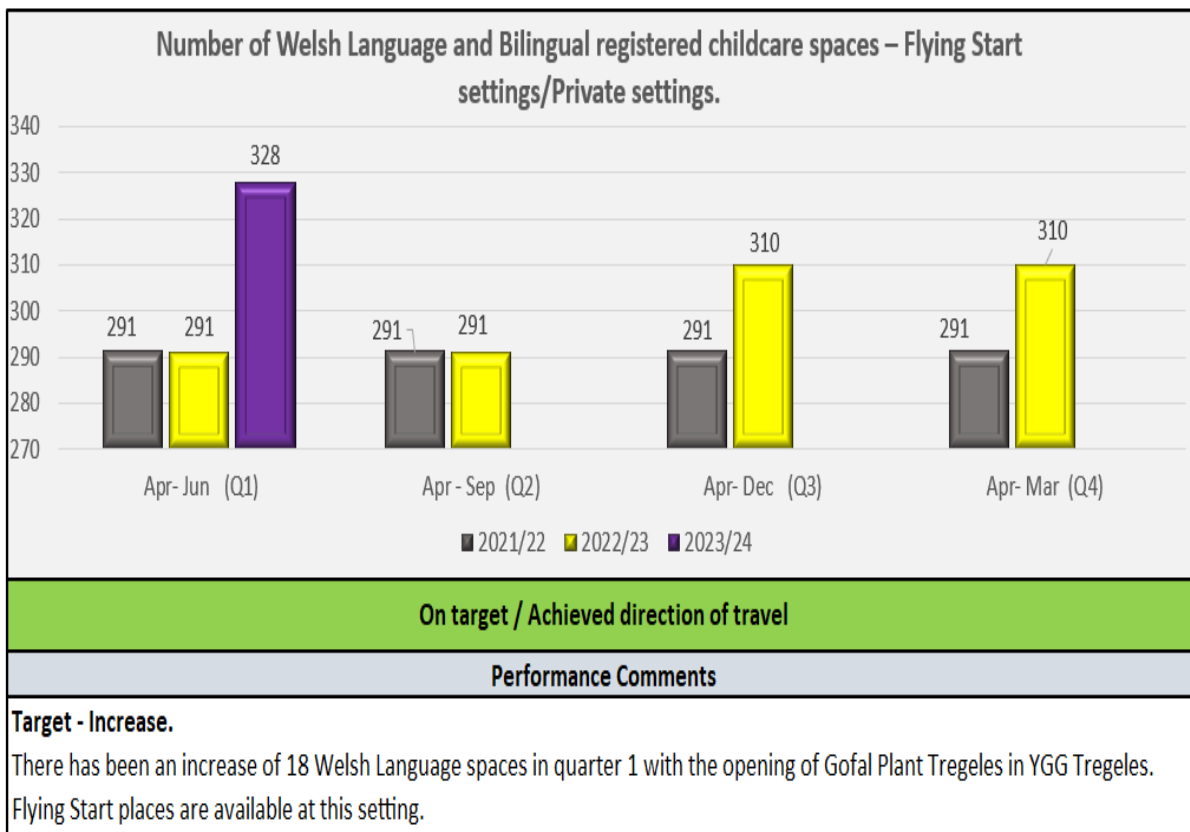
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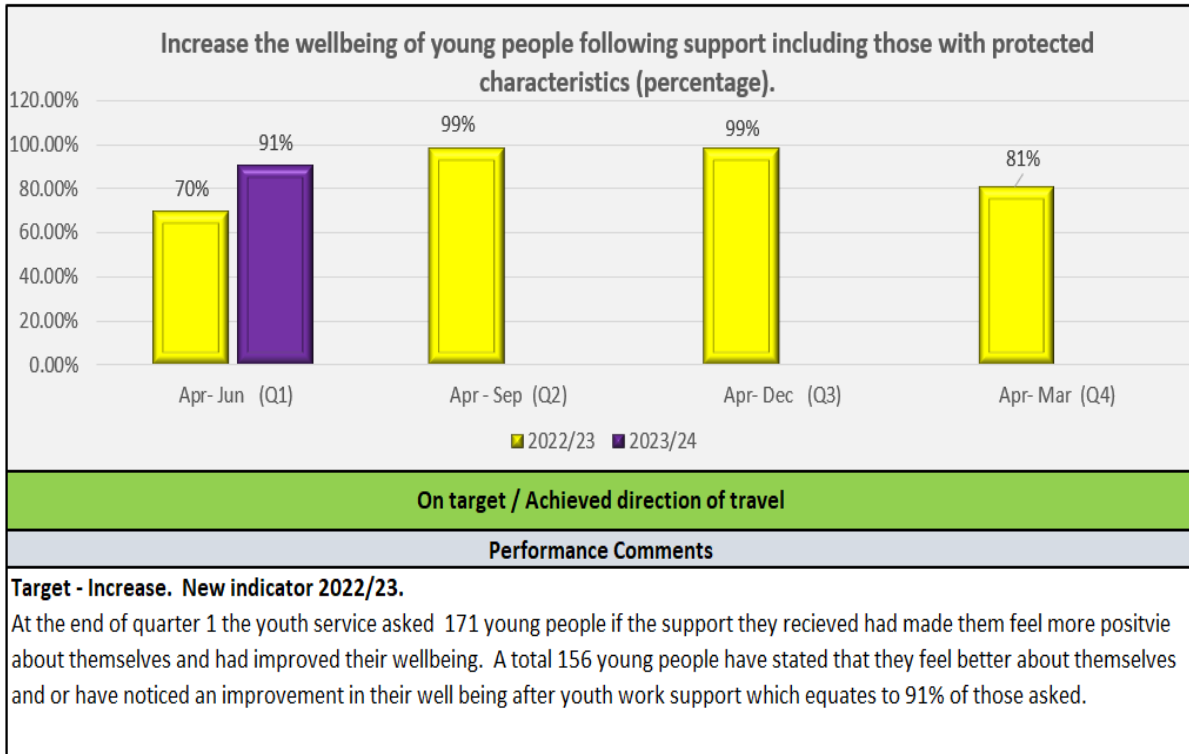
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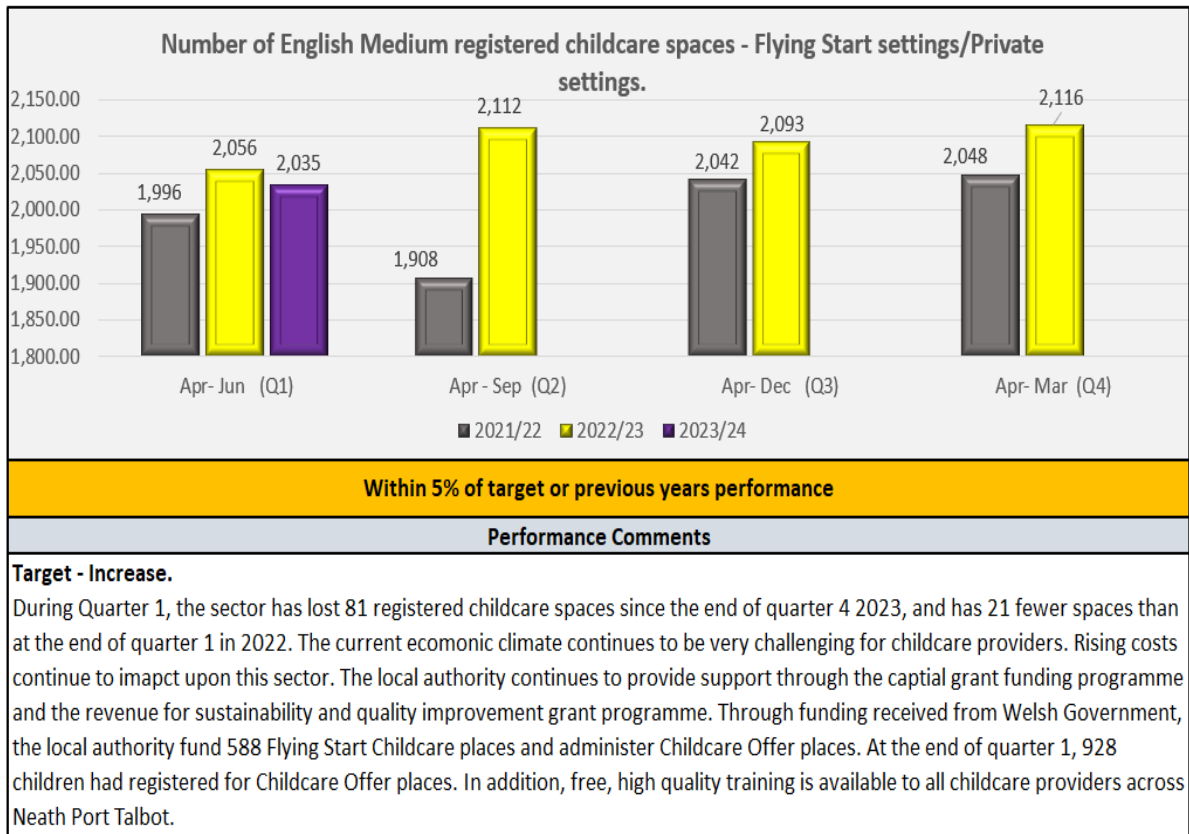
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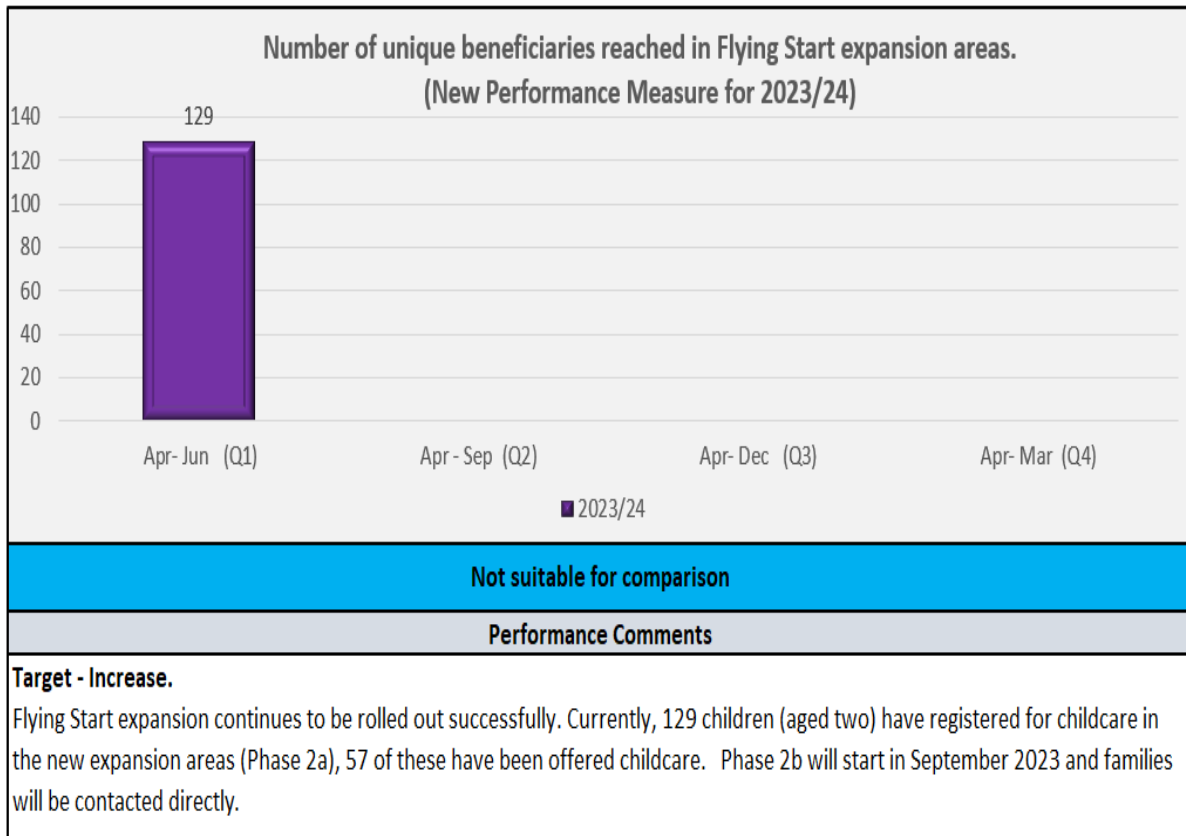
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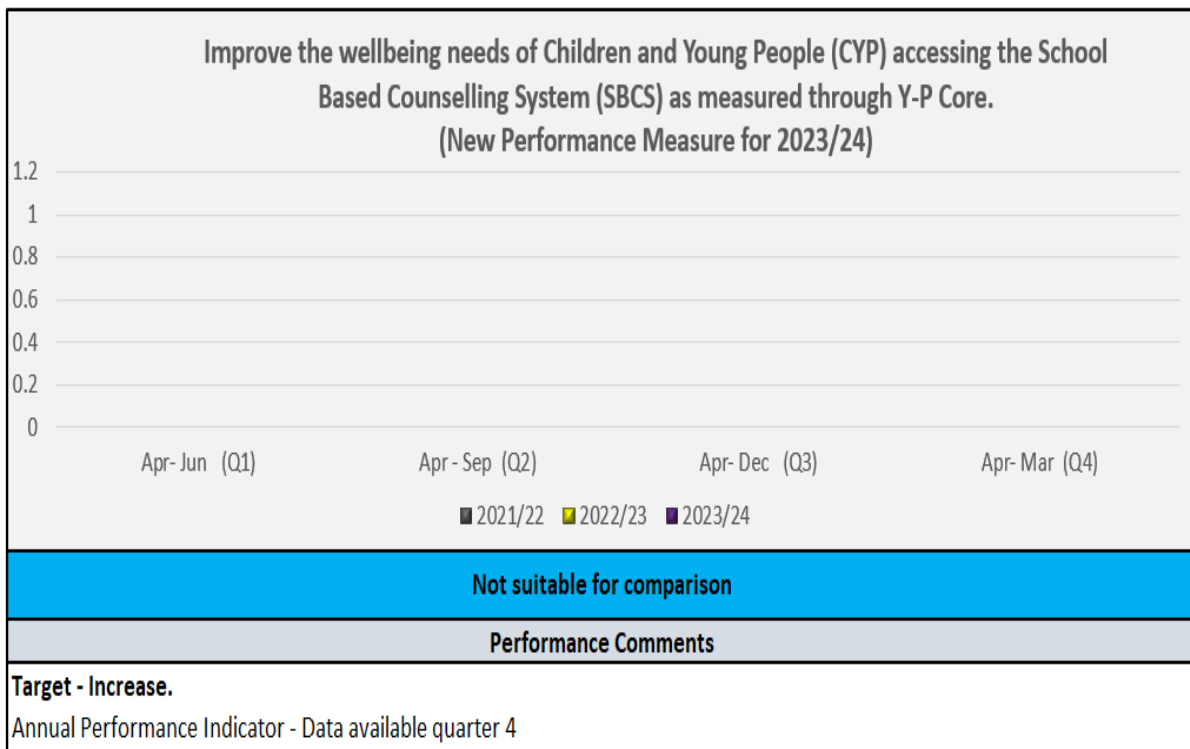
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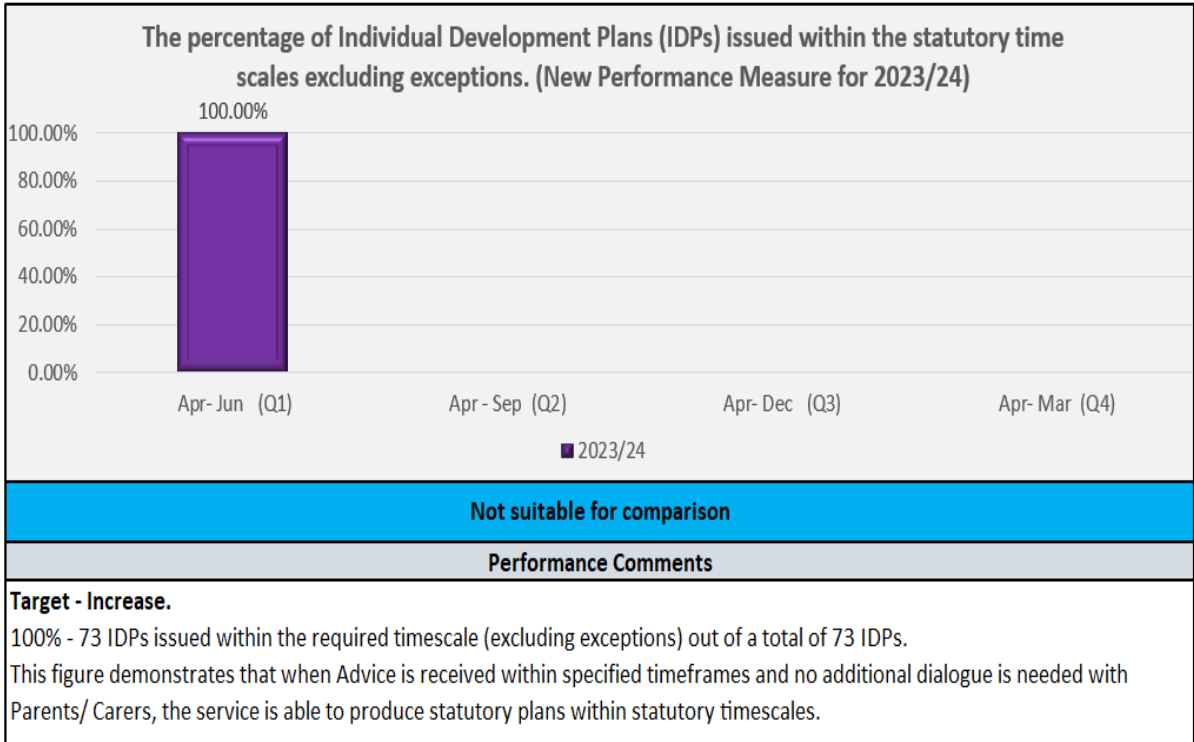
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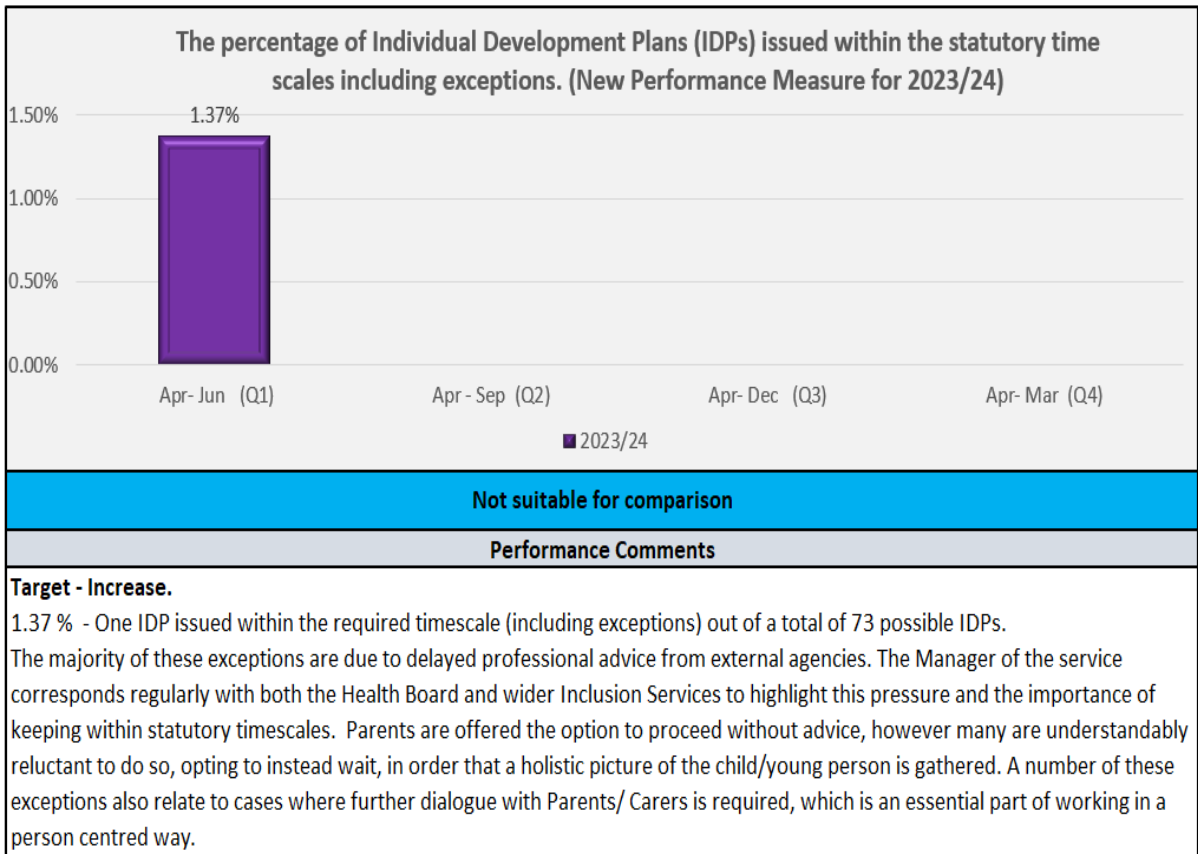
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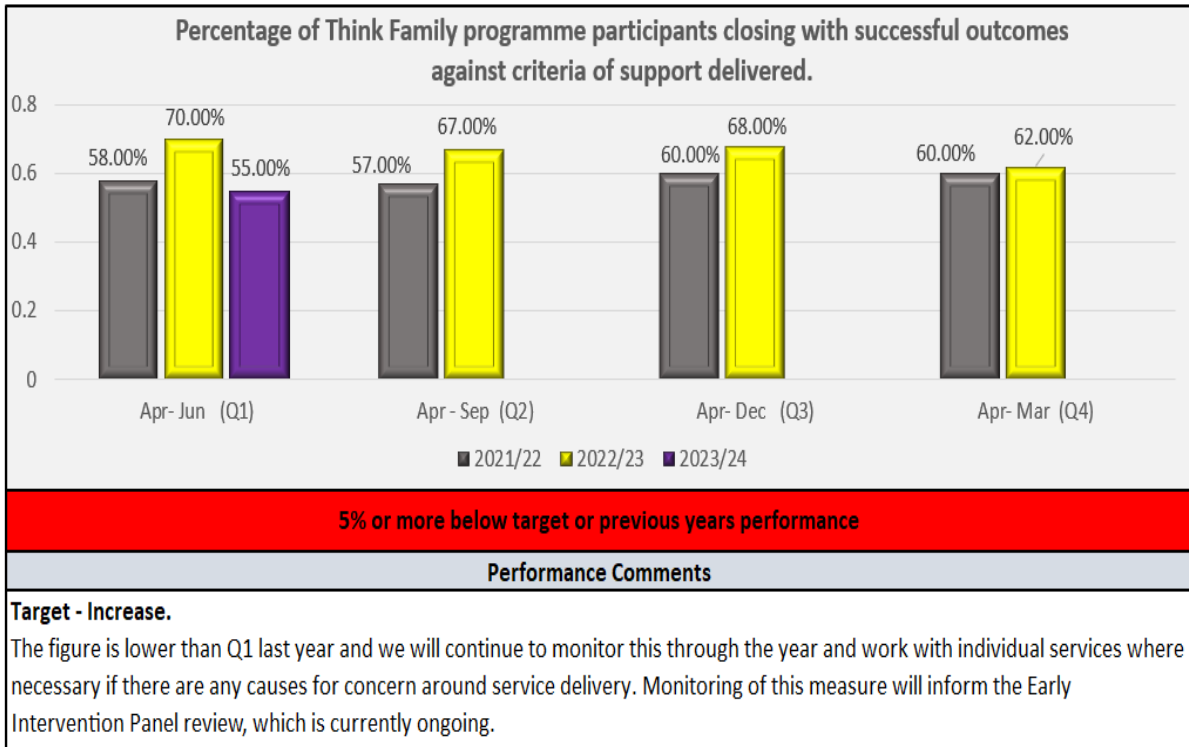
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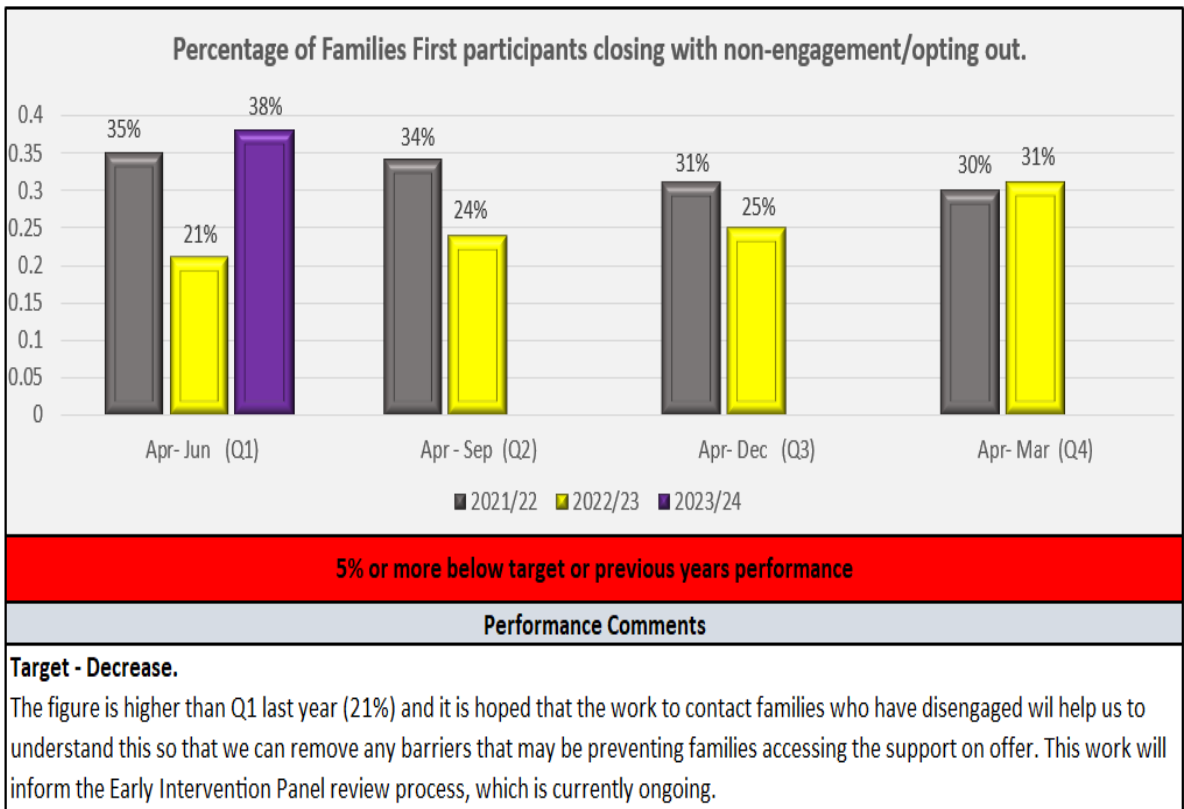
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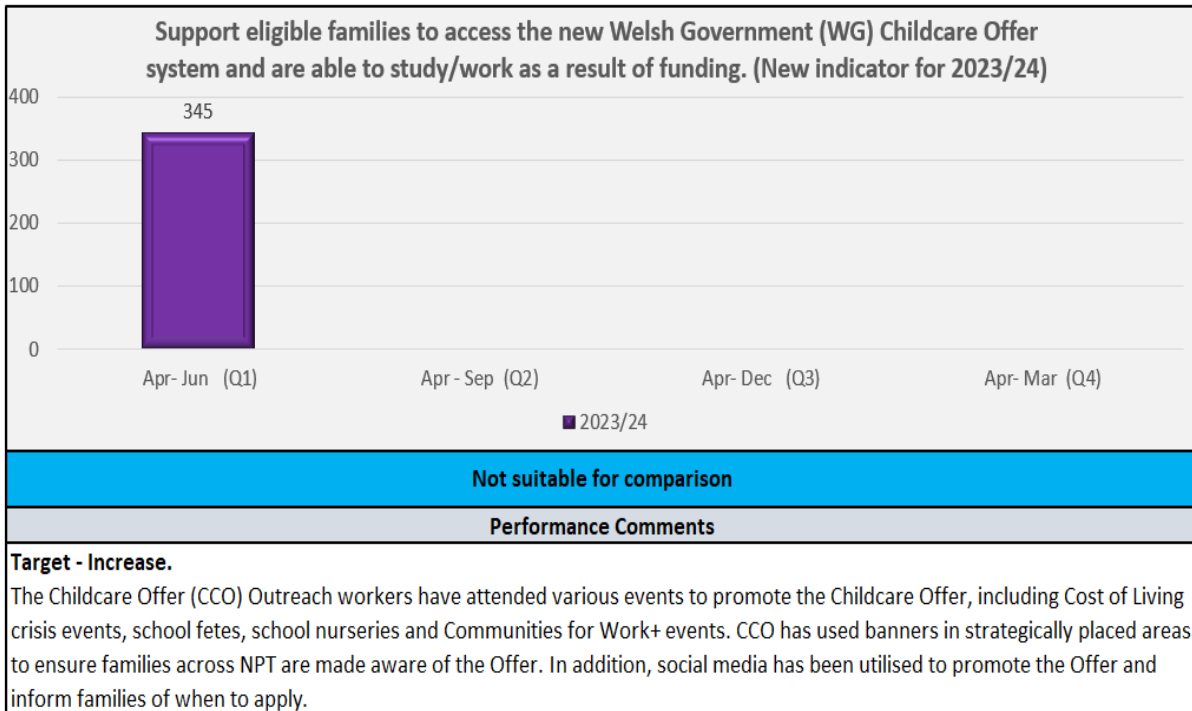
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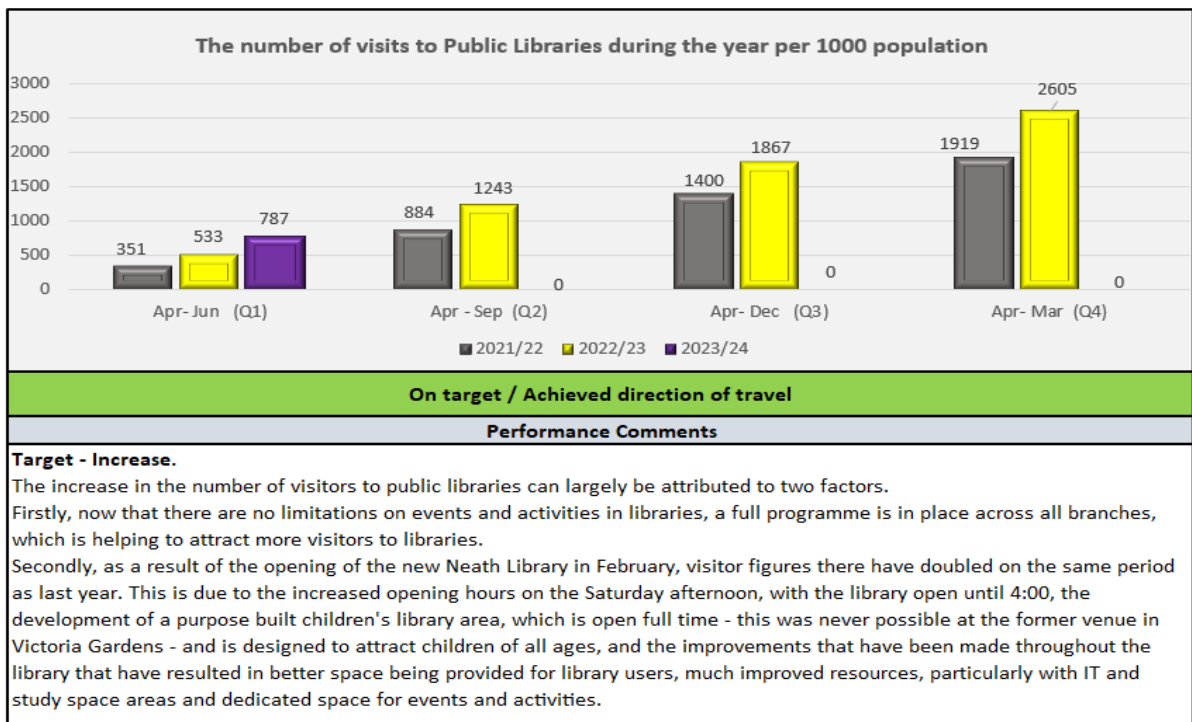


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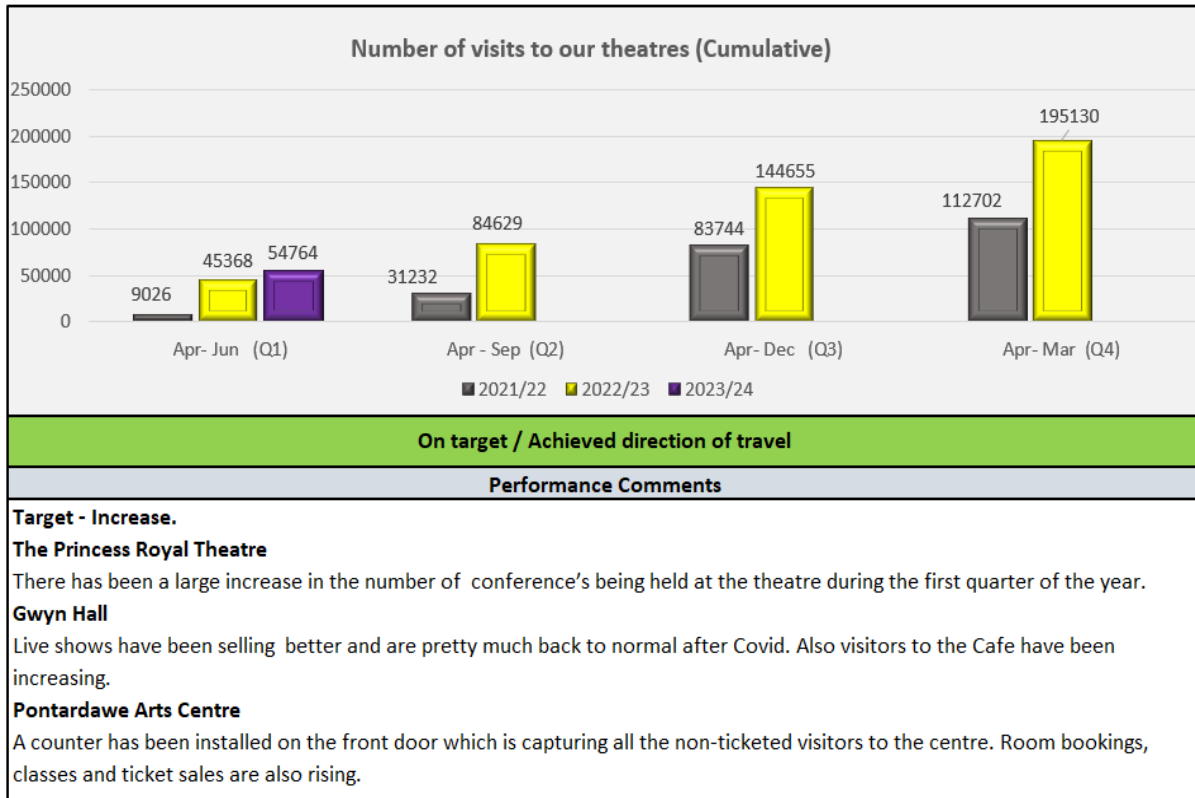


Well Being Objective 3 - Our local environment, culture and heritage can be enjoyed by future generations

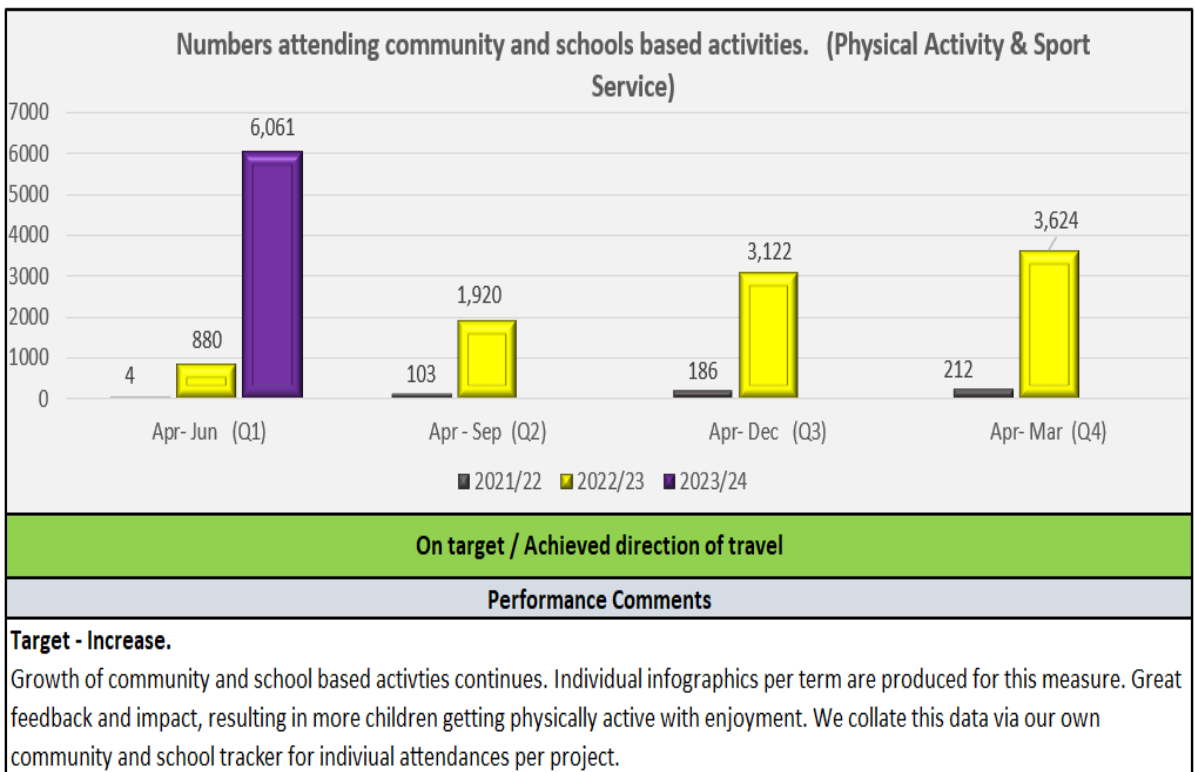
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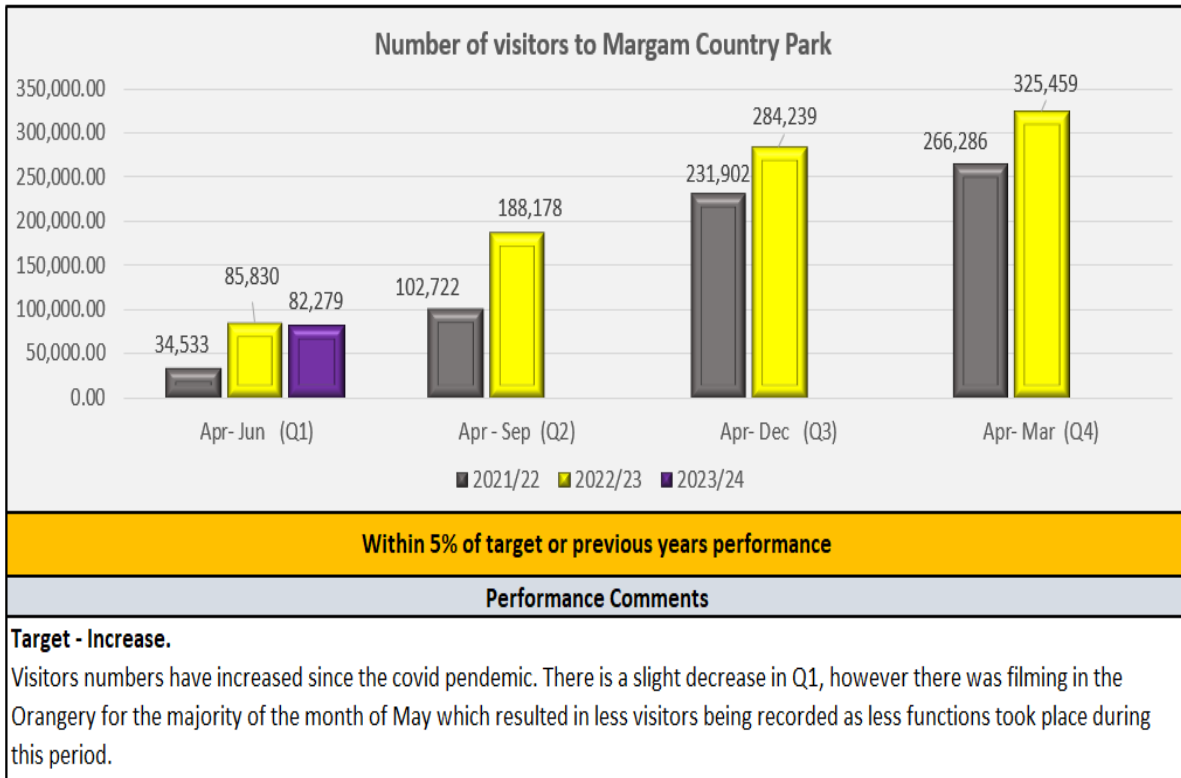
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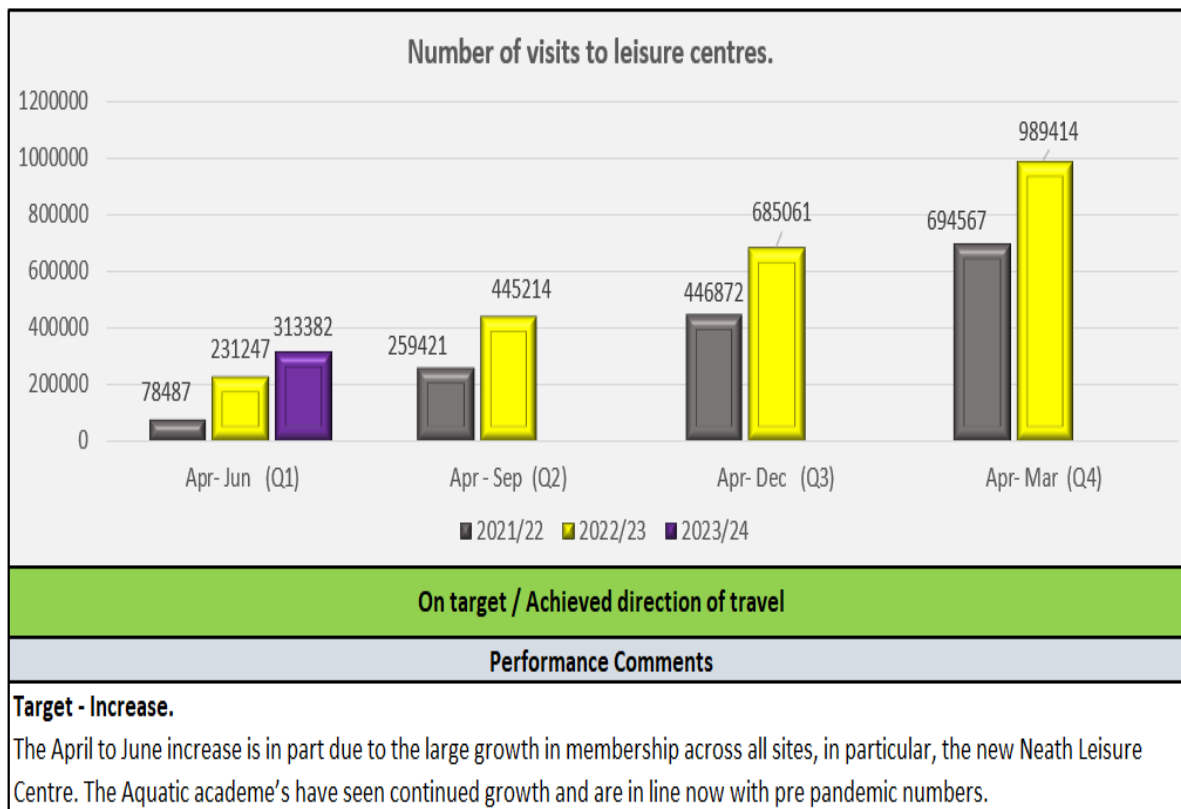
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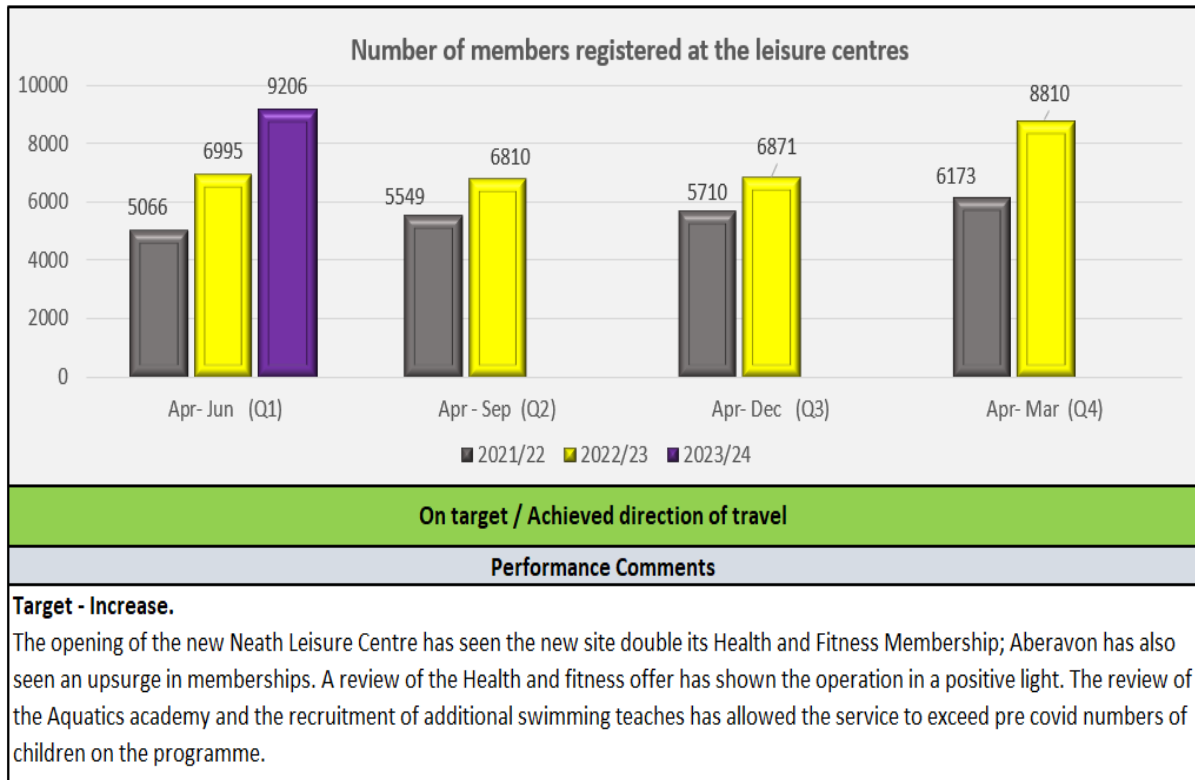
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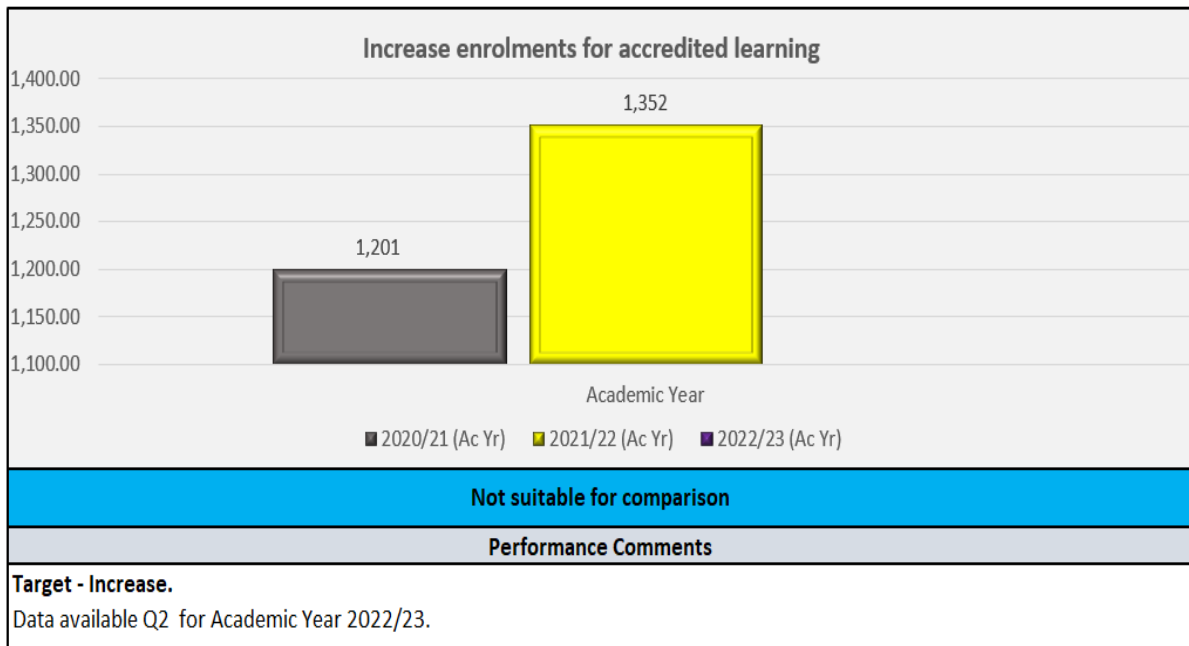


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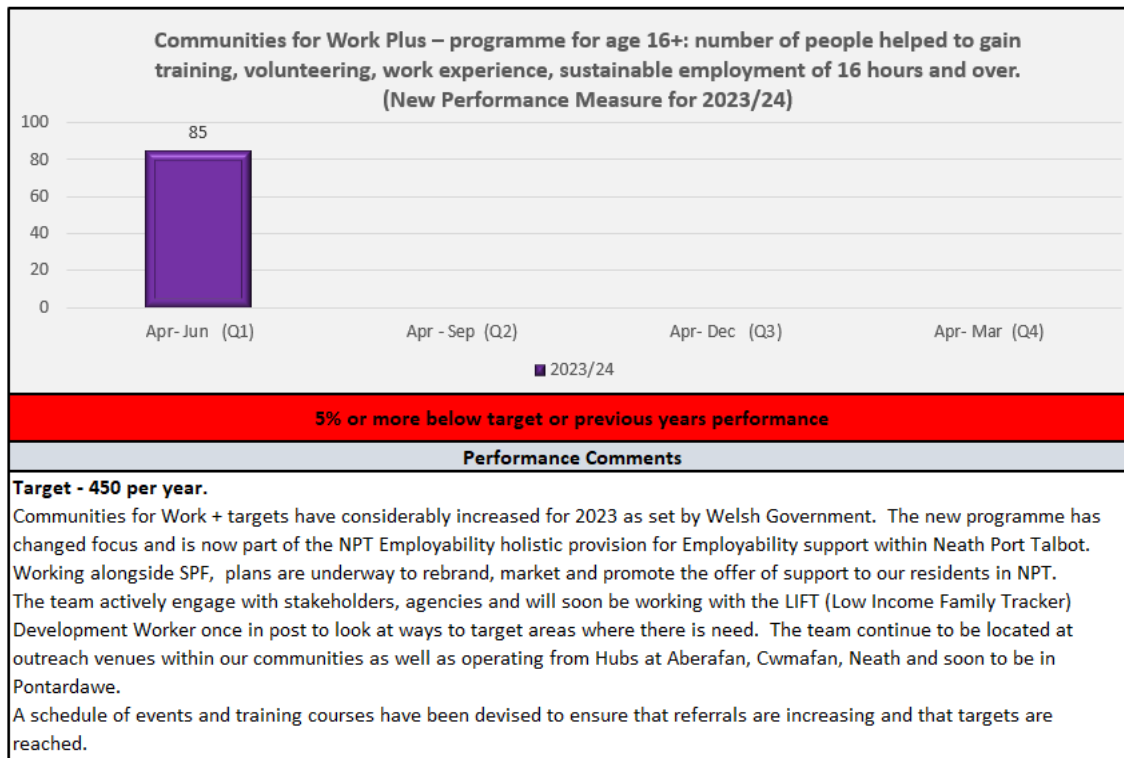


Well Being Objective 4 - Jobs and Skills

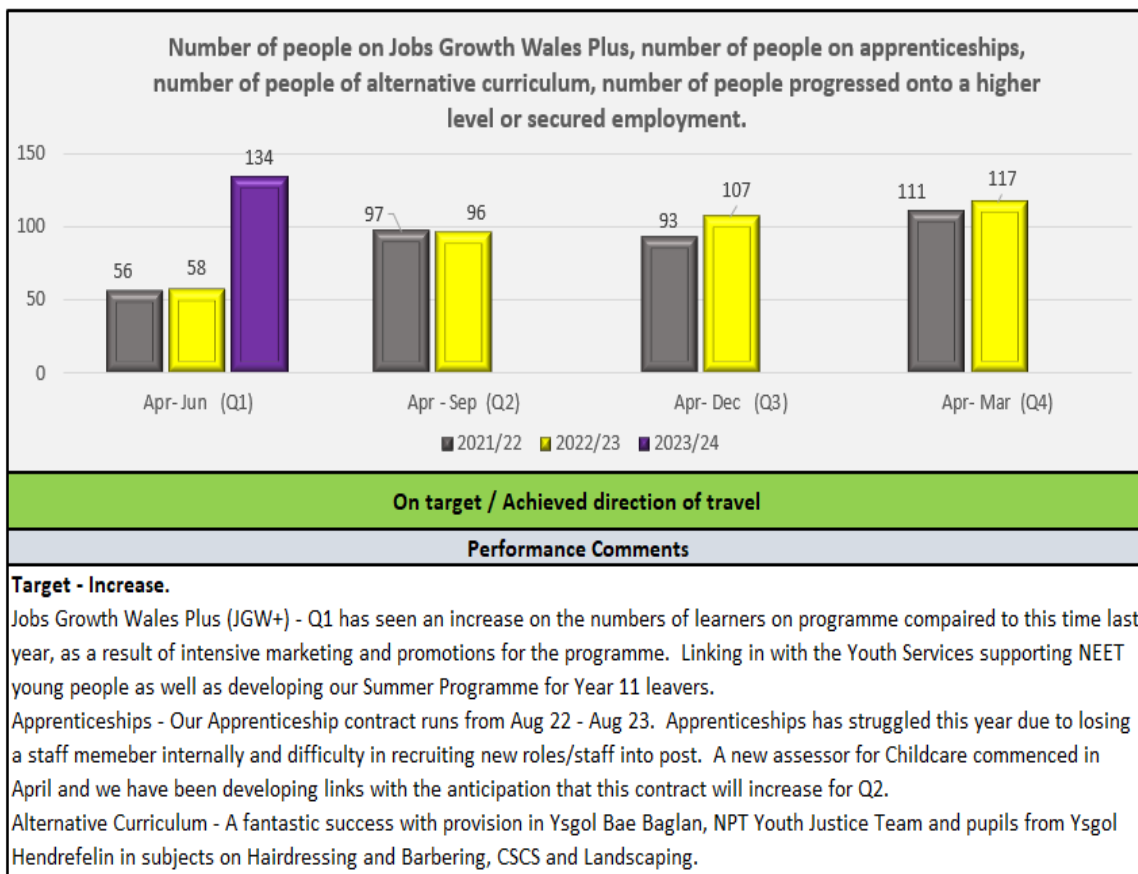
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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Performance Measures

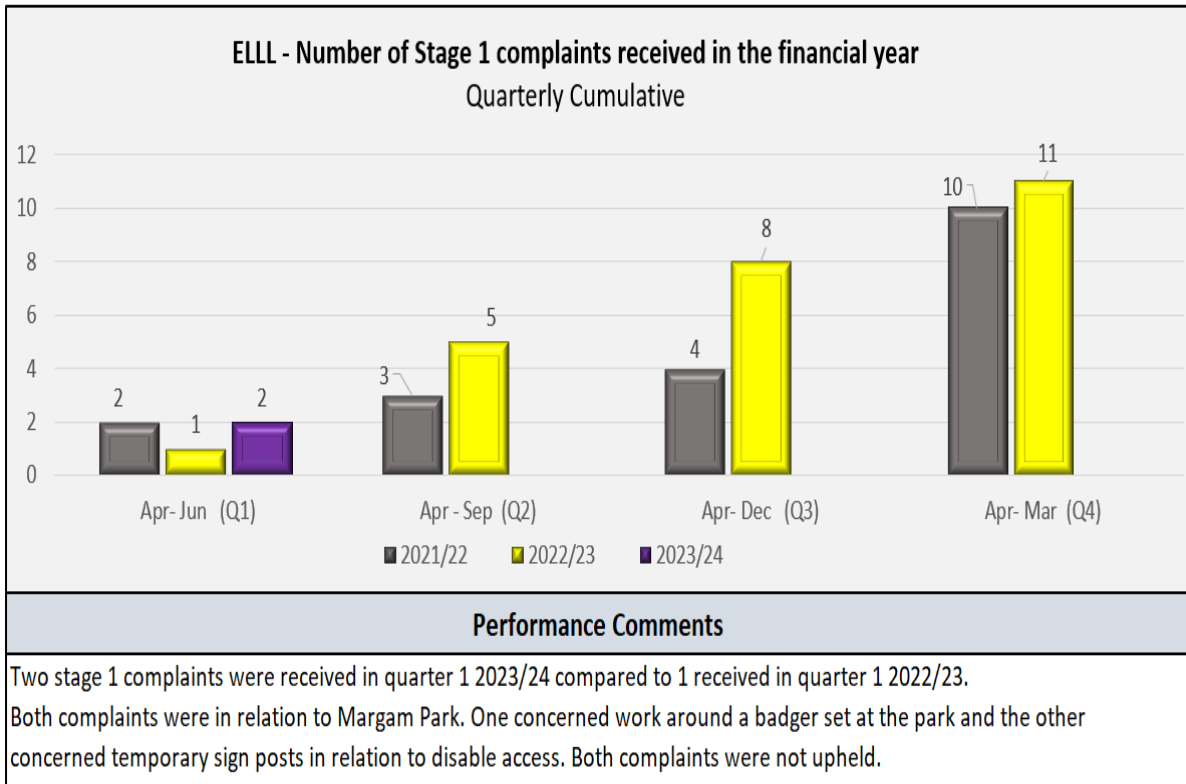
Appendix 2

Education, Skills and Wellbeing Cabinet Board

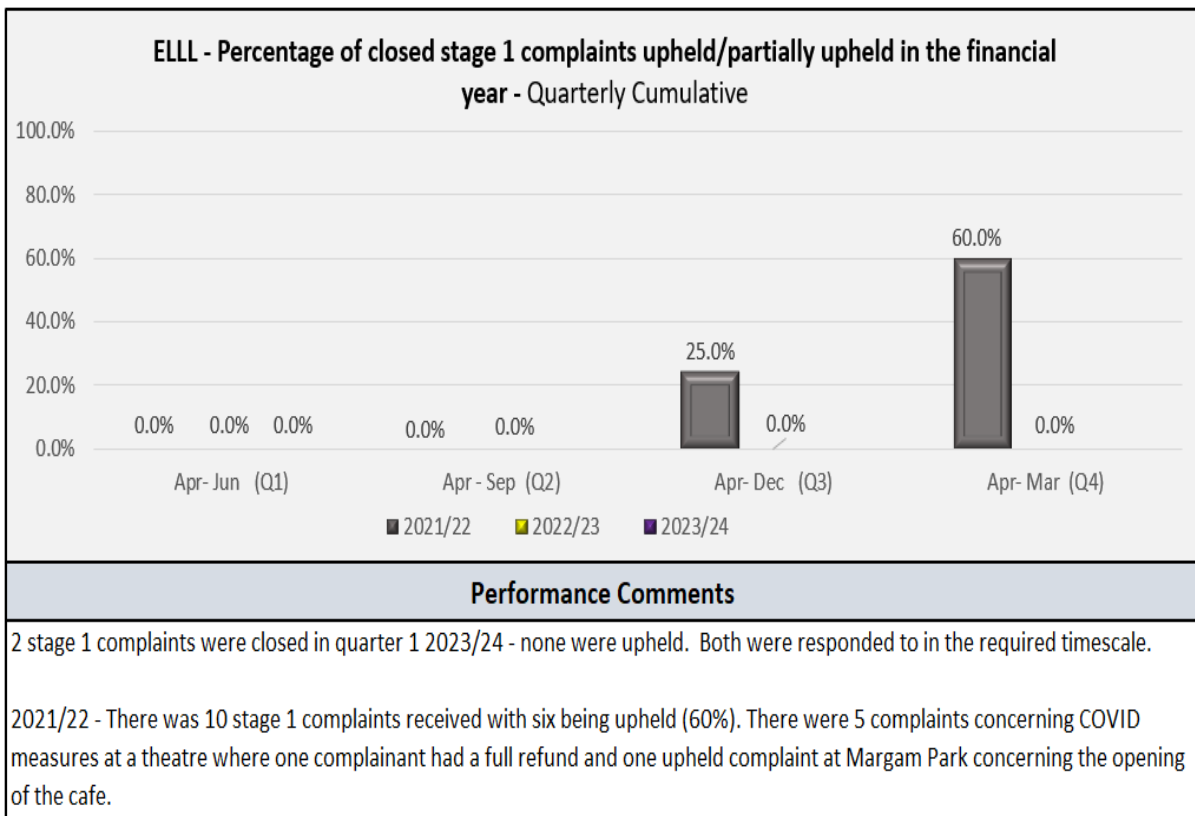
Compliments and Complaints

Quarter 1 (1st April - 30th June) - 2023/24

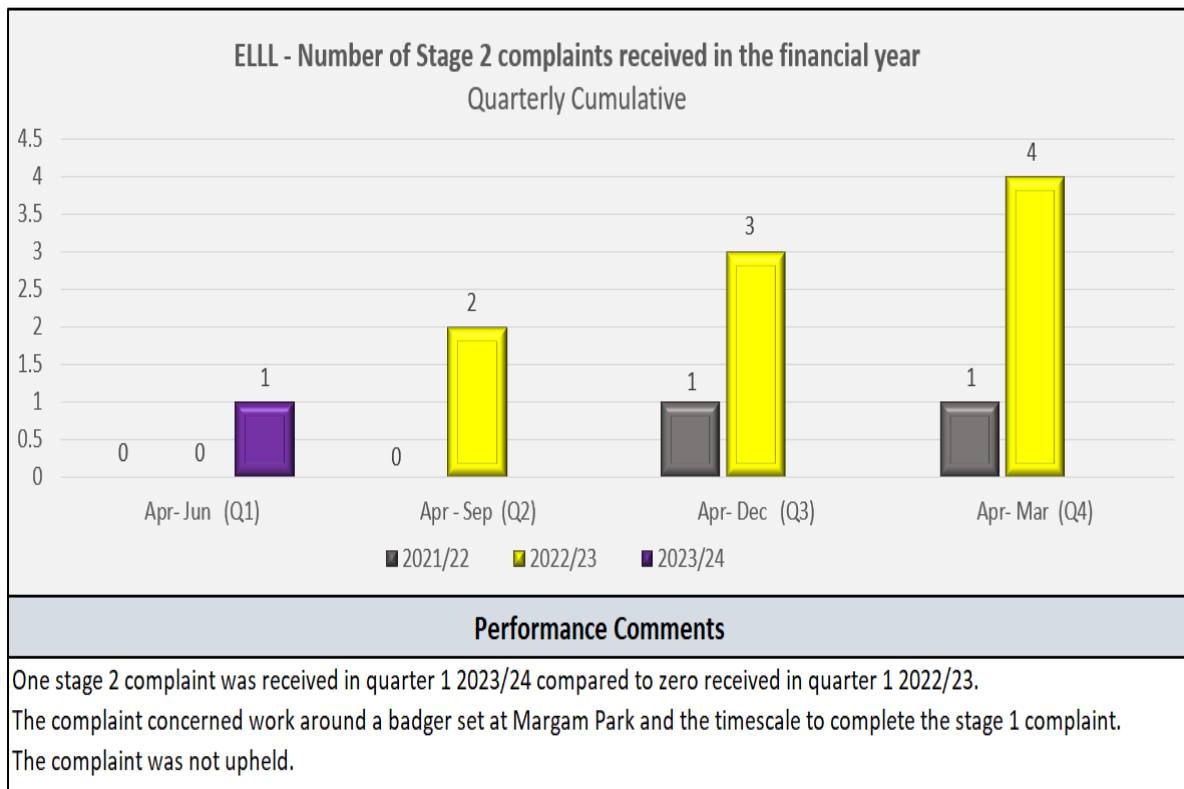
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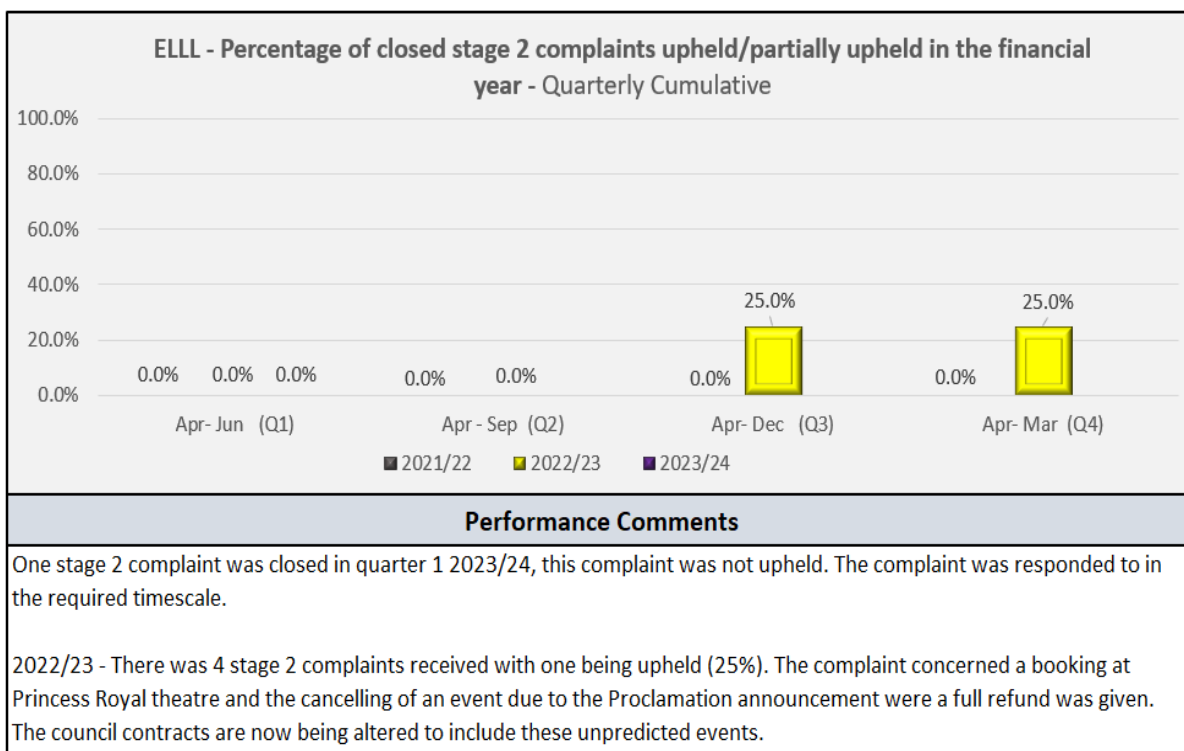
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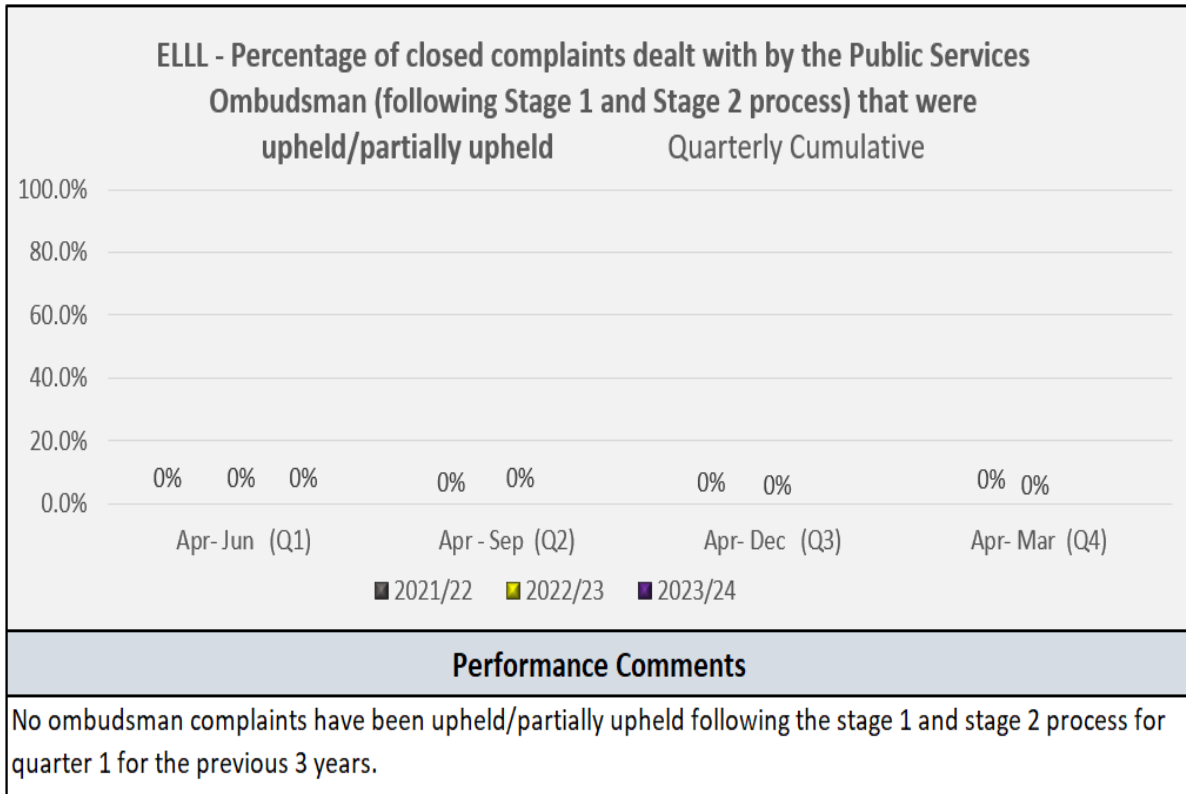
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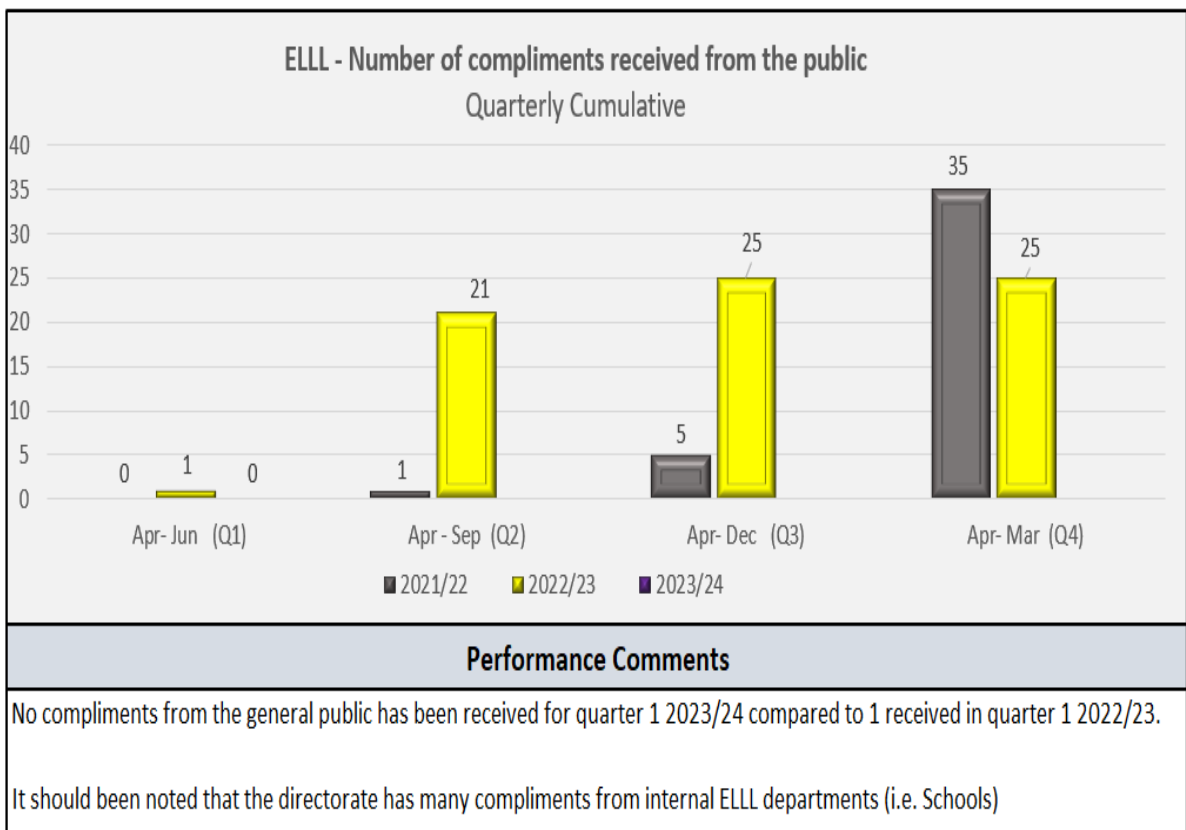
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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Education, Skills and Wellbeing Cabinet Board

28th Sept 2023

Matter for Monitoring

Wards Affected: All Wards

Report Title: Performance Measures 2023/2024 – Quarter 1
(1st April 2023 – 30th June 2023)

Purpose of the Report:

To report Quarter 1 Performance Management Data (Appendix 1) – 1st April 2023 – 30th June 2023,. This will enable the Education, Skills and Wellbeing Cabinet Board and Scrutiny Members to discharge their functions in relation to Performance Management.

Executive Summary:

Appendix 1 – Performance Measures

New quarterly performance reports are reported to members from the 1st quarter 2023/24. This new format moves away from the table format that we have previously reported for a number of years, to a graph format. The reports will also include more cumulative quarterly trend data. The new reports are visually better and include a performance summary doughnut within the cover page.

These new formats also take into account feedback from Cabinet Scrutiny Committee members on the previous performance reports

format. Members will receive performance scrutiny training during October 2023 which will include a section on the new reports format

Performance Measures that have improved on or achieved target are GREEN status, Performance Measures that have not achieved target but performance is within 5% are AMBER status, Performance Measures that are 5% or more below target are RED status. Performance Measures that appear as BLUE status are 'Not suitable for comparison' and are for information only.

Where available, Performance Measures report Quarter 1 target, and 3 years of Quarter 1 data for comparison.

7 measures are reported in the period, of these :
4 are improving or on target,
1 performance is 5% or lower than previous year's figure.
2 measures are not suitable for comparison.

The measures that are improving or on target are:
Measures relating to food hygiene, business compliance and air quality

The one measure 5% or more below the target is high risk inspections for trading standards and animal health, however it shows improvement on last year's quarter 1 performance and it is planned for the high risk programme to be completed by end of December 2023.

There were 2 measures not suitable for comparison, one of which relates to risk assessments on private water supplies, explanation is provided with the data.

Appendix 2 – Compliments & Complaints

A list of Compliments and Complaints data, collected in line with the [Council's Comments, Compliments & Complaints Policy](#) for Cabinet and relevant Cabinet Board purviews.

Background:

The Performance Measures in Appendix 1 are all selected from Service Recovery Plans (SRPs).

Where possible, each Performance Measure will show a link how it contributes to at least one of the council's well-being objectives. If a Performance Measure does not directly link then it has been linked to the Governance and Resource theme.

Financial Impact:

The performance described in the report is being delivered against a challenging financial backdrop.

Integrated Impact Assessment:

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

Valleys Communities Impacts:

No implications.

Workforce Impacts

The progress described in this report was achieved whilst the workforce continued to respond to and continue to recover from the impacts of the pandemic.

Legal Impacts:

This report is prepared under:

- 1) The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions"
- 2) Well-being of Future Generations (Wales) Act 2015
- 3) The Neath Port Talbot County Borough Council Constitution requires each Cabinet committee to monitor quarterly budgets and performance in securing continuous improvement of all the functions within its purview.

Risk Management Impacts:

Failure to provide a suitable monitoring report within the timescales could lead to non-compliance with our Constitution. Also, failure to have robust performance monitoring arrangements in place could result in poor performance going undetected.

Consultation:

There is no requirement under the Constitution for external consultation on this item.

Recommendations:

For Members to monitor performance contained within this report.

Reasons for Proposed Decision:

Matter for monitoring, no decision is required.

Implementation of Decision:

Matter for monitoring, no decision required.

Appendices:

Appendix 1 – Performance Measures – Quarter 1 Performance (1st April 2023 – 30th June 2023)

Appendix 2 – Compliments and Complaints information – Quarter 1 2023/2024 (1 April 2023 – 30 June 2023)

Officer Contact:

Joy Smith, Road Safety and Business Performance Manager.
Telephone: 01639 686581. E-mail: j.smith@npt.gov.uk

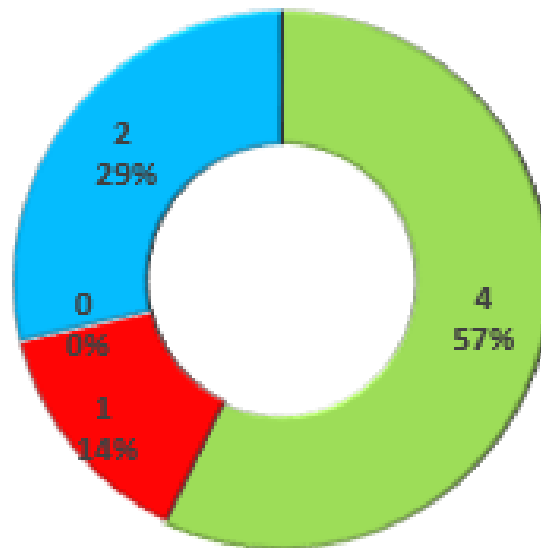
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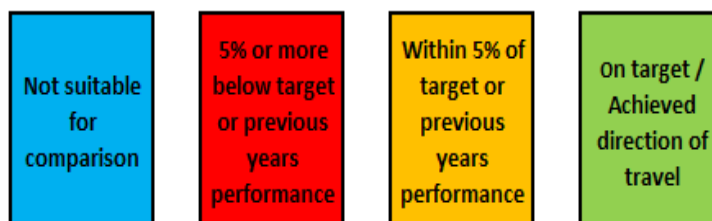
Performance Measures

Appendix 1 - Environment EH/TS Measures - Quarter 1 (1st April - 30th June) - 2023/24

Performance Measures Summary

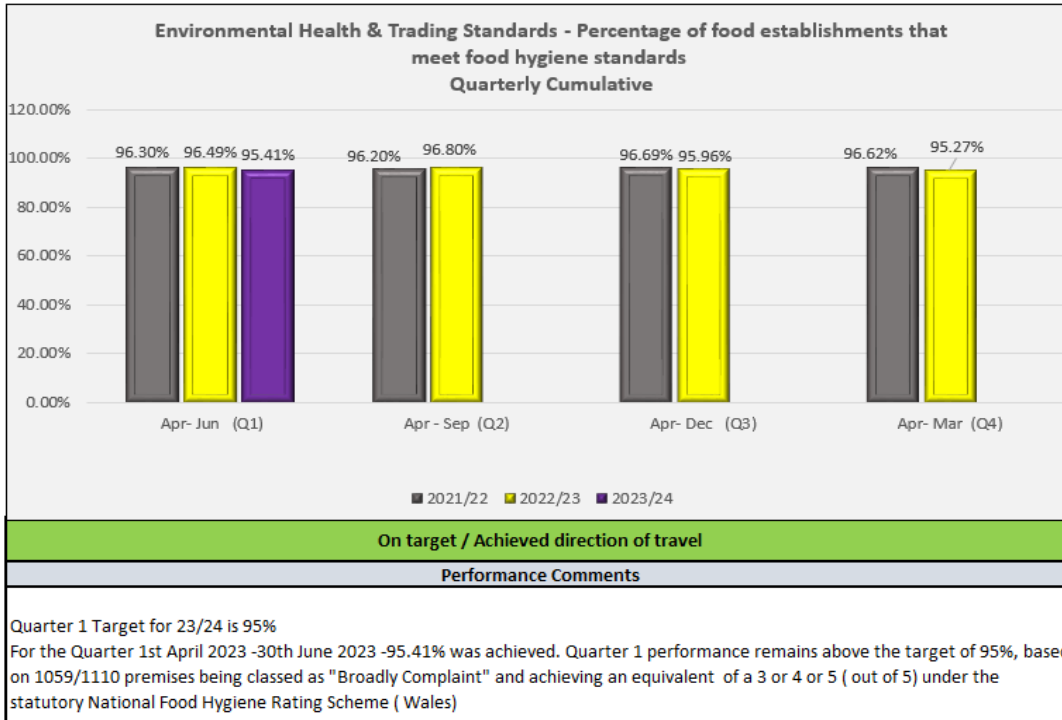


Performance Key BRAG (Blue, Red, Amber, Green)

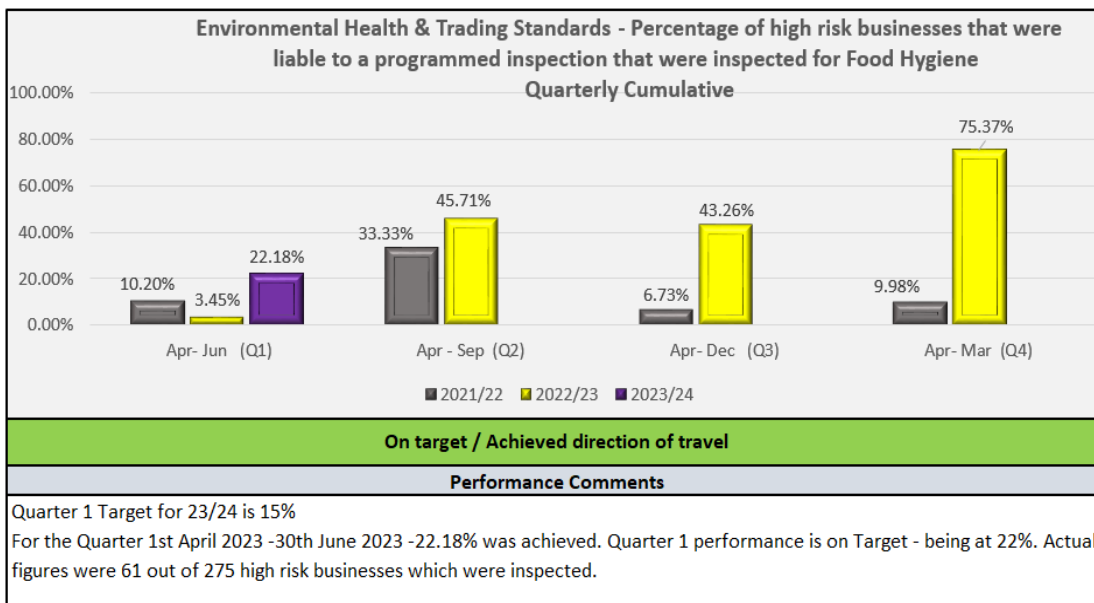


Well Being Objective 2 - All communities are thriving and sustainable

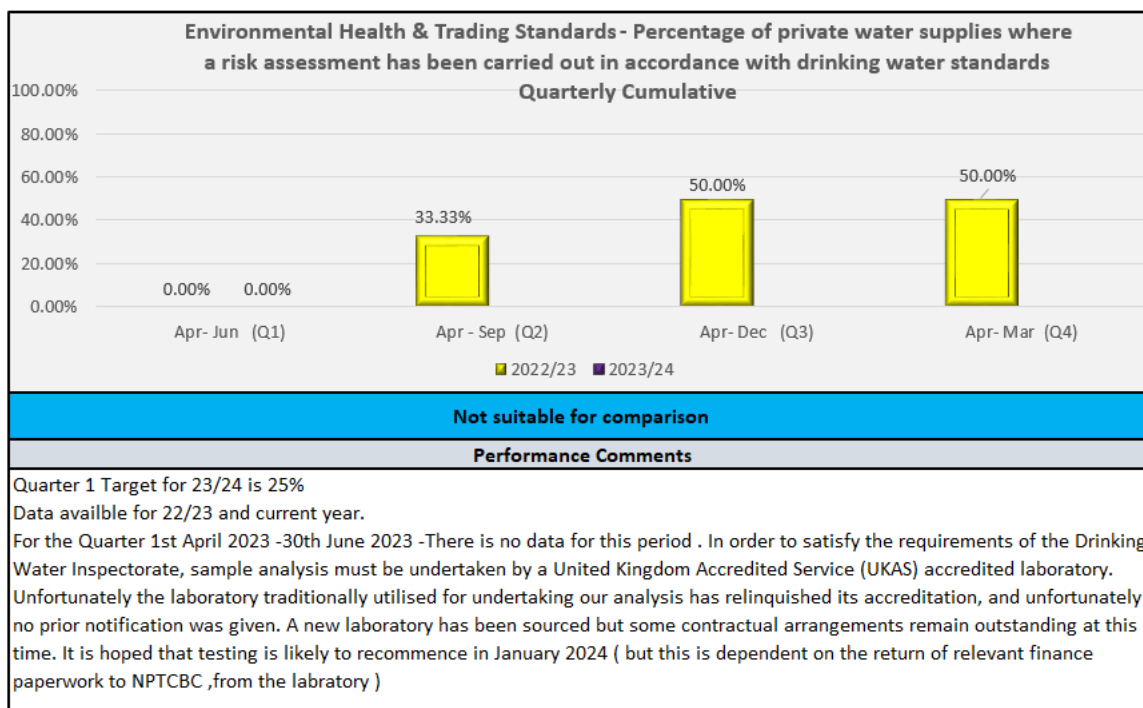
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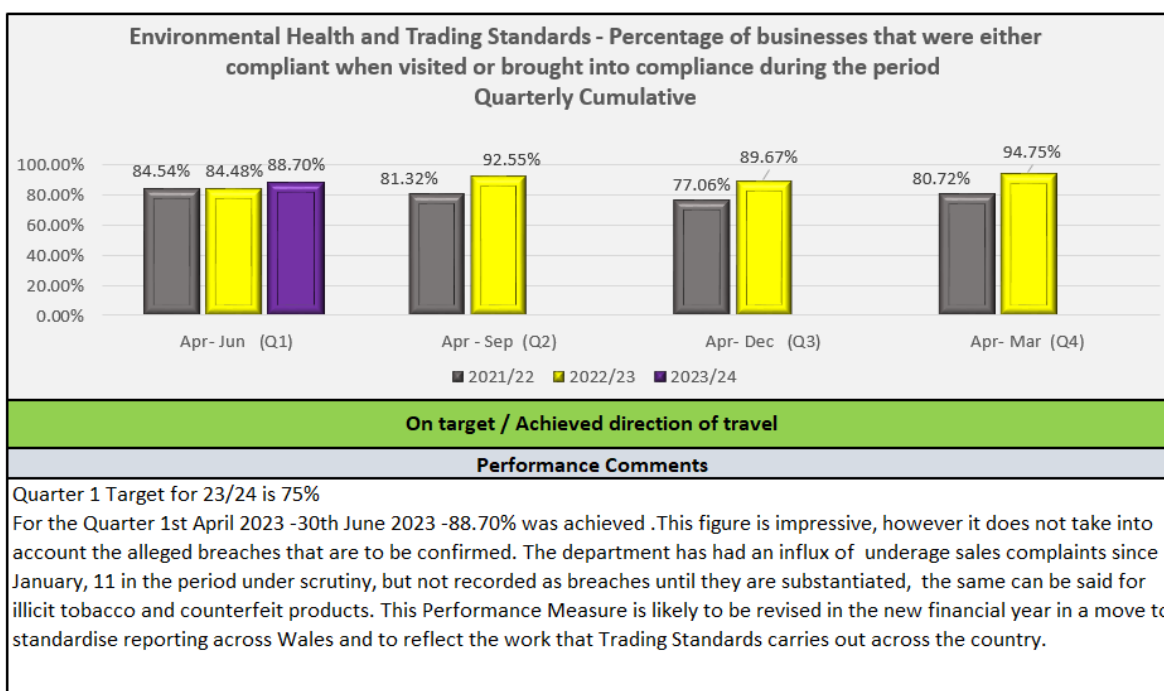
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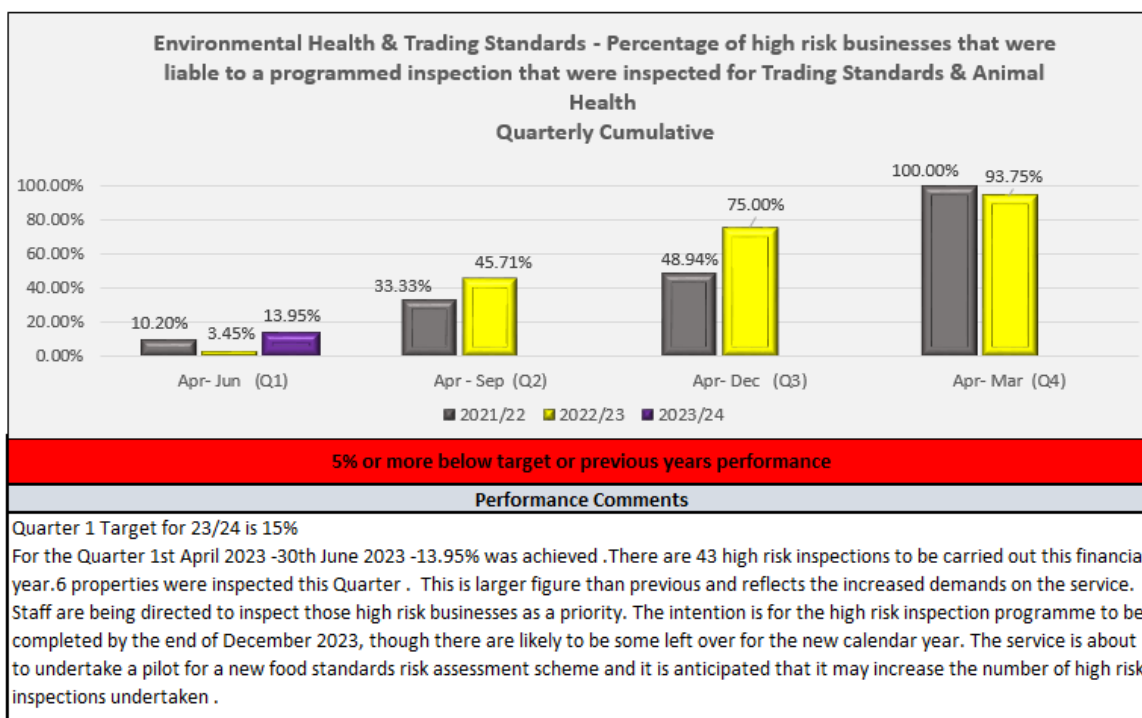
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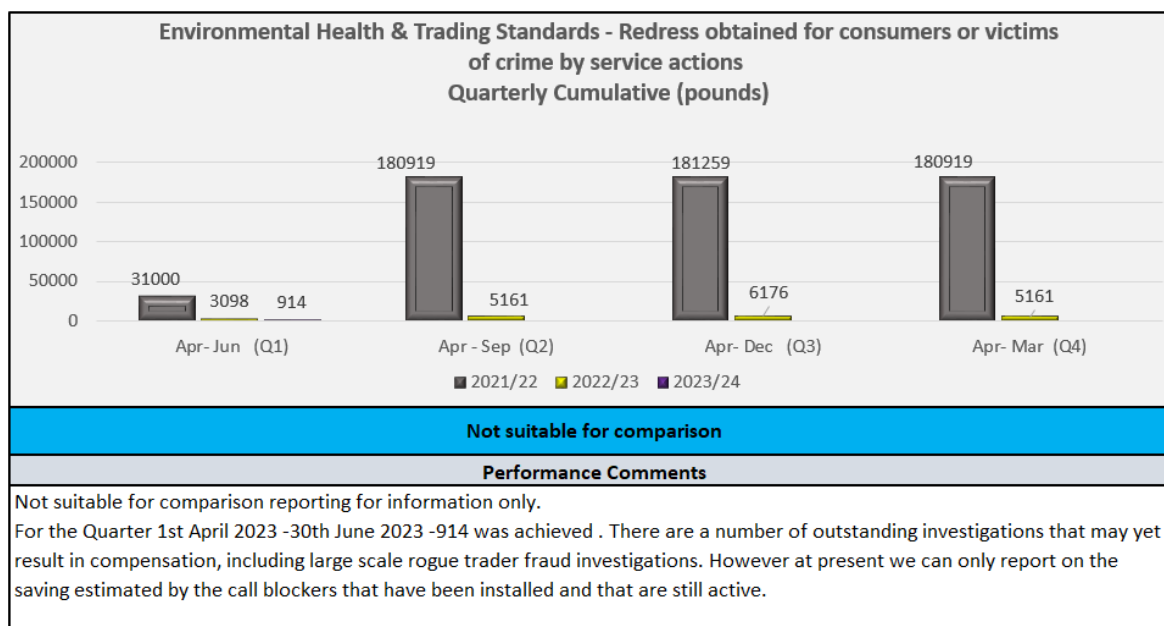
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5.

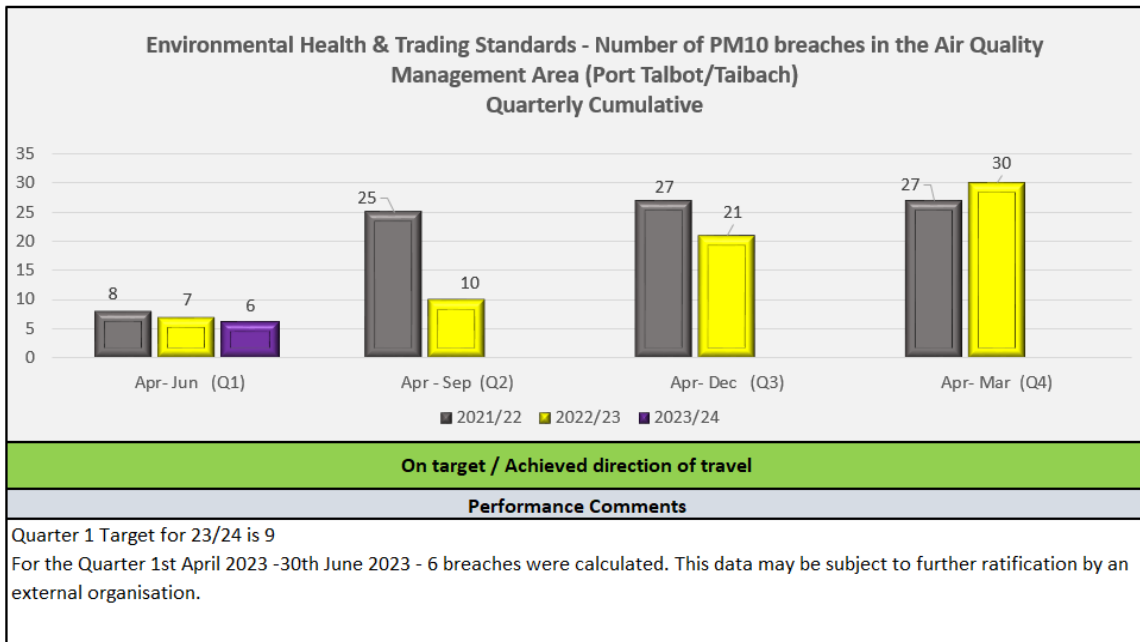


6.



Well Being Objective 3 - Our Local Environment, Culture and Heritage can be enjoyed by future generations

7.



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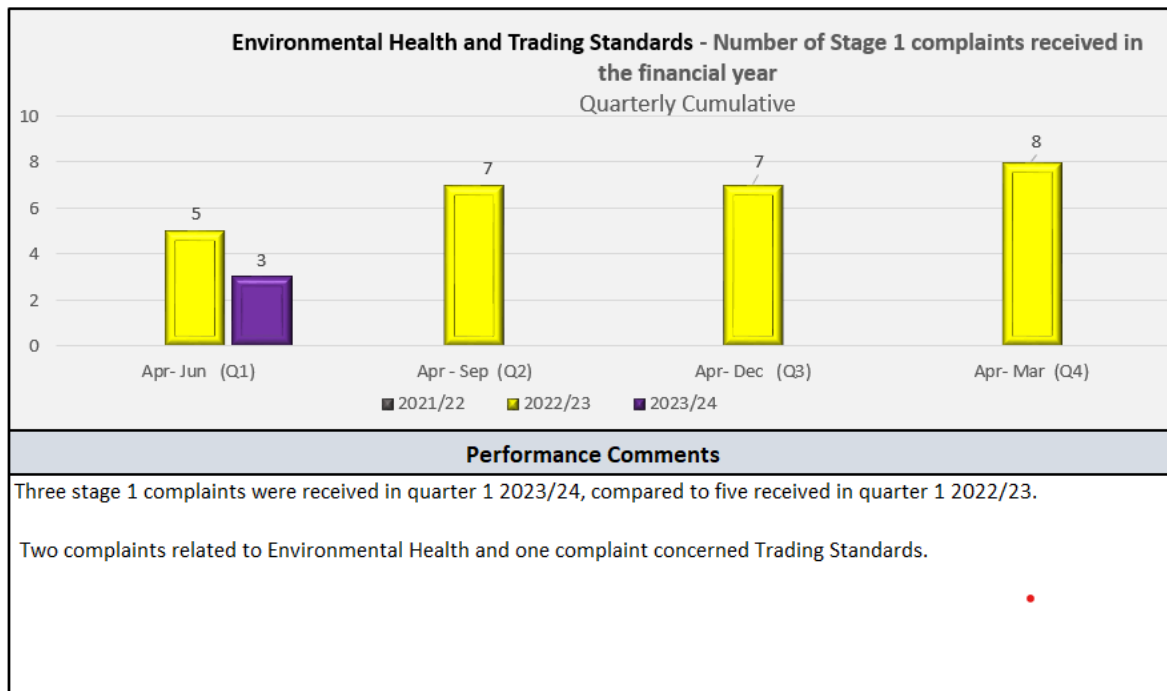


Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

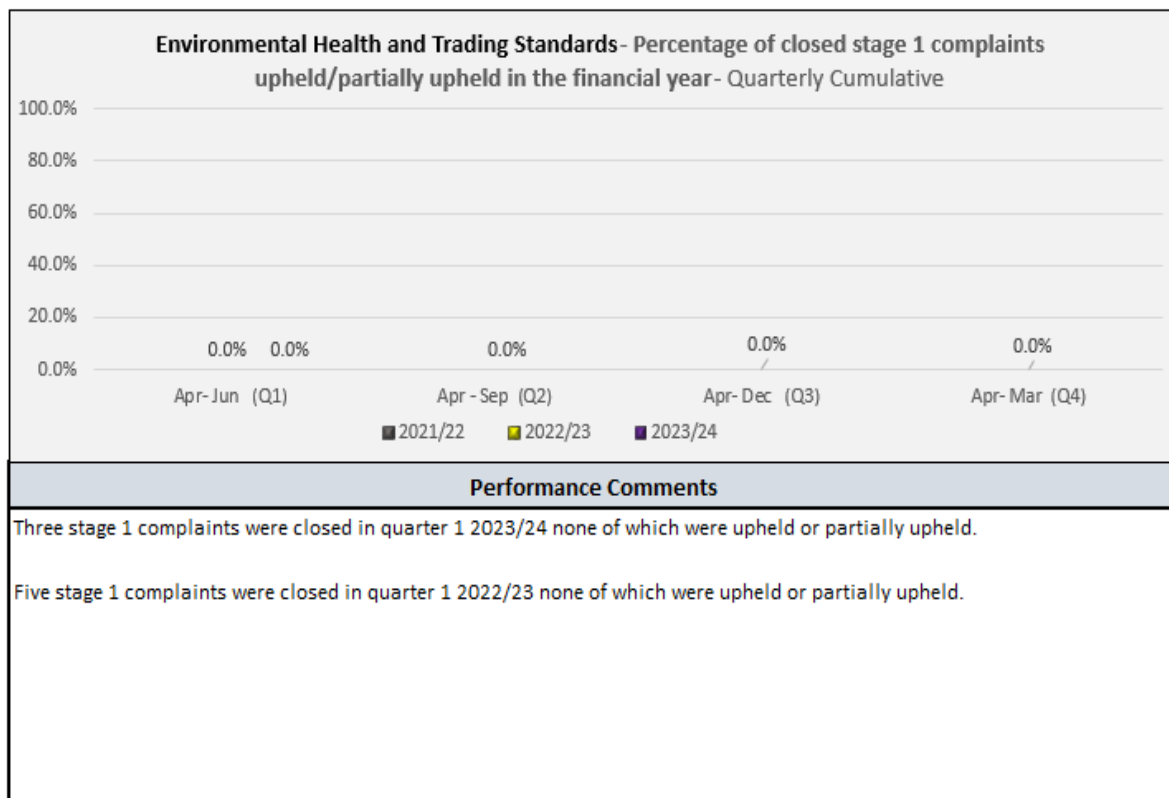
Performance Measures

Appendix 2 EH/TS Compliments and Complaints
Quarter 1 (1st April - 30th June) - 2023/24

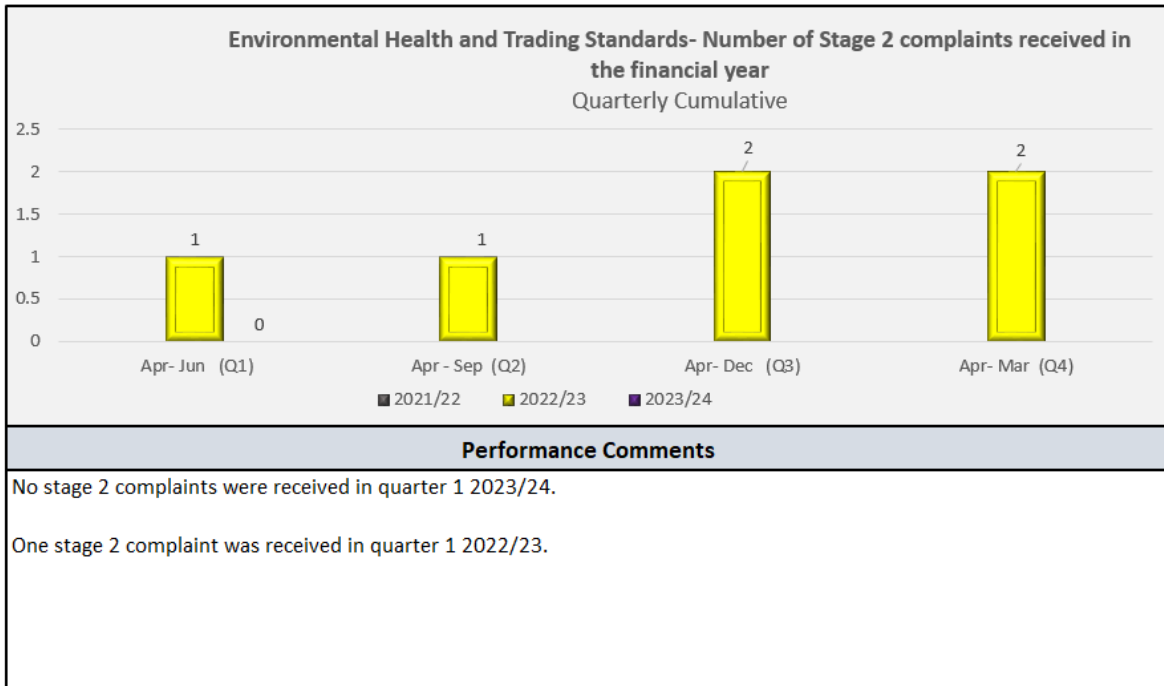
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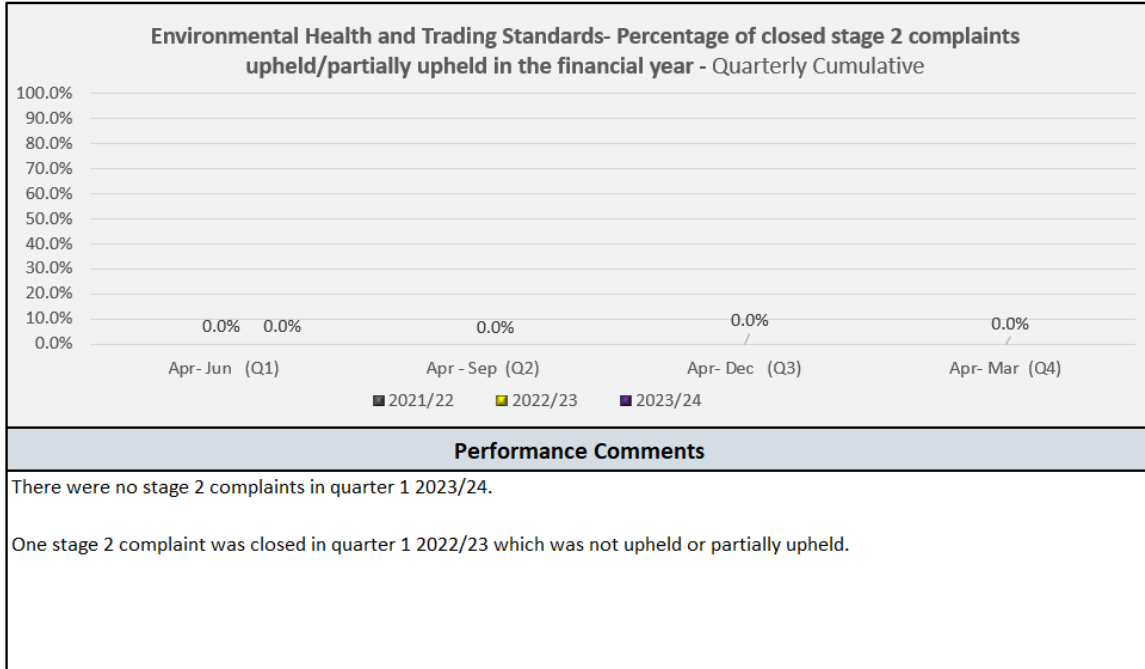
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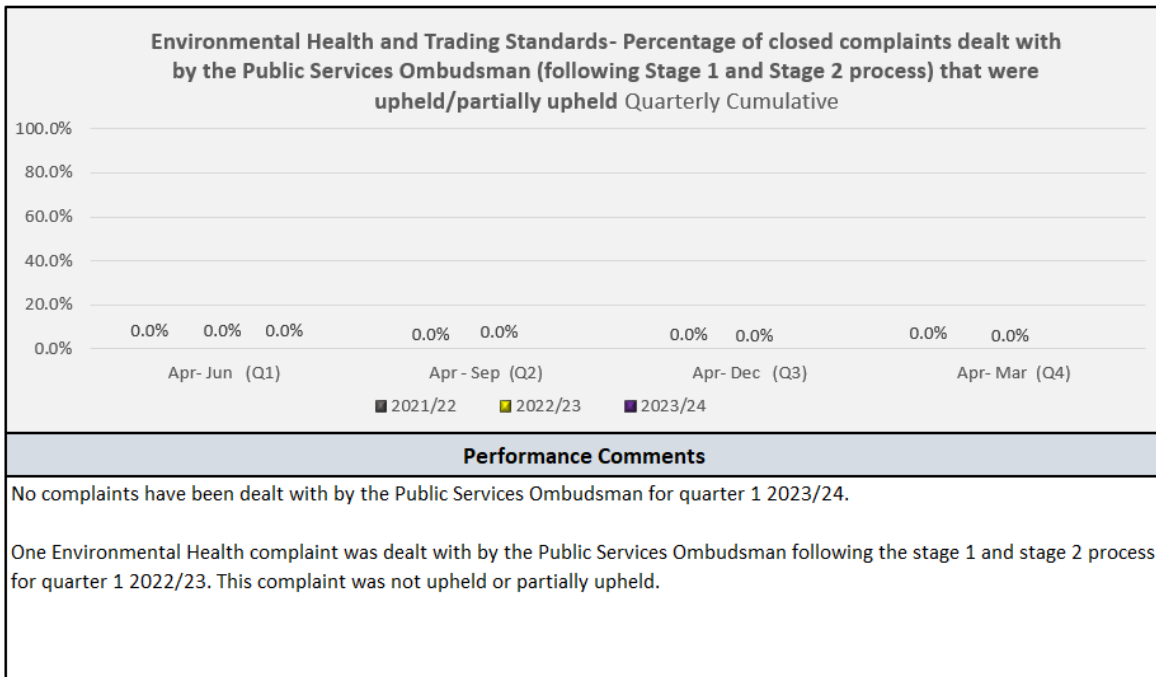
3



4.



5.



6.

