



CABINET

***Following the Cabinet Scrutiny Committee on
WEDNESDAY, 15 MARCH 2017***

COUNCIL CHAMBER - PORT TALBOT CIVIC CENTRE

Part 1

1. To receive any declarations of interest from Members
2. To receive the Report of the Head of Legal Services re Decision Making during the per Election period (*Pages 3 - 8*)
3. To receive the Report of the Head of Transformation re Strategic School Improvement Programme - Proposal to Establish a Specialist Provision for Primary Age Pupils (*Pages 9 - 18*)
4. Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No.2290 (as amended)

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Thursday, 9 March 2017

Cabinet Members:

Cllrs. A.H.Thomas, P.A.Rees, M.L.James, E.V.Latham, Mrs.S.Miller,
P.D.Richards, J.Rogers, A.J.Taylor and A.N.Woolcock

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CABINET

15 MARCH 2017

REPORT OF THE HEAD OF LEGAL SERVICES – D.MICHAEL

SECTION A – MATTER FOR DECISION WARDS AFFECTED – ALL

DECISION MAKING - MAY 2017

Purpose of Report

1. To put in place decision making arrangements during the election period.

Background

2. This report addresses the matter of decision making within the Authority for the period 4th May – 31st May, 2017. It follows the same format as used previously in covering the election period.
3. Some key dates are as follows:-

15th March, 2017 - Final meeting of Council
4th May, 2017 - Elections
17th May, 2017 - Special Council
31st May, 2017 - Special Council
4. When, as in this year, the membership of the Council is up for election, there can be a brief hiatus or gap in decision making powers until the new Council is reconstituted. This report is intended to cover that gap by extending delegated power to officers subject to consultation with Members. This delegation has been granted previously and would come to an end on 31st May 2017. The delegation is intended to be used sparingly for important matters that

cannot be left until the new Council. Reports in similar form have been put to Cabinet and Council.

Financial Impact

5. None

Equality Impact Assessment

6. This is not required.

Workforce Impacts

7. There are none.

Legal Impacts

8. This is covered in the report.

Risk Management

9. Failure to have arrangements in place would increase risk.

Consultation

10. There is no requirement under the Constitution for external consultation on this item.

Recommendations

11. It is recommended that any matters which normally require determination by Cabinet or Cabinet Boards, or any other Committee or Sub Committee of the Council,

and which in the view of the Chief Executive, or a Corporate Director or a Head of Service necessitates a decision to be taken during the period 3rd May to 30th May, 2012, then such Officer (s) in respect of matters within their Service functions, shall have delegated power to take a decision and to authorise any action on the matters in question, subject to the following :-

- (i) any decisions taken must comply with normal reporting format, including compliance statement and reason for decision, except that implementation shall be with immediate effect without any call-in requirement;
- (ii) all decisions shall be reported back to Members;
- (iii) this delegation will not include any determination of planning applications which are normally determined by the Planning Committee, unless deemed urgent by the Head of Planning in the context of statutory timescales; nor will it include decisions on any planning matters deemed to be “controversial” in the view of the Head of Planning. Any planning applications dealt with under this delegation will be determined by the Head of Planning.
- (iv) in exercising the above delegated powers, Officers will be required to consult with three Members as follows:
 - (a) From 4th May to 17th May – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
 - (b) From 17th May to 31st May - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group).

Subject in both cases to these groups being constituted.

The relevant pro-forma is set out in Appendix 1.

12. It is also proposed that the Mayor or Deputy Mayor be authorised to be present at the opening of tenders during the period set out in (a) above and the Leader or Deputy Leader (or in their absence the Mayor or Deputy Mayor) during the period set out in (b) above.

Reason for Proposed Decision

13. In order to secure continuity of decision making.

Implementation of Decision

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

Appendices

15. Appendix 1 - Decision Making during May 2017

List of Background Papers

16. None

Officer Contact

Mr. D. Michael – Head of Legal and Democratic Services

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TO: HEAD OF LEGAL SERVICES

FROM:

DECISION MAKING DURING MAY 2017

In accordance with the resolution of Council and Cabinet on 15th March, 2017, any matter which would normally require determination by Cabinet or Cabinet Boards; or any other Committee or Sub Committee of the Council, and which, in the view of the Chief Executive or a Corporate Director or Head of Service necessitates a decision to be taken during the period of 4th May, 2017 (the date of the Election) and the 31st May, 2017 (date of a Special Council Meeting), then such Officer(s), in respect of matters within their Service functions, shall have delegated power to take a decision and to authorise any action on the matters in question, in consultation with the appropriate three Members below. This delegation will not include any determination of Planning Applications normally determined by the Planning Committee, unless deemed urgent by the Head of Planning in the context of statutory timescales; nor will it include decisions on any planning matters deemed to be "controversial" in the view of the Head of Planning. Any planning applications dealt with under this delegation will be determined by the Head of Planning. All decisions taken must comply with the normal reporting format, including compliance statement and reason for decision, except that implementation shall be with immediate effect without any call-in requirement. All decisions will be reported back to Members.

SUBJECT:

REPORT AND REASON FOR ACTION:

(attach supporting report if appropriate. All executive matters require a Compliance Statement to be attached to this form)

OFFICER'S RESOLUTION:

nb This matter is / is not a private exempt item, If private – exempt Para No.....* (*delete/insert)*

Signed:
Director/Head of Service

Date:.....

MEMBER CONSULTATION *(Three signatories required as below - Committee Section to contact Members)*

With three Members as follows:

- (A) **From 4th May to 17th May** – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
- (B) **From 17th May to 31st May** - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group).

Mayor: (or Deputy Mayor)

Date:

OR

Leader: (or Deputy Leader)

Date:

Member ofGroup Cllr

Date:

Member ofGroup Cllr.....

Date:

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

15th March 2017

REPORT OF HEAD OF TRANSFORMATION ANDREW THOMAS

MATTER FOR DECISION

WARDS AFFECTED: All

STRATEGIC SCHOOL IMPROVEMENT PROGRAMME - PROPOSAL TO ESTABLISH A SPECIALIST PROVISION FOR PRIMARY AGE PUPILS

Purpose of report

1. To obtain Cabinet approval to hold scoping discussions with County Borough schools over the establishment of a specialist provision for primary age pupils who externalise their needs.

Executive summary

2. The Council is responsible for ensuring suitable provision is made for pupils with special educational needs/additional learning needs.
3. Approval is sought to hold scoping discussions with head teachers and chairs of governors over the establishment of a specialist provision for primary age pupils who externalise their needs and who are finding difficulty in maintaining their mainstream school placements.
4. This will be additional to other provisions already established within the County Borough in the primary and secondary sectors.

5. Following a positive response to the discussions and the identification of a host school, a proposal will be presented to Cabinet for Members' consideration and approval.
6. The scoping discussions will take place during the Spring and Summer terms 2017.

Background

7. 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.
8. 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.
9. 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.
10. The Council provides for the pupils of Neath Port Talbot who require specialist support for their educational needs at two community special schools and at learning support/ inclusion centres attached to community primary/secondary schools.

11. A need to make additional provision in the primary sector has been identified.

The Proposal

12. It is proposed to hold scoping discussions with head teachers and chairs of governors over the establishment of a specialist facility for the primary sector and to identify a school to host the provision.
13. The facility will provide for primary age pupils who externalise their needs and whose mainstream school placements are proving problematic.
14. Specialist staff will identify barriers to learning, create bespoke packages of support and plan for successful reintegration into mainstream school settings, as appropriate.
15. The provision will be managed by the host school and will be under the school's governance. However, it will be a provision recognised by the Council as reserved for pupils with ALN/SEN and, although it is in a mainstream school, the pupils who are admitted to the provision are in addition to the admission number of the school. Admission to the facility will be via a special admission panel of the Council.

The benefits of the proposal

16. The Council has identified, as a priority, the need to establish a consistent approach in all schools to improve provision for aspects of wellbeing and behaviour in order to reduce the number and length of exclusions and reliance on home tuition. The new wellbeing and behaviour continuum will ensure that schools and the Council work in partnership to focus on prevention and early intervention in order to meet the needs of vulnerable children and young people and to ensure the best possible outcomes.
17. Pupils at the proposed specialist provision will benefit from being taught by specialist staff, highly experienced in working with pupils with more complex needs, whilst mainstream schools will also gain further capacity to plan and provide for pupils presenting with these needs.

18. The provision will alleviate the current pressure to address demand for places for pupils with more complex needs, avoiding costly out of county placements and allowing opportunities for young people to access learning within their local community.
19. The proposal seeks to complement the specialist provision and support already available within the County Borough.

Identifying a host school

20. In identifying a host school the following criteria will be applied.
21. The host school will:
 - a. be fully committed to inclusion and provide a caring and supportive environment that will have a positive impact on pupils' personal well-being and development
 - b. demonstrate a good track record for ensuring the progress of all pupils
 - c. be a mainstream school delivering primary phase education as pupils will need to access the Foundation Phase or Key Stage 2 curriculum
 - d. provide the opportunity for integration, as appropriate, into mainstream classes and mainstream activities to support the assessment process
 - e. be able to provide pupils with high quality learning experiences
 - f. have space available suitable to meet the needs and requirements of the pupils
 - g. be within reasonable travelling distance for primary age pupils and have easy vehicular access

Impact on pupils and parents

22. The specialist provision will increase the opportunity for primary sector pupils to access specialist staff in order to have their needs fully assessed and to acquire the skills and understanding to manage their individual behaviours.
23. The provision will provide for primary age pupils from across the County Borough.

Impact on travel arrangements

24. The location of the host school within the County Borough will be an important factor in managing travel arrangements. For those pupils admitted to the specialist facility travel needs will be assessed in line in line with the Council's Home to School Transport policy. Primary age pupils living 2 miles or more from the provision will be considered for assistance with travel costs.
25. 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
26. Following a positive response to the discussions with schools, a full travel impact will be reported to Cabinet when a host school has been identified and a proposal developed.

Impact on governors

27. The governing body and the school leadership at the host school will be responsible for the day to day management of the specialist provision, including the specialist staff who will become part of the school's staffing complement. The school budget will be funded accordingly.

Impact on special needs education provision

28. It is intended that the facility will be a self-contained provision and, as such, will not have a direct impact on SEN provision at the host school.
29. However, the specialist knowledge and skills-set of the staff employed to work at the provision will be available to share with mainstream staff, indirectly benefiting SEN provision at the host school.

30. As appropriate, opportunity will be provided for pupils at the specialist facility to benefit from mainstream provision at the school.

Financial impact

31. The school will receive additional funding in order to manage the provision, proportionate to the number of pupils admitted.
32. 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 is high and annually presents a significant demand on the Council's education budget.
33. Location and, therefore, travel costs will be a consideration in identifying the host school.
34. Following a positive response to the discussions with schools, the financial impact will be reported to Cabinet when a host school has been identified and a proposal developed.

Equality impact assessment

35. This report seeks approval to hold scoping discussions with schools on a proposal to establish a specialist provision for primary age pupils. Having considered the Council's screening assessment guidance produced to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010 it has been determined that an equalities impact assessment is not required for this report.
36. Should the scoping discussions result in a positive outcome then a report will be brought to Members with a fully developed proposal which will be subject to an equality impact assessment.

Workforce impacts

37. The position of staff employed at the host school should not be adversely affected by the establishment of a specialist provision.

38. The specialist skills and expertise of staff employed to work at the provision will be available to be utilised for the benefit of the wider, mainstream school community.
39. Following a positive response to the discussions with schools, a full workforce impact will be reported to Cabinet when a host school has been identified and a proposal developed.

Legal impacts

40. The proposal to create a specialist facility for primary age pupils will involve establishing SEN provision in a mainstream school 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 SEN. As such, this constitutes a regulated alteration requiring the statutory publication of the proposal. The School Standards & Organisation (Wales) Act 2013 provides the legislative framework by which the Council may implement a proposal. The Welsh Government's School Organisation Code, July 2013, made under Sections 38 and 39 of the Act, imposes on the Council requirements and guidelines on matters relating to school organisation.
41. 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.
42. 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.
43. The management of staff affected by the proposal will follow the relevant school policy and procedure requirements.
44. The legislation referred to above is available using the electronic link in the section on background papers, below.

Risk management

45. An outline risk assessment has been carried out under the Council's Risk Management Policy 2015.

46. Potential risk areas in implementing the proposal include:
- educational outcomes for pupils are not improved
 - integration at the provision is unsuccessful
47. 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
 - more pupils being educated within mainstream school settings
 - more efficient and effective use of resources, and savings from economies of scale
 - host school indirectly benefiting from specialist staff on site
48. Additionally, failure to implement the proposal could lead to an increased risk of appeals to the ombudsman and/or SEN tribunal (SENTW).
49. Given the specialist support that will be available at the provision and the application of specific 'entry' and 'exit' criteria, the potential effects of identified risks will be mitigated by implementation of the proposal.
50. Following a positive response to the discussions with schools, a full risk assessment will be reported to Cabinet when a host school has been identified and a proposal developed.

Impact on community usage

51. Following a positive response to the discussions with schools, the impact on community usage will be reported to Cabinet when a host school has been identified and a proposal developed.

Welsh Language Impact assessment

52. Following a positive response to the discussions with schools, the impact on the Welsh language will be reported to Cabinet when a host school has been identified and a proposal developed.

Consultation

53. This school organisation proposal is being brought forward under the Council's Strategic School Improvement Programme. Following a positive response from schools and the development of a proposal, a report will be brought to Cabinet seeking permission to commence formal consultation in line with the requirements of the Welsh Government's School Organisation Code, July 2013, which specifies the procedures to be followed, including the content of the consultation document and those to be consulted.

Recommendation

54. Members approve scoping discussions with head teachers and chairs of governors over the establishment of a specialist provision for primary age pupils who externalise their needs.
55. The Head of Transformation be authorised to undertake the necessary discussions with schools.

Reasons for proposed decision

56. This decision supports the Council in meeting its duty to secure efficient education in its area.

Implementation of the decision

57. The decision is proposed for implementation after the 3 day call in period.

Appendices

N/A

List of background papers

- a. Strategic School Improvement Programme Principles Paper: September 2008
[https://democracy.npt.gov.uk/Data/Cabinet/20080924/Agenda/\\$CAB-240908-REP-EL-KN.doc.pdf](https://democracy.npt.gov.uk/Data/Cabinet/20080924/Agenda/$CAB-240908-REP-EL-KN.doc.pdf)
- b. Welsh Government - School Organisation Code: July 2013
<http://gov.wales/docs/dcells/publications/130719-school-organisation-codes-en.pdf>

- c. School Standards & Organisation (Wales) Act 2013
http://www.legislation.gov.uk/anaw/2013/1/pdfs/anaw_20130001_en.pdf
- d. SEN Code of Practice for Wales
<http://gov.wales/docs/dcells/publications/131016-sen-code-of-practice-for-wales-en.pdf>
- e. Learner Travel (Wales) Measure: 2008 & the Learner Travel Statutory Provision and Operational Guidance: 2014.
http://www.legislation.gov.uk/mwa/2008/2/pdfs/mwa_20080002_en.pdf
<http://gov.wales/docs/det/publications/140616-ltqg-en.pdf>
- f. Home to School Travel Policy: 2014
http://www.npt.gov.uk/pdf/Home_to_school_transport_policy_2014.pdf

Officer Contact

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