

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

22nd February 2017

REPORT OF HEAD OF TRANSFORMATION ANDREW THOMAS

MATTER FOR DECISION

WARDS AFFECTED: Margam, Taibach, Port Talbot, Bryn & Cwmafan, Pelenna

STRATEGIC SCHOOL IMPROVEMENT PROGRAMME -PROPOSAL TO OPEN A 3-16 SCHOOL TO REPLACE GROES PRIMARY SCHOOL AND DYFFRYN SCHOOL

Purpose of report

1. To obtain Cabinet approval to implement a proposal to establish a 3-16 school in new build premises to replace Groes Primary School and Dyffryn School, both of which will close.

Executive summary

2. The proposal to establish a new build, 3-16 all-through school at an existing school site in the Margam area brings two established schools together under a single management and leadership structure. This will support continuity of pupil learning and deliver improvements in pupil outcomes and well-being. In addition, the proposal provides staff with greater opportunity for curriculum and career development.
3. It is proposed that the new school will be built on the site jointly occupied by Groes Primary School/ Dyffryn (upper) School.
4. The cost of the new build will be met from 21st Century Schools programme Band A funding.

5. The proposal will remove the split-site arrangement, bringing Dyffryn (upper) School and Dyffryn (lower) School on to one site.
6. It will deliver more efficient and effective use of resources, resulting in revenue savings for reinvestment in the general schools budget.
7. Both Groes Primary and Dyffryn School are successful schools and have been judged by Estyn as having good outcomes for pupils. Creating a single management structure with a single vision and ethos, and consistent policies and processes will build upon the successes of the two existing schools.
8. Relevant grant funding business case applications have been submitted to the Welsh Government and the plans have been approved at Full Business Case stage. Capital funding for the project has been approved, in principle.
9. Planning permission for the new build and associated site development has been granted and a temporary governing body has been established.
10. This proposal has been the subject of external consultation and no objections were received during the statutory publication period.
11. It is recommended that Cabinet approves implementation of this proposal, effective from 1st September 2018.

Background

12. 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.
13. 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.

14. 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
15. Cabinet Members, at their meeting of 4th January 2017, received a report on the outcome of consultation and having given it due consideration Members determined to proceed with the proposal, approving its statutory publication - a process that provides for the submission of objections. The period for submitting objections has now ended.

The Proposal

16. It is proposed to open a 3-16, all-through school to replace Dyffryn School and Groes Primary, both of which will close.
17. It is intended to open the 3-16 school on 1st September 2018 in new build premises on the site of Dyffryn (upper) School/Groes Primary.
18. This proposal will remove the split-site arrangement under which Dyffryn School currently operates, bringing the lower and upper schools together on one site.
19. The new school will have a single governance and management structure and will serve the catchment area currently served by Groes Primary at primary age level and the wider catchment area currently served by Dyffryn School at secondary age level.
20. The new build will be funded jointly from Welsh Government 21st Century School Programme capital grant monies and from the Council's prudential borrowing capacity.

Financial impact

21. The cost of the new build will be met from 21st Century Schools programme Band A funding, a combination of Welsh Government capital grant allocation and prudential borrowing. Welsh Government capital grant funding has been approved, in principle, at Full Business Case stage.
22. When the new 3-16 school opens on 1st September 2018 it will receive a budget appropriate for an all-through school. Revenue savings generated by efficiencies will be re-invested in the education budget. In this regard, the proposal supports the Council's effective management of its education budget and promotes the more equitable distribution of funding across local schools.

Equality impact assessment

23. An Equality Impact Assessment has been carried out and has shown that the proposal will have a neutral impact on protected groups.
24. The assessment has identified that both Dyffryn School and Groes Primary School have BME pupils, the largest ethnic group being pupils of Bangladeshi origin under the Welsh Government options for ethnic background.
25. Both schools are inclusive for pupils of all ethnic groups and ethnicity is not a criterion under the Council's School Admissions Policy. Admissions to the new school will be in line with this policy.
26. The full Equality Impact Assessment is attached as appendix A.

Workforce impacts

- **School staff**
27. There are potential teaching and learning benefits for staff working at a 3-16, all-through school, including greater opportunity for staff development and career progression through a broader range of experiences.

28. The proposal will mean changes that impact on the employment of school staff as the existing schools will close on 31st August 2018. Upon closure all staff will cease to be employed at their respective schools. The new school will set a new staffing structure appropriate to its needs and budget.
29. A temporary governing body will be established before the opening of the new school. The temporary governing body will have the responsibility of appointing a head teacher. Specifically in relation to the posts of head teacher and deputy head teacher, the Council's policy is for these to be advertised nationally. Once the head teacher has been appointed that person will, together with the temporary governing body, be responsible for determining the staffing structure for the new school.
30. When the new school opens on 1st September 2018 staff will be employed by the new governing body (albeit appointed by the temporary governing body).
- **Centrally employed staff**
31. Although this proposal rationalises provision across the three existing sites, there will be employment opportunities at the new school for centrally employed catering and cleaning staff.
- **Staff support**
32. As part of the process all school based staff will be supported by the relevant school policies and procedures which will include full consultation. Previous experience has shown that some staff wish to secure employment in the new school but others take the opportunity to take on new challenges elsewhere. Employees identified at risk of redundancy will be given access to the Council's prior consideration register. The Council is committed to supporting staff at risk of compulsory redundancy and has secured the support and goodwill of the teacher associations/trade unions and governing bodies across the Council, via an employers' pledge. The Council has a proven track record for supporting staff in such situations.

Legal impacts

33. The proposal requires the establishment and discontinuation of schools. The School Standards & Organisation (Wales) Act 2013 (the Act) provides the legislative framework by which the Council

may implement the 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, including consultation.

34. 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.
35. 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.
36. The management of staff affected by the proposal will follow the relevant school policy and procedure requirements.
37. The legislation referred to above is available using the electronic links in the section on background papers, below.

Risk management

38. A risk assessment has been carried out under the Council's Risk Management Policy 2015.
39. Potential risk areas in implementing the proposal include:
 - educational standards not maintained
 - less effective support for pupil well-being in a larger, all-through school
 - increased home to school travel time for some pupils
 - staff anxiety about job security and new management arrangements
 - loss of school identity from closure of existing establishments
 - resistance to change leading to lack of pupil, parent and staff support
 - forecasted pupil numbers do not materialise
 - budget allocation insufficient to meet needs
 - 21st Century School capital funding opportunity not realised
 - Welsh language not developed further

- discrimination against protected characteristics resulting in a negative impact on one or more protected groups
 - loss of community facilities
 - increased governance and staff responsibilities
40. Failing to implement the proposal will result in the following teaching/learning and financial benefits not being fully realised, particularly in relation to:
- providing a stimulating and innovative teaching and learning environment that will impact positively on the self-esteem and well-being of all pupils and staff
 - pupils accessing a wider range of staff expertise
 - opportunities for improved transition across key stages 2 and 3
 - removal of split-site challenges
 - staff having greater opportunity for curriculum development and career opportunities through broader experience and enhanced continuing professional development options
 - a more efficient and effective use of resources, and savings from economies of scale
 - achieving efficiencies (economic and environmental) by having the right school in the right place
 - greater protection against the impact of a Schools Funding Formula Review
 - reducing the number of surplus pupil places and improving the school building environment
 - ensuring the school is a fully integrated community school providing access to its learning and recreational facilities and, thereby, promoting community cohesion
41. The benefits of implementing the proposal will mitigate the effects of identified risks. A new school provides greater prospects for improving educational attainment for pupils. Estyn (Jan 2007) reported on the performance of schools before and after moving into new buildings, stating that ageing school buildings which are in a poor state of repair cannot meet modern teaching and learning needs. The report also states that inadequate buildings make improvements in standards more challenging and that in nearly all schools with new or refurbished buildings, pupils attainment and achievement have improved and in some cases the improvement has been significant.

42. The proposed new 3-16, all-through school will provide greater opportunities for pupils to access a wider range of specialist staff and facilities and increase opportunities for learning. With one leadership team operating across the age range of the school, pupils and parents will experience continuity in school policy and practice, and transition between key stages can be better managed and facilitated for the benefit of pupils.
43. Planning permission for the new build and associated site development has been granted (Planning Committee, 31st Jan 2017) and a temporary governing body has been established (CYPE, 5th Jan 2017).
44. The full risk assessment is attached to this report as appendix B.

Community usage impact assessment

45. A community impact assessment has been undertaken and is attached to this report as appendix C.
46. The community impact assessment recognised the importance of both Dyffryn School and Groes Primary in providing a venue for school based events and extra-curricular activity. Under this proposal existing community/school interaction needs to be retained, preserved and enhanced as appropriate with no loss of amenity to the wider community. Community provision and activities that have been developed for the wider community will not be lost from either of the schools in the amalgamation and hence there are no plans to mitigate the loss. The existing modest community use of the Dyffryn (upper) School site needs to be further developed.
47. There is a welcome and general acceptance of the proposal within the community of Margam, the location of the new build school. It is intended that the new school's facilities, internal and external, will be made available for community use when not required by the school.
48. School and community facilities and activities will be enhanced as part of the proposal. As such, there will be no adverse effect upon community provision if Dyffryn (upper and lower) School and the Groes Primary school amalgamate

Welsh Language impact assessment

49. The Council is satisfied that the provision for Welsh language education at the new school will be comparable with the provision currently offered at Groes Primary and Dyffryn School. Both schools are categorised as English-medium schools. Welsh is taught as a second language in accordance with the National Curriculum, and this will continue at the new school.
50. Primary education through the medium of Welsh is available at Ysgol Gynradd Gymraeg Rhos Afan, the Welsh-medium primary school serving the Margam area. Secondary Welsh-medium education will be available at Ysgol Gymunedol Gymraeg (south campus).
51. The full Welsh language assessment is attached to this report as appendix D.

Consultation

52. 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, July 2013, which specifies the procedures to be followed, including the content of the consultation document and those to be consulted.
53. Consultation on this proposal commenced on 31st October 2016 with comments invited until 11th December 2016. A consultation report summarising the comments of consultees together with responses to those issues was published on 4th January 2017. Estyn commented that the proposal is likely to at least maintain the current standards of education and provision in the area.
54. A Cabinet report on the outcome of consultation together with recommendations was presented to Members on 4th January 2017.

Statutory Publication

55. At the Cabinet meeting of 4th January 2017 Members noted that responses to the consultation were generally favourable with respondents raising issues that focussed principally on shaping provision and ensuring the success of the new school. There were no issues raised during the consultation that suggested the proposal should be reconsidered so Members determined to move to the statutory publication of the proposal.
56. To this effect a statutory notice was published on 5th January 2017 allowing the required 28 day period for submitting objections, which ran until 1st February 2017.
57. The statutory notice is attached to this report as Appendix E.

Objections

58. No objections were received during the objection period.
59. With no objections to the proposal and with no separate requirement for referral to the Welsh Government for approval, the decision to implement the proposal falls to the Council's Cabinet.
60. In reaching a decision there is an expectation that Members will have familiarised themselves with the relevant documents and Cabinet reports relating to this proposal. These are listed below in the appendices and background papers.

Recommendation

61. Having given due regard to the equality impact assessment, the risk assessment, the community impact assessment, the Welsh language impact assessment and the relevant reports as listed in the appendices/background papers to this report, it is recommended that, in line with Section 53 of the School Standards and Organisation (Wales) Act 2013, Members determine that:
 - a) the proposal to establish an English-medium, community school to replace Groes Primary and Dyffryn School, both of

which will be discontinued, be implemented as of 1st September 2018

- b) authority be delegated to the Head of Transformation to implement the proposal

Reasons for proposed decision

62. This decision is necessary to comply with the legislative requirements to facilitate the implementation of the proposal which will enable the Council to:
- promote high standards and the fulfilment of every child's potential;
 - meet its duty to secure efficient education in its area;
 - comply with legislative requirements

Implementation of the decision

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

Appendices

Appendix A: Equality impact assessment

Appendix B: Risk assessment

Appendix C: Community impact assessment

Appendix D: Welsh language impact assessment

Appendix E: Statutory Notice

List of background papers

- a) Cabinet Report: July 2015
<https://democracy.npt.gov.uk/documents/s16179/CAB.%20090715%20Band%20A%20reconfiguration.pdf>
- b) Cabinet Report: January 2017
<https://democracy.npt.gov.uk/documents/s27087/YNM%20CABINET%20REPORT%20040117.pdf>
- c) Cabinet Report: October 2016
<https://democracy.npt.gov.uk/documents/s24985/YNMargam%20Cabinet%20report%20261016.pdf>
- d) Consultation Document
<https://www.npt.gov.uk/pdf/CONSULTATIONDOCUMENTMargam.pdf>
- e) Consultation Report
<https://democracy.npt.gov.uk/documents/s27088/App%20A%20Consultation%20Report.pdf>

- f) 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)
- g) Welsh Government - School Organisation Code: July 2013
<http://gov.wales/docs/dcells/publications/130719-school-organisation-codes-en.pdf>
- h) School Standards & Organisation (Wales) Act 2013
http://www.legislation.gov.uk/anaw/2013/1/pdfs/anaw_20130001_en.pdf
- i) 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-ltog-en.pdf>
- j) Home to School Travel Policy: 2014
http://www.npt.gov.uk/pdf/Home_to_school_transport_policy_2014.pdf
- k) Estyn
<https://www.estyn.gov.wales/inspection/search>

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