

Committee: **Executive Committee**
 Date of meeting: **23rd June 2021**
 Report Subject: **Proposal to Consult on an Increase in Pen y Cwm Special School Capacity**
 Portfolio Holder: **Education and Learning Portfolio – Joanne Collins**
 Report Submitted by: **Corporate Director of Education - Lynn Phillips and Service Manager – Education Transformation and Business Change – Claire Gardner**

Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
15.6.21	17.6.21	21.06.21				23.6.21		

1. **Purpose of the Report**

- 1.1 The purpose of the report is to provide a detailed overview of the statutory consultation undertaken by Education in relation to the proposal to extend the capacity of Pen y Cwm Special School. The report provides an overview of the consultation:
- methodology;
 - process; and,
 - outcomes including key themes emerging from the responses received
- 1.2 A determination is sought from Executive Committee in line with the proposal to proceed to Statutory Notice consultation outcome.

2. **Scope and Background**

2.1 **Consultation Process and Methodology**

The Welsh Government School Organisation Code – second edition (2018), dictates that proposals **must** be published for the following elements of school reorganisation:

1. the opening of a maintained school (including a special school);
2. the closing of a maintained school (including a special school);
3. to make a regulated alteration to a maintained school; and,
4. to change the category of a maintained school.

2.2 Therefore, the proposal to increase capacity at Pen y Cwm **must** be subject to a formal consultation as the Council is proposing to increase pupil capacity by over 10% - from 120 to 175.

2.3 The consultation was initiated and conducted via a formal consultation document and accompanying online survey (please refer to **Appendix 1** for the consultation document), which was fully compliant with the statutory requirements set out within the aforementioned Code. The purpose of consultation was to establish the views and opinions of consultees in relation to the proposal, in order to inform the Council's political decision making process, along with the next steps associated with the proposal. In accordance with the Welsh Government School Organisation Code, the Authority is required to publish a consultation report (at least 2 weeks prior to the publication of statutory notice) which:

- summarises the issues raised by consultees;
- responds to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons;
- sets out Estyn's response to the consultation in full; and,
- responds to Estyn's response by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons.

2.4 Formal consultation commenced on Monday 26th April 2021, upon publication of the formal consultation document on the Council's website. The process then concluded on Sunday 6th June 2021 at midnight. Consultees were asked to provide their views, opinions and feedback via one or more of the following methods:

- attending a pre-arranged virtual or face to face session;
- completion of an on-line survey; and/or,
- in writing via the 21st Century Schools email address.

2.5 The Council targeted consultees as directed by the Welsh Government School Organisation Code (please refer to **Appendix 2** for a comprehensive list of consultees who were provided with the necessary documentation). Electronic letters were distributed to:

- all Blaenau Gwent schools to staff, parents and pupils;
- all Governing Bodies via the Education Achievement Service; and,
- other consultees as detailed within Appendix 2

In total, 20 formal responses were received via letter, email or survey.

Public Engagement Overview

2.6 Due to the COVID-19 restrictions, direct public engagement within the affected group was limited and governed by a COVID Secure Risk Assessment. However, the consultation document stipulated that should individuals or groups wish to engage with officers to discuss the proposal, a session or telephone call could be arranged. On this occasion, there were no requests received from the public and/or other key consultees over and above the pre-arranged sessions. Neither were there any telephone enquires pertaining to the consultation. Education held 7 pre-planned sessions with key consultees (including those directly affected by the proposal). These sessions were attended by 66 consultees (for more information please refer to **Appendix 3**). During the aforementioned sessions, a series of questions were posed and addressed by Council officers, for a detailed overview of both the questions posed and Council responses, please note **Appendix 4**.

Written Response Overview

2.7 The Council received 9 responses in total via email, 7 of which supported the proposal, 1 did not support the proposal as presented in the consultation document and finally, the response from Estyn highlighted the need for further information, which has been addressed within section 2.21 below. Please refer to **Appendix 5** for the redacted correspondence log. No petitions were received.

2.8 The Council received 11 survey responses in total, an overview of which can be found in **Appendix 6**. However, the data below provides an overview of the correspondence outcomes in terms of the level of support for the proposal:

- Fully support the proposal - 9 (82%)
- Partially support the proposal - 1 (9%)
- Do not support the proposal - 1 (9%)

2.9 10 (90%) respondents provided additional comments relating to the proposal, with 1 (10%) participant choosing not to comment, opting only to express their preference. There were 11 respondents who expressed support for the proposal, the split in terms of representation for these consultees is detailed below:

- 1 local resident
- 2 parents
- 4 school staff (representative of both teaching and non-teaching)
- 1 Social Services representative
- 1 Trade Union representative
- 2 with no indication of which sector or organisation they represented

2.10 **Social Media Engagement**

The Corporate Communication team were able to establish social media interactions and engagement with consultation posts, a summary of which is detailed below (for more information please refer to **Appendix 8**):

A total of 20 Council posts (outbound) were made via Facebook & Twitter, an assessment of which revealed:

- A Twitter reach of 121,000
- A Facebook reach of 12,000
- (4) likes and (1) retweet on Twitter
- (58) likes and (15) loves on Facebook

2.11 **Thematic Analysis**

The Education Transformation team employed a thematic analysis methodology in assessing the views of the consultees. This method is one of the most common used in qualitative research and is utilised to identify patterns emergent throughout a dataset i.e. key themes such as language. The emergent themes and patterns are important to the questions posed, in highlighting the impact of the proposal, which in turn will support Executive Committee to make an informed decision on how to proceed. This process is interpretive; however, interpretation risks are largely mitigated by the presentation of all responses received (please refer to **Appendices 5, 6 and 8** for an overview of all comments, views and responses).

2.12 The primary themes arising from the analysis of responses along with the frequency of each of the aforementioned themes is detailed in **Appendix 7**.

- 2.13 The top 3 themes were:
- Specialist provision/facilities – 17
 - Increased Demand – 16
 - Long-term Impact –15
- 2.14 The themes centred around the consultees reinforcing what they felt to be the most important considerations and aspects of the proposal for the Council to take forward.
- 2.15 During recent years, school organisation consultations have received a higher proportion of negative than positive responses. However, it is important to note that this consultation received a greater level of support than challenge, with the primary challenge focusing on the need for sustained high quality provision.
- 2.16 **Children & Young People’s responses**
Pen y Cwm Special School and the Council’s Policy and Partnerships team were engaged within the consultation process, in order to support the engagement of both children and young people. Virtual sessions were arranged with both the Youth Forum and the School Council at Pen y Cwm.
- 2.17 **Youth Forum Responses:**
- *‘This really matters if those spaces are needed, as those children should benefit from those spaces’.*
 - *‘Those young people with additional needs should have the same opportunities as other young people to have their education locally’.*
- 2.18 **School Council Response**
A session was delivered with the School Council. 7 pupils attended the session and subsequently completed an evaluation form, all of whom were supportive of the proposal. The pupil’s evaluative comments in support of the proposal to increase the capacity, included:
- *‘Because we can make more friends’*
 - *‘Exciting to go to new area’*
- 2.19 **ESTYN Response**
A formal Estyn response was received during the consultation period and based on the consultation document. The full response is provided in **Appendix 5** (response no. 5). Estyn concluded that:
‘The proposer has outlined several key benefits of the proposal to extend the capacity at Pen y Cwm Special School from 120 to 175 places, with effect from September 2021. It has not however demonstrated clearly enough how the Council will remodel the existing learning environment to create additional classroom spaces and associated facilities that will fully benefit the quality of provision for current pupils. Our opinion is that the proposal does not provide enough information for us to evaluate whether the current standards of education and provision in the area will at least be maintained or improved’.

2.20 The Council's Response:

The Council is seeking to take forward a two-part proposal, whereby the first phase involves internal remodelling of the existing school site, which also encompasses the former Integrated Children's Centre (ICC), Ebbw Fawr Primary School staffroom and shared bistro area, the latter of which currently has limited use. The former ICC which is situated on the first floor of Pen y Cwm School, is not currently suitable in facilitating the delivery of teaching and learning. The proposal seeks to transform this area into a Post 16 base, inclusive of a common room and life skills area, which will in turn free-up additional classroom space for secondary pupils on the first floor. In addition, it is planned for Ebbw Fawr staffroom and the shared bistro area, to be occupied by Pen y Cwm to compliment the Post 16 provision, whilst also creating a more extensive and dedicated area for the growing numbers of staff. This area will facilitate PPA, along with internal and external meetings. The Ebbw Fawr staffroom will then be relocated into an identified available space within the primary school. The primary aim of the remodelling work will be to ensure that these spaces are transformed and suitable for the delivery of teaching and learning.

2.21 The ground floor learning bay area within Pen y Cwm is currently an open space in which programmed activities such as physical therapy take place. This area will be transformed to create additional primary classrooms, with the activities which take place in this areas re-programmed in the shared hall space. Use of the specialist areas i.e. the science and technology room can resume based upon a timetable, as they will no longer be used to house dedicated classes. In addition, ancillary areas, toilets and hygiene facilities will also be created in and around the additional space. The first floor soft play space currently housed within the ICC area will be re-located to the ground floor to support engagement within primary phase. Finally, the current configuration of rooms on the first floor will be reviewed, to create a larger sensory space and appropriate toilet facilities. The proposed remodelling programme will create the additional spaces required, whilst also re-instating shared use of specialist areas that currently house dedicated classes.

2.22 The second phase of the proposal will be progressed simultaneously, which involves the identification of medium to long-term options to support sustained growth and development of the school. The aim of the proposal is to address the current gaps in provision, whilst supporting the reinstatement of 'lost' specialist areas and planning for the medium to long-term. Therefore, it is anticipated that both standards and provision will be improved, whilst realising maximum benefits for learners.

2.23 Consultative Conclusion

In conclusion, the consultation process has demonstrated that the proposal has widespread support from key stakeholders. There is recognition by both consultees and the Council of the need to address the short, medium and long-term capacity requirements, whilst ensuring that specialist provision remains uncompromised. Education remain committed to the delivery of the proposal, as does Pen y Cwm Special School. The two phased approach will support effective management of current issues, whilst allowing the Council,

the school and other key stakeholders to engage in the development of an effective and sustainable long-term solution.

3. **Options for Recommendation**

There are 2 options associated with the consultation, as follows:

- **Option 1** – The Executive Committee considers and accepts the out-turn report, associated documents and course of action, including proceeding to Statutory Notice
- **Option 2** – Executive Committee provide comments in relation to improvements that can be made in relation to the proposed course of action, in consideration of the School Organisation Code (2018) and established timeline.

4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 In accordance with the Welsh Government School Organisation Code (2018), there is a statutory requirement for the Council to undertake statutory consultation with all interested and affected parties. This is necessary due to the fact that the proposal will see an increase in the number of pupils at the school, which when coupled with previous capacity increases, would increase the number of pupils by 10% or the relevant number of such pupils (whichever is the lesser). This section provides an overview of the consultation process.

4.2 Education is a strategic priority within the Corporate Plan. In order to enable people to maximise their independence, develop solutions and take an active role in their communities, the growth, development and sustainability of our special schools is necessary to meet the demand.

5. **Implications Against Each Option**

5.1 **Impact on Budget**

5.1.2 There are capital cost implications associated with this proposal for the Council, which are circa £250,000. This will be met via both the Capital Maintenance Grant and the Welsh Government ALN Grant funding, so therefore this has no cost pressure implications for the Council's Capital Programme.

5.1.3 Pen y Cwm Special School is funded in accordance with Blaenau Gwent Council's Fair Funding policy, and will receive resources on the same basis as any other school within Blaenau Gwent, based upon pupil numbers and the area of the school building. In April 2020/21 pupil funding at Pen y Cwm Special School for Age Weighted Pupil Unit and Category funding was £2,399,785 (other factors funding is not included), this figure is based upon the 141 pupils on roll. Based on the average pupil cost of £16,925, the AWPU/category funding costs for 175 pupils will be circa £2.9 million, which is an increase of £575,450 - if all places were to be fully allocated.

5.1.4 Pen y Cwm generates income in excess of £522,259, as a result of the 19 Out of County placements for learners being educated within Blaenau Gwent, whilst living in another Local Authority area.

- 5.1.5 Blaenau Gwent currently has 20 ALN pupils that are educated outside the Local Authority at a cost of £896,000. If Pen y Cwm Special School was able to increase capacity, there would be opportunities to consider making education provision for some of the 20 pupils back in Blaenau Gwent which would contribute to cost avoidance. However, it is recognised that in some cases, that pupils will continue to receive their education Out of County in line with their specialist needs.
- 5.1.6 The additional funding requirement will be met from a combination of:
- existing resources (from the ISB reserve);
 - ISB funding arising from pupil reductions in BGCBC mainstream schools;
 - cost avoidance for Out of County placements; and,
 - income generated from Out of County placement at Pen y Cwm Special School.
- 5.1.7 The building remodelling is proposed to take place within the existing footprint of the school, therefore, it is not anticipated that there will be any significant additional premises costs. There will be leadership implications, however, these are deemed to be relatively small based upon leadership pay scales which are reflective of the pupil population.
- 5.1.8 Costs associated with home to school transport are increasing. The transport costs associated with Out of County placement for 2019/20 were £134,000, whereas in 2020/21 and due to Covid-19, costs were in the region of £95,000. Pen y Cwm Special School transport costs for 2019/20 were £278,990 whereas for the 2020/21 academic year this rose to £292,000. These costs are regularly reviewed and subject to change in line with pupil placement
- 5.2 **Risk** - If the proposal is not taken forward, there is both a placement and a financial risk in terms of securing suitable Out of County provision for learners.
- 5.3 If current levels of Out of County placements do not reduce there will be a greater call on the ISB reserve to fund the costs associated with the proposals.
- 5.4 **Legal** – In accordance with the Welsh Government School Organisation Code (2018), there is a statutory requirement for the Council to undertake formal consultation with all interested and affected parties.
- 5.5 **Human Resources** - There are no significant HR implications arising from the proposal. The proposed increase in pupil numbers will require the Governing Body of Pen y Cwm School to plan for the workforce requirements in readiness for the respective expansions. Organisational Development will provide advice, support and guidance to the Governing Bodies for the workforce planning and consequential recruitment processes.

6. **Supporting Evidence**
- 6.1 **Performance Information and Data** – Please refer to the Consultation document (**Appendix 1**), for the date performance data relating to the proposal.
- 6.2 **Expected outcome for the public (This section is mandatory)** - The public can expect a fair and equitable consultation process, which is fully compliant with the Welsh Government School Organisation Code (2018)
- 6.3 **Involvement** - Stakeholder engagement is a key focus of all school organisation proposals. The proposal will be subject to consultation in line with the Welsh Government School Organisation Code (2018), which will then be used to inform decision making processes moving forward.
- 6.4 **Thinking for the Long term** - The consultation details a proposal which looks to secure additional Special School education places and capacity in line with placement requests and associated demand in the medium to long-term, securing sustainable growth of specialist education provision within Blaenau Gwent.
- 6.5 **Preventative focus** – The proposal seeks to address medium-term capacity issues, whilst securing sustainability to support long-term growth in line with specialist education placements within Blaenau Gwent.
- 6.6 **Collaboration / partnership working** - The consultation document, along with the development of the proposal has been developed collaboratively with the Inclusion Team, Pen y Cwm Special School, Finance, and Community Services.
- 6.7 **Integration** - The proposal seeks to secure integration for new and existing pupils supporting growth and sustainability of provision.
- 6.8 **EqIA** - An Equality Impact Screening Assessment (EQIA) has been completed in line with the consultation, which determined that there is no negative impact upon the protected characteristics. The proposal promotes equality of opportunity within Blaenau Gwent for families whose children require specialist provision, and will have a positive impact upon the protected characteristic of disability.
7. **Monitoring Arrangements** – Should the consultation proceed, there will be extensive monitoring in line with the consultation processes, responses and outcomes; which would be answered, analysed and taken via the Council’s political processes. In addition, the project would be established and managed in accordance with Blaenau Gwent Corporate Project Management Framework and the PRINCE 2 methodology.

Background Documents / Electronic Links

Appendix 1 Consultation Document
Appendix 2 Consultee List
Appendix 3 List of Sessions (including the number of participants)
Appendix 4 Consultee Questions and Council Responses
Appendix 5 Redacted Correspondence Log

Appendix 6 Online Survey Overview
Appendix 7 Thematic Analysis
Appendix 8 Views and Comments Captured via Social Media