

CABINET

Date of Meeting	Tuesday, 20 th December 2022
Report Subject	The School Standards and Organisation (Wales) Act 2013, School Organisation Code for an Enlargement of the Premises of a School for Drury C.P. School and Penyffordd C.P. School
Cabinet Member	Leader of the Council and Cabinet Member for Education, Welsh Language, Culture and Leisure
Report Author	Chief Officer (Education and Youth)
Type of Report	Operational

EXECUTIVE SUMMARY

This report seeks to inform Cabinet of the responses from the Statutory Objection period (“the Objection Report”), under section 49 of ‘The School Standards and Organisation (Wales) Act 2013, School Organisation Code’ for an enlargement of the premises at two schools - Drury C.P. School and Penyffordd C.P. School.

Cabinet is requested to determine on the Statutory Proposals put forward for the enlargement of these two schools.

RECOMMENDATIONS

1	Cabinet is requested to consider the responses from the Statutory Objection period for Ysgol Penyffordd and Drury CP and make a final determination.
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REPORT DETAILS

1.00	BACKGROUND
1.01	<p><u>Drury CP - Timeline</u></p> <p>Drury C.P. School forms part of the 21st Century Schools, Band “B” investment programme which is jointly funded through Welsh Government and Flintshire County Council. On the 16th March 2021, Cabinet agreed to move forward with the investment project at Drury C.P.</p>
1.02	<p>The original feasibility study was completed in 2017. At the time, Drury C.P. School capacity was 124 Full Time (FT) pupils with an Admission Number of 17 and this included one mobile classroom. The feasibility study assumed a new capacity of 150 FT.</p>
1.03	<p>Since, September 2021, based on Welsh Government guidance, the capacity has increased to 160 FT with an Admission Number of 22 as the second mobile classroom has been on site for four years, which triggers its inclusion within the school’s capacity assessment.</p>
1.04	<p>Having reviewed the pupil numbers and projections, it is proposed to increase the scope of the project further. The proposal would be to extend and refurbish the school to cater for an increased capacity of 180 FT.</p>
1.05	<p>This means that the capacity will increase over the 25% within a five year period and this triggered the requirement to consult through ‘The School Standards and Organisation (Wales) Act 2013, School Organisation Code’ for an enlargement of school premises. On 16th November 2021, Cabinet agreed to commence statutory consultation.</p>
1.06	<p>Statutory consultation commenced on 1st March 2022 and ended on 11th April 2022. 42 responses were received including a formal response from Estyn and the school’s Pupil Council. 90% of responders supported the proposal.</p>
	<p><u>Penyffordd CP - Timeline</u></p>
1.07	<p>A new primary school was constructed to replace the former infant and junior school with the school taking occupation of the new facility in September 2019.</p>
1.08	<p>The original planning approval for the new school at Ysgol Penyffordd included a planned two classroom extension which would increase the capacity of the school to 375 FT pupils.</p>
1.09	<p>This project is now being brought forward due to local demand and is funded from a combination of Section 106 developer contributions to Education and the Council’s own capital programme. The Council’s own funding was agreed at Capital Asset Programme Board on 29th September 2022.</p>

1.10	The current proposals to increase the capacity at the school require consultation to be issued through 'The School Standards and Organisation (Wales) Act 2013 School Organisation Code' for an enlargement of the premises of a school (excluding nursery and special schools), as there would be 25% increase in capacity within a five year period.
1.11	Statutory consultation commenced on 1 st March 2022 and ended on 11 th April 2022. 84 responses were received including a formal response from Estyn and school pupils. In the online standard response form 73% of responders supported the proposal.
1.12	The Committee Report and consultation responses for both schools were considered by Cabinet on 12 th July, 2022. The consultation report was published on 9 th September 2022 following the school summer break.
1.13	Cabinet determined that Statutory Notices be issued for the proposals for both schools. These were published on 29 th September and ran until 27 th October 2022.
1.14	<p>Under the School Organisational Code the Statutory Proposals for Ysgol Penyffordd and Drury CP are to be determined by the Council's Cabinet, rather than Welsh Ministers.</p> <p>Objections must be conscientiously considered alongside the arguments, provided by other stakeholders in respect of the proposals and in light of the following factors:</p> <ul style="list-style-type: none"> - Quality and Standards in Education - Need for places and the impact on accessibility of schools - Resourcing of education and other financial implications - Other general factors
1.15	<p>Objection Period</p> <p>During the objection period the Council received 1 objection for Ysgol Penyffordd and 0 objections for Drury CP.</p> <p>The following concerns were raised in the objection for Ysgol Penyffordd:</p> <ul style="list-style-type: none"> • Lack of foresight on the original build • The increase in capacity leading the way to further housing development in Penyffordd • Lack of investment in other vital local services and amenities <p>The Authorities response to this are contained in the Objection report attached as Appendix B.</p>
1.16	For both schools, delivery of these schemes cannot proceed until such time that statutory proposals to increase the capacity of the schools have been determined and published.
1.17	Subject to Cabinet approval on determination for the proposal to enlarge both of these two schools, a decision letter will be issued in January 2023.

2.00	RESOURCE IMPLICATIONS
2.01	The financial resources required to undertake the expansion at both schools are already identified and will come from within the Council's Band B 21 st Century Schools programme, from Section 106 contributions from the property developer and from the Council's own Capital Programme. There is no additional funding required.
2.02	The School Modernisation Team manage the Councils schools investment strategy & programme/s and is appropriately resourced for these proposals.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	All projects are managed using a risk register. Risks are managed accordingly, and financial risks are managed through a project contingency. Any high level risk which cannot be managed with the projects/programme will be incorporated into the risk register for the Education and Youth Portfolio.
3.02	Integrated Impact Assessments were produced in March 2022 for both proposals, there are policies, procedures and systems in place to reduce the negative impacts anticipated by this assessment.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
	Subject to Cabinet determination, no further consultations are required through the School Standards and Organisation (Wales) Act 2013, School Organisation Code by the School Modernisation Team. The Council must publish the Objection Report at the same time that the decision is issued.

5.00	APPENDICES
5.01	Appendix A - Copy of Objection report for Drury CP Appendix B - Copy of Objection report for Penyffordd CP

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	School Organisation Code – The School Standards and Organisation (Wales) Act 2018 https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf

6.02	<p>All documents related to the Statutory proposals including the Consultation Document, the Consultation report and the published Statutory Notices for both schools are available at:</p> <p>https://www.flintshire.gov.uk/en/Resident/Schools/School-Modernisation-Related/Home.aspx</p> <p>If you require hard copies please contact the officer named below.</p>
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7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Jennie Williams Telephone: 01352 704015 E-mail: jennie.william@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
	<p>School Organisation Code – The new School Standards and Organisation (Wales) Act 2018 makes Local Authorities responsible (rather than the Welsh Ministers prior to October 2018) for the determination of most statutory school organisation proposals that receive objections.</p> <p>21st Century Schools - Is a collaboration between the Welsh Government (WG), the Welsh Local Government Association (WLGA) and local authorities. It is a major, long-term and strategic capital investment programme with the aim of creating a generation of 21st century schools in Wales.</p> <p>S106 – Is an agreement between a developer and the local Planning Authority, which assists in reducing impact of a development on a community.</p>