

Meeting of:	Cabinet
Date of Meeting:	Thursday, 08 September 2022
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Proposal to provide nursery provision at St Nicholas Church in Wales Primary School
Purpose of Report:	To advise Cabinet of the outcome of the statutory notice to add nursery provision to St Nicholas Church in Wales Primary School and the process to be followed to allow a determination to be made.
Report Owner:	Cabinet Member for Education, Arts and the Welsh Language
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p>Officers Consulted:</p> <p>Lisa Lewis: Operational Manager, Strategy and Resources</p> <p>Nathan Slater: Project Manager, Sustainable Communities for Learning</p> <p>Mike Matthews: Principal Strategic Planning Officer</p> <p>Carolyn Michael: Head of Finance/Section 151 Officer</p> <p>Tracy Dickinson: Operational Manager, Human Resources</p> <p>Victoria Davidson: Operational Manager, Legal Services</p> <p>Public consultation with all interested parties has been carried out, in accordance with legislation.</p> <p>Local Ward Members have been consulted.</p>
Policy Framework:	This is a matter for Executive decision by the Cabinet.

Executive Summary:

- The purpose of this report is to advise Cabinet of the outcome of the statutory notice on the proposal to add nursery provision to St Nicholas Church in Wales (CiW) Primary School by:
- Changing the lowest age range of pupils at St Nicholas CiW Primary School from 4 to 3, to include 24 part time nursery places.
- The Council received 1 objection by the closing date of 12th July, 2022. The objection has been categorised under themes and outlined in the attached objection report for Cabinet to consider as part of the decision-making process. This report can be found at Appendix A.
- Following the completion of the period of statutory notice, a decision is now required on whether to implement the proposal to add nursery provision to St Nicholas CiW Primary School as set out under the proposal.

Recommendations

1. That Cabinet considers the findings of the objection report on the proposal.
2. Subject to consideration of the above, Cabinet approves implementation of the proposal to add nursery provision to St Nicholas CiW Primary School:

Proposal to provide nursery provision at St Nicholas CiW primary school by:

- Changing the lowest age range of pupils at St Nicholas CiW Primary School from 4 to 3, to include 24 part time nursery places.
3. That Cabinet note that the major investment towards a new school building set out in the proposal is subject to the necessary funding being approved by Welsh Government.

Reasons for Recommendations

1. To ensure the views of objectors are taken into account in the decision-making process.
2. Following the completion of a period of statutory notice, a decision is required on whether to implement the proposal to add nursery provision to St Nicholas CiW Primary School.
3. To ensure Cabinet is aware that the full investment in the school building described in the consultation documentation is dependent on Welsh Government funding.

1. Background

- 1.1 St Nicholas Church in Wales (CiW) Primary School is a voluntary controlled school situated in the village of St Nicholas. The school caters for pupils between 4 and 11 years old and has a capacity of 126 pupils. St Nicholas CiW Primary School primarily serves the communities of St Nicholas and Bonvilston.
- 1.2 The Governing Body determined on 1st December, 2022 to undertake a statutory consultation on the proposal. The consultation was undertaken in line with the requirements of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018, a consultation exercise with prescribed consultees was undertaken between 1st February, 2022 and 15th March, 2022.
- 1.3 The aim of the consultation was to inform prescribed consultees about the school re-organisation proposal being put forward under section 2.3 of the School Organisation Code. Section 2.3 refers to Regulated Alterations of a school, which includes changing the age range of a school by a year or more.
- 1.4 The consultation document set out the rationale behind the proposal and notes several drivers for the proposal. However, the main driver for the proposals is to ensure equality and consistency across primary provision in the Vale of Glamorgan, furthering the move towards the 3-11 primary model.

- 1.5** This model is considered to have several benefits, including developing continuity and progression in children's learning from the age of three. This would ensure there is a consistent approach to planning and delivery of the foundation phase (nursery to year two) and minimise the potential for disruption during transition from nursery to primary school.
- 1.6** The Governing Body received 4 responses by the closing date of 15 March 2022. Consultees were asked to indicate whether they 'support', 'do not support' or have 'no opinion' on the three individual elements of the proposals.
- 1.7** Out of 4 individual responses, 3 consultees were in support of the proposals, 1 was opposed and 0 offered no opinion either way.
- 1.8** Several themes were identified as part of the Consultation Report details of which can be found under the Consultation Report on the following link:
<https://www.valeofglamorgan.gov.uk/Documents/Working/Education%20and%20Skills/21st-Century-Schools/SNPS-Revised-Proposal-Consultation-Response-Report-formatted.pdf>
- 1.9** The Governing Body is committed to ensuring that consultations are meaningful, relevant, and appropriate for the communities that are involved, and the Council has a duty of care to ensure that proposals are clear, transparent, and reflective of those affected. A consultation report was produced and published following the consultation exercise which set out the Governing Body's response to the Themes identified above. The consultation report was considered by the Governing Body on 16th May, 2022.
- 1.10** Following consideration of the Consultation Report, the Governing Body approved the recommendation to proceed to issue a statutory notice on the proposal.
- 1.11** A statutory notice was published on 13th June, 2022. The statutory notice period of 28 days (including 20 school days) was closed on 12th July, 2022. A copy of the notice is attached as at Appendix B.

2. Key Issues for Consideration

- 2.1** Welsh Government issued a School Organisation Code in 2018 that came into effect in November 2018. The Local Authority must "act in accordance with the Code" as determined by the School Standards and Organisation (Wales) Act 2018.
- 2.2** In line with the School Organisation Code (2018) requirements the statutory notice was published in English and Welsh on the Council's website and posted at the main entrances and in the area to the school included under the proposal; St Nicholas CiW Primary School. The school was provided with copies of the notice to distribute to pupils, parents, carers and guardians, governing body, and staff members. Links to the notice were also sent via email.

2.3 On the day of the statutory notice being published, the following stakeholders received either a hard copy or were e-mailed a link to the Council's website together with an electronic copy of the document:

- Cardiff City Council, Bridgend County Borough Council and Rhondda Cynon Taf County Borough Council;
- the Church in Wales and Roman Catholic Diocesan Authority for the area;
- the Governing Body for St Nicholas CiW primary School;
- All neighbouring nursery, primary and secondary schools in the Vale of Glamorgan
- the Welsh Ministers;
- Members of the Senedd (MS) and Members of Parliament (MPs) representing the area;
- County Councillors representing the area;
- Estyn;
- the relevant teaching and trade unions representing staff;
- Central South Consortium (Joint Education Service) - the relevant Regional Education consortium;
- CSSIW South East;
- the Council's Transportation Department;
- the Police and Crime Commissioner for South Wales;
- St Nicholas and Bonvilston Community Council;
- The Vale of Glamorgan Early Years Development and Childcare Partnership (EYDCP)
- Welsh Language Commissioner and RHAG.

2.4 All objections submitted during the notice period had to be made in writing or by email. By the end of the statutory notice period on 12th July 2022, the Council had received 1 objection.

Objections

2.5 In accordance with the Act (2013), Cabinet is required to give full consideration to the objections received to the proposal. A number of key issues were raised during the objection period. These are contained in the Objection Report which details the objection received and the Council's response to the concerns raised.

2.6 Following detailed assessment of the issues raised, it is considered the implementation of this proposal would improve upon the current level of provision experienced at the school. It is anticipated that this proposal would significantly enhance the learning environments for pupils through stronger collaboration between nursery and primary school phases provided through a

new school building on the existing site. Therefore overall the proposal would contribute to raising standards.

- 2.7** The objections received are, in the main, reflective of comments received and responded to during the consultation period.
- 2.8** Members are reminded that an individual is able to resubmit their previous comments as an objection. Therefore Members should ensure that these comments submitted as objections are also considered.
- 2.9** All objections received during the objection period have been made available to Councillors via democratic services prior to the meeting through email with the consultation report for further perusal.
- 2.10** Assessment of the response received identified 1 additional theme not highlighted during the consultation period. The additional theme has been addressed in the Objection Report and is noted as:
- Issue 1 – Implementation of Proposal would not represent value for money
- 2.11** Under section 49 of the School Standards and Organisation (Wales) Act 2013, the Council must publish a summary of the statutory objections and a response to those objections - the Objection Report. This is attached at Appendix A.
- 2.12** Under section 53 of School Standards and Organisation (Wales) Act 2013, determination by the proposer must be made within 16 weeks (112 days) of the end of the objection period. The Council must therefore make a determination by 6th July, 2022. Where the proposer fails to determine the proposal within the period of 16 weeks it is taken to have withdrawn the proposal and it is required to republish the proposals if it wishes to proceed.

Process

- 2.13** In determining the proposal, the School Organisation Code 2018 states that decision makers:
- must consider whether there are any other related proposals;
 - must ensure that the statutory consultation has been conducted in accordance with the Code;
<http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
 - must ensure that the proposal has been published in accordance with this Code and
 - the notice contains all the required information;
 - must consider the consultation document and consultation report;
 - must consider the objections and the objection report and any response to the notice supporting the proposals
- 2.14** The School Organisation Code clearly states that "where a local authority's proposals have received objections, and require determination under section 53 of the Act, the local authority must not approach the determination of these

proposals with a closed mind. Objections must be conscientiously considered alongside the arguments in respect of the proposals and in light of the factors set out in section 1.3 - 1.6 of this code". The factors are as follows:

- Quality and standards in education.
- Need for places and the impact and accessibility of schools.
- Resourcing of education and other financial implications.

2.15 These factors are addressed in detail below.

Quality and standards in education

2.16 Members should place the interests of learners above all others. They should give paramount importance to the likely impact of the proposals on the quality of:

- Outcomes (standards and wellbeing);
- Provision (learning experiences, teaching, care, support, and guidance and learning environment); and
- Leadership and management (leadership, improving quality, partnership working and resource management) at St Nicholas CiW Primary School. Particular attention should be paid to the impact of the proposals on vulnerable groups, including children with SEN.

2.17 Members should consider the ability of St Nicholas CiW Primary School to deliver the full curriculum at each key stage of education (including the quality of curriculum delivery, and the extent to which the structure or size of the school is impacting on this).

2.18 In assessing the impact of proposals on quality and standards in education and how effectively the curriculum is being delivered, members should also consider any relevant advice from Estyn, refer to the most recent Estyn reports or other evidence derived from performance monitoring, and take into consideration any other available information on the school's effectiveness. Estyn's full assessment of the proposal is contained at Appendix C.

2.19 In this case, the proposal has been identified as having the following effects:

- An extended range of 3-11 with the inclusion of nursery school provision enhances the provision available to parents and offers fewer transitions for pupils.
- The Primary School would be able to incorporate provision for 3- and 4-year-olds in a high-quality Early Years and Foundation Phase setting. A nursery would enable a seamless transition for nursery age children into the reception class of the school and sustain pupil numbers for the future.
- Establish a nursery unit which offers a more efficient and sustainable model of delivery of education for the 21st Century that meets national building standards and reduces the recurrent costs and carbon footprint of education buildings.

- Develop the ethos and culture of the school in children from an earlier age, leading to effective interpersonal relationships and higher self-esteem.
- Support pupils to develop their ability to learn new skills and apply their subject knowledge more positively and creatively across a continuum of learning.
- Extend and develop partnerships with families from the earliest opportunity to strengthen home / school transition.
- Result in an increase in employment opportunities at the school as the addition of nursery provision would lead to growth in future staffing levels.
- Estyn’s response to the consultation highlights that the Governing Body has presented a sound rationale for the proposal, and that the proposal is likely to maintain or improve the current standards of education and provision in the area.
- Estyn has advised as part of their response to the consultation that “adding nursery provision will improve the already good arrangements for the care, support, and guidance of pupils from an earlier age, and extend and develop partnerships with families from the earliest opportunity”.

Need for places and the impact on accessibility of schools

2.20 Members should have regard to whether the proposal ensures sufficient capacity and provide accommodation of at least equivalent quality to that currently in place at St Nicholas CiW Primary School for existing and projected pupil numbers. Members should also have regard to the nature of journeys to school pursuant to the proposals, and resultant journey times for pupils, including ALN pupils. That includes whether primary school pupils will have one-way journeys in excess of 45 minutes.

2.21 In circumstances where an increase in capacity or age range is proposed, members should have regard to the evidence of current or future need/demand in the area for additional places, with reference to the school’s language category, designated religious character and gender intake. Members should also consider whether the proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010.

2.22 In this case, the proposals have been identified as having the following effects:

- The proposal would provide nursery provision within the area. Nursery provision within the school catchment area would see an increase of 24 part time places to reflect local demand.
- Accessibility at the School site would be improved under the proposed implementation of the proposal which seeks to redevelop the school site.

Resourcing of education and other financial implications

2.23 Members should take into account the following factors relevant to the resourcing of education:

- Whether the proposals will ensure a fairer and more equitable distribution of funding between mainstream schools within the Council’s area. Proposals should not exacerbate uneven and unfair funding patterns but should where possible contribute towards establishing a more equitable pattern of school funding.
- What effect the proposals will have on any surplus provision in the area.
- Whether proposals form part of the Council’s Sustainable Communities for Learning Investment Programme and contribute to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate through the removal of maintenance backlogs and school buildings which are inefficient or in poor condition.
- The recurrent costs of proposals over a period of at least 3 years and whether any necessary recurrent funding is available.
- Additional transport costs incurred as a result of proposals.
- The capital costs of proposals and whether the necessary capital funding is available.
- The scale of any projected net savings (taking into account school revenue, transport, and capital costs).
- Whether schools affected would face budget deficits.
- Whether any savings in recurrent costs will be retained in the Council’s local schools’ budget.

2.24 In this case, the proposal has been identified as having the implications set out below.

2.25 It is estimated that the total funding required to implement the proposal which includes the redevelopment of the school would be £7.13m.

2.26 The staff at St Nicholas CiW Primary School will continue to be employed to work at the school, on current terms and conditions. This proposal would lead to an increase in employment opportunities at the school as the addition of nursery provision would lead to growth in future staffing levels. The school has access to the Council’s Human Resources policies and procedures, including recruitment policies. The Human Resources service works closely with governors to ensure regular and clear communication with all employees takes place on all matters relating to a change in location of their workplace.

Other general factors

2.27 Members should also take into account what impact the proposals will have on educational attainment among children from economically deprived backgrounds; and any equality issues, including those identified through the Equality Impact Assessment. A copy of the Equality Impact Assessment in this case is attached at Appendix D.

2.28 The findings of the Equality Impact Assessment are summarised below:

Age - Positive impact

- The school would continue to provide sufficient places for children of primary school age. However, it is noted that section 149, so far as relating to age, does not apply to the exercise of a function relating to the provision of education to pupils in schools (see paragraph 1 of Schedule 18 to the 2010 Act).

Disability - Positive impact

- St Nicholas CIW Primary's buildings do not meet Sustainable Communities for Learning design guidance. This new building would be designed to ensure it was fully accessible to all, regardless of the nature of their disability.
- As stated previously design elements would be incorporated to support pupils such as a small room between a pair of classrooms which could be used for individual / small group learning or could be used as a breakout space should a pupil need to retreat from the classroom. The school would be designed to have flexible spaces which could be adapted by the use of furniture for specific activities, which would include quiet areas for individual learning. The school would be designed to current acoustic standards (BB93); this will define the acoustic performance standard that the school will be designed to. The whole building will be designed to comply with current building regulations for disabled access, with parking and access into the school building as well as access throughout the school. Natural daylighting and ventilation will be a key feature of the new learning environment.
- Inclusivity and respect of others is an intrinsic element of the national curriculum. The proposal would provide a positive impact.

Gender reassignment, including gender identity – Positive impact

- All children would be supported to receive a high quality education if the proposal were to be successfully implemented regardless of gender identity. The school will have suitable facilities in place to accommodate pupils of any gender; no pupil or staff member would need to consider changing schools due to gender reassignment.
- Inclusivity and respect of others is an intrinsic element of the national curriculum. The proposal would provide a positive impact.
- None of the respondents indicated that this proposal would have an adverse impact on their gender identity.

Marriage and civil partnership – neutral impact

- Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.
- None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. This information is not held at

a directorate level for staff and governors however the proposal is designed to have a positive or neutral impact on those with protected characteristics accessing the new school buildings. Pupils at the schools are below the legal marriage age. Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the schools.

Pregnancy and Maternity – neutral impact

- Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.
- Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Race – neutral impact

- Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the schools promote this requirement through its monitoring carried out by the school improvement service and Human Resources.
- All staff, pupils and governors would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the schools.

Religion and belief – Positive impact

- Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sex – neutral impact

- Children of both sexes would continue to be treated and taught equally in the new school building. There would be no different methods of teaching or curricula for either sex. Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sexual orientation – neutral impact

- Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing Body and Council in order to support the staff at the schools.
- Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the schools promote this

requirement through its monitoring carried out by the school improvement service and Human Resources.

Welsh Language - neutral impact

- None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a neutral impact on people in this protected group.

Human Rights - Positive

- None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a positive impact on people in this protected group.

Socio-economic Duty - Positive

- None of the respondents indicated that these proposals would have an adverse impact on their socio-economic status in this regard. Based on current evidence these proposals would have a positive impact on pupils from families which are socio-economically disadvantaged due to the new provision of nursery education available in the area and the additional employment opportunities created at the school.

2.29 A key driver to all school reorganisation proposals is to improve educational outcomes for children and young people in all phases and help to narrow the inequalities in achievement between advantaged and disadvantaged groups and individuals (including those from economically deprived backgrounds). This proposal has the potential to ensure that all children in the area, including those from economically deprived backgrounds, have access to a broad curriculum and are supported to achieve their full potential through access to nursery provision.

Specific factors to be taken into account for proposals to add or remove nursery classes

2.30 In accordance with paragraph 1.8 of the Code, Members should take into account the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places; whether there is a need for additional nursery places in the area; the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character; the effect of the proposals on other institutions, including private and third sector providers; and the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

2.31 In this case, the proposal has been identified as having the following effects:

- The proposal will continue to address the need for nursery places in the area.
- The proposal is consistent with an integrated approach, by providing for a single institution giving educational provision from the ages 3-11.

- 2.32** This proposal would have an overall positive impact on the existing and future pupils of St Nicholas CiW Primary School. The proposal would develop continuity and progression in children's learning from the age of three. This would ensure there is a consistent approach to planning and delivery of the foundation phase (nursery to year two) and minimise the potential for disruption during transition from nursery to primary school.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 (“the 2015 Act”) requires the Council to think about the long-term impact of their decisions, to work better with people, communities, and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of ‘Working Together for a Brighter Future’. This plan is reflective of the Welsh Government’s Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
- Objective 1 - To work with and for our communities
 - Objective 2 - To support learning, employment, and sustainable economic growth
 - Objective 3 - To support people at home and in their community
 - Objective 4 - To respect, enhance and enjoy our environment
- 3.3** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all the goals, not just one or two, these being:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and Welsh Language
 - A globally responsible Wales
- 3.4** The Sustainable Communities for Learning Programme contributes to achieving the wellbeing goals by:
- Generating financial savings to ensure a more efficient financial model for education in the Vale.
 - Ensuring a fairer distribution of funding across the Vale.

- Increasing collaboration across all phases of primary education.
- 3.5** The 2015 Act imposes a duty on all public bodies in Wales to carry out “sustainable development”, defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.
- 3.6** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:
- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.
 - Considering how the Council’s objectives impact upon each of the wellbeing goals listed above.
 - The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
 - Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.
 - Acting to prevent problems occurring or getting worse.
- 3.7** The Sustainable Communities for Learning Programme meets the five ways of working by:
- Responding to the need to ensure that there is a well-managed balance of supply and demand of school places across the Vale.
 - Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
 - Ensuring that schools remain sustainable, reflects the needs of local communities, and are equipped with the best possible learning environments.
 - Delivering rigorous consultation with open communication channels and numerous opportunities for stakeholders to engage throughout the process.
 - Ensuring that schools are of the right size, in the right places and serving the educational needs of their local communities as part of the school organisation process.

4. Climate Change and Nature Implications

- 4.1** There are no climate and nature implications associated with the objection report. However, the implementation of the proposal would have implications on climate change and nature.

- 4.2** It is difficult to estimate energy saving costs for the new school building as the overall capacity of the school will be increased to account for nursery provision and more digital technology would be available for teaching and learning than the current building allows. However, the new building will be designed to be net zero carbon in operation, a fully electric building (no gas), and constructed to BREEAM excellent standards, making it more energy efficient than the current building which had the 6th highest energy consumption per m² of schools within the Vale of Glamorgan in 2020/21 (out of 56 schools). It is anticipated that as a general principle, this will save on carbon emissions and revenue costs to the school. Consequently, it is considered that the implementation of the proposal would represent a positive response to climate change through the reduction of carbon emissions.
- 4.3** In terms of nature implications, the new school building will be located on part of the existing school playing fields and to accommodate the required parking requirements and pedestrian footways 4 trees will be removed. To mitigate the loss of part of the playing field and trees the proposal provides an overprovision of additional tree planting of 15 replacement trees. This is above the 8 replacement trees required by planning policy. Furthermore, the landscaping scheme supporting the proposal includes:
- new shrub planting around the proposed car parking area in the southern part of the site;
 - Inclusion of Hedgehog gaps to boundary fencing;
 - planting of new trees throughout;
 - retainment of the area of poor semi-improved grassland at the northern end of the site;
 - creation of ecological enhancements such as log piles, a hibernaculum, bee hotels and bug hotels, which will also play a role in school enrichment activities;
 - erection of bird and bat boxes on trees across the site; and
 - either retaining the existing pond and long-term control and management of invasive non-native species present within it, or pond removal and replacement.
- 4.4** Overall it is considered the proposal would represent a benefit to nature within the local area based upon features included within the design and the mitigations employed to address the removal of existing trees on the site.

5. Resources and Legal Considerations

Financial

- 5.1** The estimated revenue cost of operating the redeveloped primary school will remain the same as the 126 capacity will be retained. the schools funding formula is driven by pupils on roll, rather than pupil capacity and the predicted

pupil population is considered to be retained at a similar level to the existing school.

- 5.2** However, the proposal does include additional nursery provision. The new nursery provision will be funded from within the schools funding formula. It is estimated that the increased budget allocated to St Nicholas for a full nursery provision of 24 part time pupils would amount to an additional £36,000 of funding per year. However, as the schools funding formula is driven by pupils on roll, rather than pupil capacity, the additional budget allocated will be lower than £36,000 where nursery pupils on roll are lower than capacity. For the first three years, the estimated nursery cohort sizes are 18 part time nursery pupils and therefore the estimated budget increase would be £27,000 per year (at 2021/22 pupil unit rates).
- 5.3** A school's delegated budget is driven by pupils on roll rather than capacity, therefore, this budget growth would be gradual in line with the growth of pupils on roll.
- 5.4** Subject to the approval of this proposal, a significant capital investment would be made to establish a new school building for St Nicholas CIW Primary School. The Council would manage the process and the governing body, staff, parents, and pupils of St Nicholas CIW Primary School would be fully engaged in the development of the plans. The Council would also be responsible for managing the construction.
- 5.5** There is currently £5.01m built into the capital programme for this scheme, this is funded by:

Funding Source	Committed Amount (£)
Welsh Government Grant	£2.687m
Section 106	£1.248m
Capital Receipts	£89k
School Investment Strategy Reserves	£72k
Supported Borrowing	£914k

- 5.6** There are revenue implications associated with the repayment of an interest cost associated with the borrowing. A cost pressure will be submitted for this as part of the 2023/24 budget proposals.
- 5.7** It is estimated that the total capital funding required to build a new school on the proposed site would be £7.13 million. A business case for this proposed scheme is currently being considered by Welsh Government. The Business Case was considered by Welsh Government's Programme Investment Panel on 18th August, 2022. The Council is currently awaiting a formal determination from the Minister for Education and Welsh Language following the Panel's assessment. An update on the funding implications will be provided following the determination by Welsh Government before the Council enters into contract for the construction works. Any increase in the Vale of Glamorgan match funding will be funded from capital receipts and/or reserves that were included in the overall

programme and have been released as part of the Investment Programme Strategic Outline Plan Variation.

- 5.8** The mid-year Capital Strategy will be reported to cabinet on the 6th October, 2022. This will summarise the funding commitments and position of each project within the Sustainable Communities for Learning Programme.

Employment

- 5.9** It is not anticipated that there would not be any adverse impacts for staff as they would simply move to a new building on their existing contracts. This proposal would lead to an increase in employment opportunities at the school as the addition of nursery provision would lead to growth in future staffing levels. The governing body and headteacher would need to consider an increase in the staffing structure for the additional nursery provision from September 2023. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trades unions where necessary.
- 5.10** The Vale of Glamorgan Council fully supports the governors, headteacher and staff at the school with any employment related matters. The school has access to the Council's Human Resources policies and procedures, including recruitment policies. The Human Resources service works closely with governors to ensure regular and clear communication with all employees takes place on all matters relating to a change in location of their workplace

Legal (Including Equalities)

- 5.11** Part 1 of the Education Act 1996 ("the 1996 Act") imposes a number of general duties on all local authorities in Wales. The general duty in section 13 of the 1996 Act is to contribute (so far as the Council's powers enable them to do so) towards the spiritual, moral, mental, and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area.
- 5.12** Section 13A (3) of the 1996 Act states that a local authority in Wales must ensure that their relevant education functions and their relevant training functions are exercised by the authority with a view to promoting high standards and promoting the fulfilment of learning potential by every person to whom the subsection applies, including those who are of compulsory school age or are below school age and are registered as pupils at schools maintained by the authority.
- 5.13** Section 14 of the 1996 Act then provides that the Council shall secure that sufficient schools for providing primary education and secondary education are available in the Council's area. Schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character, and equipment to provide for all pupils the opportunity for appropriate education. Appropriate education means education which offers such variety of instruction and training as may be desirable in view of (a) the pupils' different ages, abilities, and

aptitudes; and (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.

- 5.14** Powers for Councils to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018 (“the Code”). The Council is to comply with the relevant provisions in connection with the proposals.

(1) School Standards and Organisation (Wales) Act 2013

- 5.15** Part 3 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) is concerned with school organisation. The Welsh Ministers have issued the School Organisation Code (“the Code”). Local authorities must, when exercising functions under Part 3 of the 2013 Act, act in accordance with any relevant requirements contained in the Code and must have regard to any relevant guidelines contained in it. A copy of the Code is found here: <https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf>
- 5.16** Chapter 2 of Part 3 of the 2013 Act deals with school organisation proposals.
- 5.17** Section 48(2) of the 2013 Act provides that before publishing such proposals, a proposer (in this case, the Council) must consult on its proposals in accordance with the Code. The consultation document must be issued during the term time of the schools affected and consultees must be given at least 42 days to respond to the document, with at least 20 of these being school days.
- 5.18** The proposer must publish a report on the consultation it has carried out in accordance with the Code. The consultation report must summarise each of the issues raised by consultees, responding to these by means of clarification, amendment to the proposals or rejection of the concerns, with supporting reasons; and setting out Estyn’s view (as provided in its consultation response) of the overall merits of the proposals.
- 5.19** If a local authority decides to proceed with proposals to make regulated alterations to a maintained school, it must publish proposals to that effect in accordance with the Code (section 48(1)). The proposals must be published by way of statutory notice. Chapter 4 of the Code sets out specific requirements as to how statutory proposals must be published. Proposals must be published on a school day and the objection period must include 15 school days (in addition to the day on which it is published).
- 5.20** Section 49 of the 2013 Act makes provision for any person to object to proposals published under section 48 within the objection period of 28 days. The Council must then publish a summary of all objections made to the proposals and its response to those objections before the end of 7 days beginning with the day of the Council’s determination.
- 5.21** The local authority proposer must then determine whether the proposals should be implemented. Where a local authority’s proposals have received objections, and require determination, those objections will be carefully considered before a

final determination is made. A further report to Cabinet will be prepared before any such determination is made. This determination must take place before the end of 16 weeks beginning with the end of the objection period.

(2) The Code

5.22 The Code contains the following elements:

5.23 It imposes requirements in accordance with which relevant bodies (including all local authorities in Wales) must act. Where mandatory requirements are imposed by the Code or by the 2013 Act or another statute or statutory instrument, it is stated that the relevant bodies must comply with the particular provision. Where practices are prohibited, it is stated that the relevant bodies must not use this practice.

5.24 It includes statutory guidance to which the Council must have due regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. Where guidance is given by the Code, it is stated that relevant bodies should follow this guidance unless they can demonstrate that they are justified in not doing so.

5.25 Paragraph 1.1 of the Code sets out the key background principles and policies, which should be taken into account by the Council in developing school organisation proposals. These include:

- United Nations Convention on the Rights of the Child
- The Well-being of Future Generations (Wales) Act 2015 (see below)
- Cymraeg 2050, A Million Welsh Speakers
- Action Plan, Cymraeg 2050
- One Wales: One planet, a new sustainable development scheme for Wales May 2009 or any successor strategy
- Child Poverty Strategy for Wales (issued February 2011 Information document number 95/2011), or any successor strategy
- Faith in Education
- Local plans for economic or housing development
- Welsh in Education Strategic Plans (made under part 4 of the School Standards and Organisation (Wales) Act 2013
- Children and Young People's Plans (or successor plans)
- Sustainable Communities for Learning – Capital Investment Programme and the relevant wave of investment
- Learner Travel Statutory Provision and Operational Guidance 2014:
<https://beta.gov.wales/learner-travel-statutory-provision-and-operational-guidance>

- Measuring the capacity of schools in Wales, Circular No: 021/2011: <https://beta.gov.wales/measuring-capacity-schools-guidance>
 - Children and Young People’s National Participation Standards
- 5.26** Section 1.4 of the School Organisation Code 2018 (“the Code”) outlines that Councils should consider the extent to which the proposals would support the targets in the approved Welsh in Education Strategic Plan (WESP).
- 5.27** Section 1.9 of the School Organisation Code 2018 (“the Code”) relates to the specific factors which must be taken into account for proposals which seek to add or remove nursery classes. The proposals would add nursery classes to St Nicholas CiW Primary School. These proposals must consider the following factors:
- the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;
 - whether there is a need for additional nursery places in the area;
 - the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character;
 - the effect of the proposals on other institutions, including private and third sector providers; and
 - the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

(3) The Well-being of Future Generations (Wales) Act 2015

- 5.28** The Well-being of Future Generations (Wales) Act 2015 (‘the 2015 Act’) sets out new ways of working – of planning and making decisions – for local authorities and other public bodies it lists. The aim is that, by improving these things, the overall well-being of Wales will be better improved by the things public bodies collectively do. The Act and the statutory guidance make it clear that local authorities must, in the course of their corporate planning and their delivery against those plans:
- balance short term needs against the ability to meet long term needs;
 - think about the impact their objectives have on other organisations’ objectives, and on the well-being of Wales, in an integrated way;
 - involve in those processes people who reflect the diversity of the population they serve;
 - work together collaboratively with other organisations to better meet each other’s objectives; and
 - deploy their resources to prevent problems from getting worse or from occurring in the first.
- 5.29** The statutory guidance, for organisations subject to the Act, sets out the expectations for how the duties should be met:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

- 5.30 The Act itself is available to view online:
<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>
- 5.31 Current practice on the use of surplus school accommodation, Information document No 158/2014.

(4) Equalities Act 2010

- 5.32 The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Council's must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.
- 5.33 A full Equality Impact Assessment will be developed as part of the consultation exercise and will be included within the consultation report.

(5) The Equality Act (Authorities subject to a duty regarding Socio economic Inequalities) (Wales) Regulations 2021

- 5.34 On the 10 and 11 March, 2021 respectively, the Equality Act (Authorities subject to a duty regarding Socio-economic Inequalities) (Wales) Regulations 2021 (SI 2021/295) and the Equality Act 2010 (Commencement No 15) (Wales) Order 2021 (SI 2021/298) were made, and the 'socio-economic' inequality duty under the Equality Act 2010 and make public bodies subject to the duty.
- 5.35 The Socio-economic duty places a duty on the Council, as a public sector organisation in Wales, to consider how it might help reduce the inequalities associated with socio-economic disadvantage when strategic decisions are made, including decision which would include deciding priorities and setting objectives, such as:
- Strategic directive and intent.
 - Strategies developed at Regional Partnership Boards and Public Service Boards which impact on a public body's functions.
 - Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans).
 - Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy).
 - Changes to and development of public services.
 - Strategic financial planning.
 - Major procurement and commissioning decisions.
 - Strategic policy development.
- 5.36 When making decisions, and reviewing previous strategic decisions, the Council needs to do the following:

- Take account of evidence and potential impact.
- Through consultation and engagement, understand the views and needs of those impacted by the decision, particularly those who suffer socio-economic disadvantage.
- Welcome challenge and scrutiny.
- Drive a change in the way that decisions are made and the way that decision makers operate.

5.37 When making a decision or reviewing a previously made strategic decision made after the 31st March about how to exercise their functions, the Council must show that it has had 'due regard' (giving weight to a particular issue in proportion to its relevance) to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. Those subject to the duty includes government ministers and departments, local authorities, and NHS bodies.

5.38 This would, as appropriate, form part of the full Equality Impact Assessment developed as part of the consultation process.

6. Background Papers

6.1 Individual objections to the statutory notice have been made available to Members via email.



DIRECTORATE OF LEARNING AND SKILLS CONSULTATION DOCUMENT

ON THE PROPOSAL TO:

- CHANGE THE AGE RANGE OF ST NICHOLAS CIW PRIMARY SCHOOL FROM 4-11 YEARS TO 3-11 YEARS AND TO ESTABLISH A NURSERY CLASS CONTAINING 24 PART TIME PLACES FROM SEPTEMBER 2023



This document can be made available in Braille. Information can also be made available in other community languages if needed.

Please contact us on 01446 760239 to arrange this.

TABLE OF CONTENTS

1. Background.....	3
1.1. Consultation Report	3
1.2. Statutory Notice.....	3
2. Objections to the Proposal	5
2.1. Objections raised in relation to the proposal:	5
Objection Theme 1	5
3. Frequently Asked Questions	8
4. Conclusion	11
5. Recommendations	12
5. Annex 1 – Summary of Objections.....	13

1. BACKGROUND

The Council undertook a statutory consultation exercise on the proposal from 1st February 2022 to 15th March 2022. The aim of the consultation was to inform prescribed consultees about the school re-organisation proposal being put forward under section 2.3 of the School Organisation Code. Section 2.3 refers to Regulated Alterations of a school, which includes changing the age range of a school by a year or more. The proposal for the school is as follows:

Proposal to provide nursery provision at St Nicholas CiW primary school:

- Changing the lowest age range of pupils at St Nicholas CiW Primary School from 4 to 3, to include 24 part time nursery places.

The consultation process followed Welsh Government guidelines as outlined in the School Organisation Code 2018. It provided an opportunity for prescribed consultees as well as members of the local community to learn about the proposal and for the Vale of Glamorgan Council's Cabinet to hear the views of all those with an interest so that they can be taken into account before decisions are made.

During the consultation exercise, 4 individual responses were received by the consultation closing date of 15th March 2022. In relation to the Proposal; 3 responses were in favour; 1 response was opposed, and 0 responses had no opinion. A summary of the responses received were published in the consultation report and made publicly available on the Council's website.

1.1. CONSULTATION REPORT

A consultation report was published following the consultation exercise (<https://www.valeofglamorgan.gov.uk/en/living/schools/Consultations/Expanding-St-Nicholas-CiW-Primary.aspx> refers). The consultation report was considered by the Governing Body on 16th May 2022 which can be viewed using the following link:

<https://www.valeofglamorgan.gov.uk/Documents/Working/Education%20and%20Skills/21st-Century-Schools/SNPS-Revised-Proposal-Consultation-Response-Report-formatted.pdf>

1.2. STATUTORY NOTICE

Following consideration of the consultation report on 16th May 2022, the School's Governing Body decided to progress the proposal and approve the publication of a statutory notice.

The statutory notice on the proposal was published on 13th June 2022 for a period of 28 days to allow for objections. The statutory notice period expired on 12th July 2022.

The notice was published on the school and Vale of Glamorgan Council's website which can be viewed using the following link:

<https://www.valeofglamorgan.gov.uk/en/living/schools/Consultations/Expanding-St-Nicholas-CIW-Primary.aspx>

A hardcopy of the notice was also displayed at the main entrance of the school. Copies of the notice were distributed to parents, carers and guardians, governors, and staff members, as well as respondents who wished to be notified via email. All other organisations and consultees required under the School Organisation Code 2018 were provided with a copy of the letter and notice as an attachment to the email as well as a link to the notice on the website.

Where objections are received to the statutory notice, an objection report must be published summarising the statutory objections and the proposer's response to those objections.

2. OBJECTIONS TO THE PROPOSAL

The Council received 1 individual objection by the end of the objection period. The objection received is summarised below, along with the Council's response. A graphical summary of the number of responses to each objection theme is available in Annex 1.

The objection received has been considered and grouped under different overarching themes. The number of objections received under each theme has been provided and a brief summary of the issues covered by the theme. The Council's response to the theme is then provided which outlines the Council's position.

All objections received during the objection period have been made available to the members of the Vale of Glamorgan Council's Cabinet for consideration alongside this report.

The closing date for the consultation was the 12th July 2022. The Council received no late representations.

Only objections received in writing or via email have been considered as part of the objection report.

2.1. OBJECTIONS RAISED IN RELATION TO THE PROPOSAL:

OBJECTION THEME 1

Implementation of Proposal would not represent value for money

Objections received raised concerns relating to the proposed implementation of the proposal due to the costs associated with delivering nursery provision on the existing site. The increase in costs does not represent the best use of public funds and there is a lack of justification for the increased costs.

Governing Body's response to the concerns raised

The objection received raised similar issues to those received during the statutory consultation under Theme 3 of the Consultation Report

(<https://www.valeofglamorgan.gov.uk/Documents/Working/Education%20and%20Skills/21st-Century-Schools/SNPS-Revised-Proposal-Consultation-Response-Report-formatted.pdf> refers). However, the objection considers the response in

the consultation report provided insufficient information to address the concerns raised. It should be noted that due to the commercially sensitive nature of some

of the information relating to the project costs and contract, all the detailed information cannot be shared publicly.

To ensure the Council is allocating public funds appropriately to projects, the project costs are fully market tested by the Council's Project Management and Cost Consultant Aecom who review the design and construction packages prior to entering into a contract with a contractor to ensure the costs received are a true reflection of market conditions. In addition to this assessment, the project is also subject to a business case which is submitted to Welsh Government who assess the proposal to ensure that the project represents best value for money.

Internally, investment decisions are also subject to review and are considered by the School Investment Programme Board and School Investment Operational Group before being considered by the Council's Cabinet.

The implementation of the proposal will be funded as part of the Sustainable Communities for Learning Programme. The project to re-develop St Nicholas CiW Primary School has been approved as a project to be delivered under Band B of the programme. The cost of the original proposal was approved as part of a Business Justification Case (BJC) submitted to Welsh Government in June 2020. However, since the BJC was submitted there have been a number of changes and delays to the implementation of the proposal and this has impacted on the project costs. The original BJC was approved for a £4.999m project to develop a 210 place school on the existing site by September 2022. However, this cost was based upon savings made through bringing forward 3 projects together at the same time which included the redevelopment of St David's CiW Primary School, St Nicholas CiW Primary School, and Llancarfan Primary School (known as South Point Primary). The initial cost savings for the schemes could not be realised as they did not progress at the same time. In particular the development of St Nicholas CiW Primary School was delayed significantly with the original planning proposal being refused for the 210 primary school. This has resulted in the scheme not benefiting from the original envisaged efficiency savings. Furthermore, although the reduced capacity of the proposal has resulted in a smaller footprint for the school building this did not result in a reduction in the overall project cost. This is due to the external landscaping, onsite transport mitigations, drainage scheme and construction methods (e.g. piling) remaining relatively unchanged, further limiting any potential decrease in cost.

In determining the preferred option for the project an assessment was undertaken to identify alternative options which could also deliver the Council's Investment Objectives and Critical Success Factors. The 3 short-listed alternative options included the following:

- Expand and refurbish existing school buildings,
- Relocate catchment area pupils to Peterston-super-Ely CiW primary,

- Expand provision by 84 places and construct the new school on a new site.

The short-listed options were assessed against the investment objectives, critical success factors, advantages and disadvantages, capital costs to undertake the scheme and Net Present Value (NPV) calculations. The option currently being pursued (rebuilding the school with nursery provision) was identified as the preferred option as it provides best value for money in the long term and best meets the Council's critical success factors and investment objectives.

Additionally, it will ensure the Council is able to meet projected demand for nursery education in St Nicholas and Bonvilston whilst also providing long term investment in education buildings that are suitable for primary education and create modern learning environments. This assessment forms part of the business case submission to Welsh Government who will review the assessment to determine if it is appropriate.

Regarding the implications for the proposal if the revised BJC is refused by Welsh Government, the Council would re-tender for the Stage II construction contract to deliver the new school to retest the market. This would likely delay the implementation of the proposal by 4 months to allow for the tender process to complete. To avoid this outcome the increased costs have been thoroughly market tested by the Council's cost and management consultant Aecom to demonstrate the quoted costs reflect the current market conditions.

3. FREQUENTLY ASKED QUESTIONS

This section provides updated frequently asked questions in relation to the proposal.

What is the intended timescale for the development of the new school building?

Building work is likely to commence from late September 2022. It is proposed that the new school would be open for September 2023.

Who would manage the construction of the new school building?

The Council's Sustainable Communities for Learning Team would be responsible for managing the build process. A contractor would be appointed using the SEWSCAP framework. SEWSCAP is a construction framework used by 16 local authorities and provides pre-qualified and suitably experienced Contractors to deliver the 21st Century Schools Programme, and other public buildings, relating to both new build and refurbishment projects over £1.5 million. A programme of engagement would be devised to ensure all stakeholders are informed of progress and are able to feed into the design process. There would be regular meetings between the Council, contractor, and school.

Would the construction of the new school result in disruption for staff, pupils, and local residents?

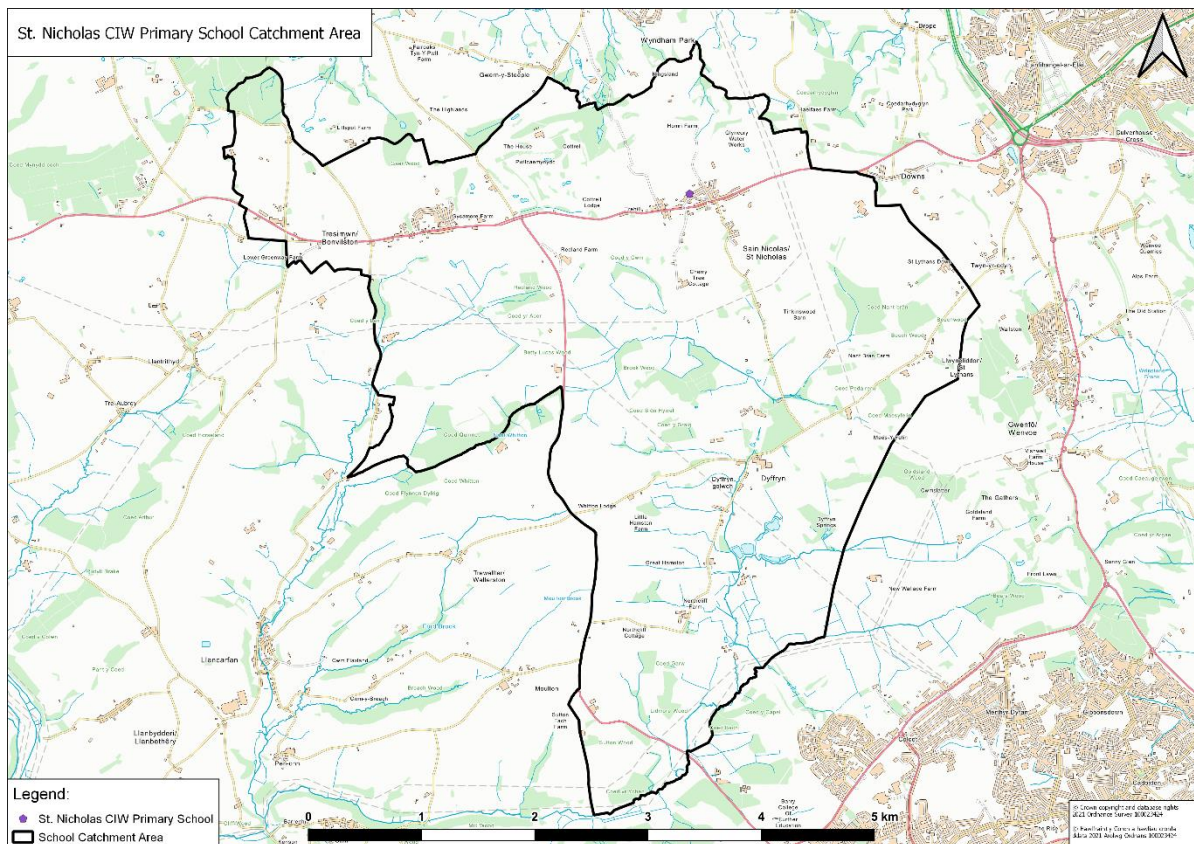
It is proposed that the new school building is built on the existing site which would result in some disruption for staff, pupils, and local residents during the construction phase. The school would collaborate closely with the Council's Sustainable Communities for Learning Team to limit disruption through restricting delivery times and working collaboratively with the site manager. The proposal will be supported by a Construction Environment Management Plan which outlines how the site will be set-up to ensure the continued education provision can be provided at the existing site during the construction phase.

Would contingency arrangements be put in place during the construction of the new school to ensure pupils are able to access outdoor space?

As the proposed new build would be built on the existing site, the school would lose outside space during the construction phase. During this time, the school would collaborate closely with the Sustainable Communities for Learning Team to ensure pupils have access to sufficient outside space and the curriculum is not compromised. The Multi Use Games Area will be developed first to ensure pupils still have access to outdoor play facilities. In addition the majority of the playing fields to the rear of the school site would be retained during the construction phase of the site. The school would also work closely with the construction team to ensure pupils are involved throughout the process and the curriculum is enhanced through regular site visits.

Will the proposal result in changes to the catchment area?

No. The catchment area for the school would remain the same. The map below identifies the extent of the catchment area which does not identify Wenvoe in the catchment.



How will the proposal be funded?

The proposal will be funded through the Welsh Government's Band B of the Sustainable Communities for Learning Programme. This a collaboration between Welsh Government, Local Authorities, and other stakeholders to fund educational developments in Wales. The agreement to the funding is subject to a Revised Business Justification Case to reflect the increased cost of the project.

How will admissions for the nursery work?

Children are eligible for a part time nursery place, usually five mornings or five afternoons, from the term after their third birthday. St Nicholas CiW primary School is a voluntary controlled school and would be subject to the Council's admissions policy. Further information on nursery admissions can be found on the Council's [Nursery Admissions](#) Webpage.

4. CONCLUSION

The Governing Body concludes that the proposal would have an overall positive impact on the existing and future pupils of St Nicholas CiW Primary School. The proposal would develop continuity and progression in children's learning from the age of three. This would ensure there is a consistent approach to planning and delivery of the foundation phase (nursery to year two) and minimise the potential for disruption during transition from nursery to primary school.

The implementation of the proposal is subject to a separate process including planning consent, SAB consent and business case approval. These matters are being addressed by the Council as part of the Sustainable Communities for Learning programme. The Governing Body is confident that the relevant consents and approvals can be achieved, with planning consent already being granted for the proposal on 28th April 2022.

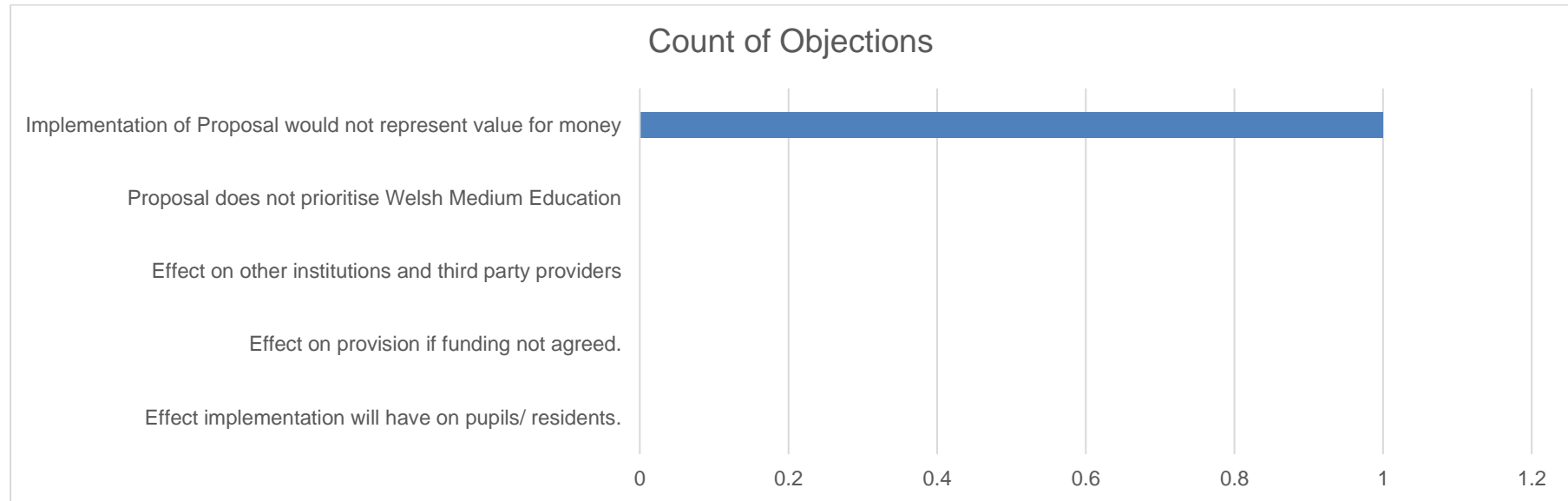
The Governing Body notes the concerns raised by respondents and has worked closely with the Council's Sustainable Communities for Learning Team to ensure the proposal can be delivered.

5. RECOMMENDATIONS

It is recommended:

1. That the Council's Cabinet consider the objection report along with the individual objections received during the objection period.
2. That the Council's Cabinet approve the publication of the objection report
3. That the Council's Cabinet approve the implementation of the following proposals:
Proposal to provide nursery provision at St Nicholas CiW primary school:
 - Changing the lowest age range of pupils at St Nicholas CiW Primary School from 4 to 3, to include 24 part time nursery places.
4. That the Governing Body refer the Consultation Document, Consultation Report, Statutory Notice, Objection Report and Objections to the Council's Cabinet for final determination in line with section 51 of the School Standards and Organisation (Wales) Act 2013.

5. ANNEX 1 – SUMMARY OF OBJECTIONS



Equality Impact Assessment

1. What are you assessing?

Proposal to change the age range of St Nicholas Church in Wales Primary School from 4 to 3 to include 24 part time nursery places from September 2023.

2. Who is responsible?

Name	Nathan Slater	Job Title	Project Manager
Team	Sustainable Communities for Learning	Directorate	Learning & Skills

3. When is the assessment being carried out?

Date of start of assessment	18 March 2022
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4. Describe the proposal?

What is the purpose of the proposal?

In February 2022, the Council launched a new consultation aimed at adding nursery provision in St Nicholas and Bonvilston. The aim of the consultation was to inform the community about the school proposal being put forward to provide nursery education by extending the age range of St Nicholas CIW Primary from 4-11 to 3- from September 2023, and to seek feedback on this proposal.

The feedback and views expressed in the consultation are being considered together in the publication of a consultation report on the proposal and this Equality Impact Assessment.

The proposal being put forward is to build a new 126 place school building for St Nicholas CIW Primary, with the addition of a 24-part time nursery which would be located in St Nicholas. It is proposed that all pupils, staff, and governors from St Nicholas CIW Primary would transfer into the new school building. Although the transferring of the school to the new building is included as part of this consultation, this is not subject to the statutory process as the transfer would be within 1.609344 kilometres (1 mile).

All staff and pupils would move to the new school building and the governing body would remain unchanged. Careful planning and management of any transitional arrangements would be necessary to mitigate the challenges of pupils moving in to the area between 2022 and 2023, ensuring no disadvantage to pupils moving to the new school building or negative impact on the current good performance of St Nicholas CIW Primary.

Equality Impact Assessment

Why do you need to put it in place?

Housing Developments

A number of large-scale housing developments are planned for the Vale of Glamorgan area. Planning permission has been granted for 117 dwellings to the east of St Nicholas and 120 dwellings to the east of Bonvilston. These housing developments are situated within the catchment area for St Nicholas CIW Primary School.

The projected number of pupils emanating from a development is calculated using a formula derived from census data of householders in the Vale of Glamorgan. The formula is contained within the Council's Supplementary Guidance for planning purposes.

The development in total is projected to yield around 24 nursery and 66 primary school pupils.

However, the original proposal to expand the school to 210 places was developed in 2018/19. Therefore, a reassessment of the arising demand for school places has been undertaken. St Nicholas CIW Primary School currently has 121 pupils on roll against a capacity of 126. However, 72% of the pupils in the school attend from outside of the Vale of Glamorgan Authority area. This means there is adequate capacity to accommodate the increase in primary school demand but there is currently no capacity to meet the nursery demand from the housing developments. The formula used to determine pupil yield from housing developments has recently been evaluated across a number of completed housing developments and has accurately reflected actual demand.

The development in St Nicholas is now complete and the majority of properties have been occupied. There are approx. 14 pupils from the new development currently attending schools in the Vale (5 of which attend St Nicholas). This is consistent with what has been seen at other developments where it takes a number of years for pupil yield to grow. The development in Bonvilston has started but no dwellings have been occupied to date. This means pupil yield is still projected to grow by 52 pupils within the St Nicholas catchment area.

51 pupils currently attend English medium CIW primary schools from the St Nicholas CIW Primary School catchment area. Currently only 19 of these attend St Nicholas CIW Primary School. The current lack of nursery provision could be a factor in this as parents could opt for schools with early years provision.

The St Nicholas CIW Primary School catchment area is likely to grow from 67 primary-aged pupils to 119 if we include projected yield from housing developments. Approx. 14% (17) of these are likely to attend WM based on current trend. This means St Nicholas CIW Primary School will have a potential catchment population of 102 primary pupils following the completion of the housing developments.

Condition of existing buildings

St Nicholas CIW Primary School is a timber clad building which has been categorised as being of poor condition and suitability. This means the school is exhibiting major defects

Equality Impact Assessment

and teaching methods are adversely affected. It would not be possible to refurbish teaching areas to fully meet 21st century standards.

The school is split over two sites with reception pupils having to walk to the nearby 'Old School' following morning assembly. There is no path along this stretch of road.

Classroom sizes are inconsistent throughout the building. There are currently 72 children being taught across two classrooms.

Building Bulletin 99: Briefing Framework for Primary School Projects advises that a sink, washable floor area and resources for simple 'wet' practical activities are required. This promotes good hygiene, prevents sickness, and allows water play activities. Some classrooms at St Nicholas CIW Primary School do not currently have a water supply.

The outcome of the 2018 condition survey is outlined below.

Table 1: 2018 condition survey

School	Type	Condition	Suitability	Backlog Maintenance
St Nicholas CIW Primary School	Voluntary Controlled	Poor	Poor	£730,276

The backlog maintenance includes the following.

Table 2: Backlog maintenance record

Building element	2019 estimate (£)
Structural repairs to timber frame	462,200
Flat roof renewal	196,435
Repairs to annex building	34,665
Internal redecoration, renewal of floor coverings and minor repairs	28,888
Install ventilation fans and blending valves in toilets.	8,089
Total	730,276

Equality Impact Assessment

The most recent Condition Report undertaken in 2022 which has identified the repair and maintenance costs for the school buildings has increased from the 2018 condition report and is estimated to cost £1.77m over the next 5-year period.

St Nicholas CIW Primary School has been included as part of the Council's 21st Century Schools Programme. A new 126 place school building would be built on the existing school site. It is anticipated that the new school building would open by September 2023, to provide sufficient space for the increased demand and address the condition and suitability issues with the existing buildings.

Pupils would be educated in a high-quality modern building which would be able to support the delivery of a broad and balanced curriculum.

Nursery Provision

St Nicholas CIW Primary School does not currently offer nursery provision.

It is proposed that 24 part time nursery places are provided to develop continuity and progression in children's learning from the age of three. This would ensure there is a consistent approach to planning and delivery of the foundation phase (nursery to year two) and reflect the nursery years learning strategy for the Vale of Glamorgan.

In terms of demand for nursery places, as there is no provision at the existing school there is no historic admissions data to demonstrate demand. However, using the most recent population projections, the likely nursery age population in the St. Nicholas CiW School catchment area can be estimated for future years to give an indication of likely demand for nursery places for the school. Table 8 below demonstrates the predicted nursery pupils in the catchment area based upon the 2018-based principal population projections accounting for the 2019 mid-year population estimates.

Table 3: Projected Nursery Provision

Age	2023	2024	2025	2026	2027
3	12	12	12	13	13
4	6	6	6	7	7

Do we need to commit significant resources to it (such as money or staff time)?

Subject to the approval of this proposal, a significant capital investment would be made to establish a new school building for St Nicholas CIW Primary School. The Council would manage the process and the governing body, staff, parents, and pupils of St Nicholas CIW Primary School would be fully engaged in the development of the plans. The Council would also be responsible for managing the construction.

The cost of the original proposal was approved as part of a Business Justification Case (BJC) submitted to Welsh Government in June 2022. However, since the BJC was submitted there have been a number of changes and delays to the implementation of the proposal and this has impacted on the project costs. The original BJC was approved for

Equality Impact Assessment

£4.999m project to develop 210 place school on the existing site by September 2022. However, this cost was based upon savings made through bringing forward 3 projects together at the same time which included the redevelopment of St David's CiW Primary School, St Nicholas CiW Primary School, and Llanccarfan Primary School (known as South Point Primary). The initial cost savings for the schemes could not be realised as they did not progress at the same time. In particular the development of St Nicholas CiW Primary School was delayed significantly with the original planning proposal being refused for the 210 primary school. This has resulted in the scheme not benefiting from the original envisaged savings. Furthermore, costs were increased due to the need to redesign the scheme to ensure it addressed the concerns which resulted in its original refusal.

In addition to the loss of the original savings for the project, global events have had a significant impact upon prices within the market for construction materials. This has been linked to the initial impact of Brexit, the Covid-19 pandemic, and the war in Ukraine. Consequently, the cost of the proposal in its current form has risen to £7.13m. The original scheme was to be funded at a ratio of 56.3% Council and 43.7% Welsh Government. This was a reduction on the usual contribution rate for voluntary controlled schools of 65% Welsh Government and 35% Council funded. This difference in the contribution rate was due to the amount of section 106 funding available to redevelop the school. To meet the increased costs, the Council would maintain the amount allocated to fund the school from section 106 funds and increase funding from other sources including capital receipts, reserves and borrowing.

Officer time has been addressed within the Vale of Glamorgan Council via the creation of a Sustainable Communities for Learning Team.

What are the intended outcomes of the proposal?

Expanding the school and relocating to a new school building would;

- Enable the school to further improve while catering for a wider pupil demographic.
- Ensure the Council is able to accommodate the future demand for faith-based education based on current trends.
- Provide innovative and creative learning environments which are adaptable to change and will challenge and support children to reach their full potential.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- The new building will meet BREEAM (Building Research Establishment Environmental Assessment Method) Excellent standards and be built to an EPC (Energy Performance Certificate) A rating.
- Establish a nursery unit which offers a more efficient and sustainable model of delivery of education for the 21st Century that meets national building standards and reduces the recurrent costs and carbon footprint of education buildings.
- Develop the ethos and culture of the school in children from an earlier age, leading to effective interpersonal relationships and higher self-esteem.
- Provide a consistent approach from 3-11 years to promote and underpin continuity and progression for pupils, ensuring breadth and balance across the curriculum.
- All curriculum planning and resourcing would build successfully on previous pupil knowledge and experience and engage interest.

Equality Impact Assessment

- Support pupils to develop their ability to learn new skills and apply their subject knowledge more positively and creatively across a continuum of learning.
- Improve the already good arrangements for the care, support, and guidance of pupils from an earlier age.
- Extend and develop partnerships with families from the earliest opportunity to strengthen home / school transition.

Who does the proposal affect?

All staff, pupils, parents of pupils, and governors at St Nicholas CIW Primary on the date of the move to a new improved school building in Bonvilston. The date of the move is anticipated to be September 2023.

In addition this proposal if implemented would provide a local school for the growing St Nicholas and Bonvilston communities and surrounding areas, ensuring that the majority of pupils can be educated at a school within their community.

Will the proposal affect how other organisations work?

The proposal is unlikely to have a significant impact on any other schools in the local area. Whilst the Council is increasing the number of nursery places, there is currently no nursery offer within the current catchment area of St Nicholas CiW primary School. If the proposal does not go ahead the school will not be able to meet the future demand for school places from the new housing developments in St Nicholas and Bonvilston area.

Will the proposal affect how you deliver services?

The Council must ensure that schools serve their local communities and are reflective of demand. There is a need to meet future demand from the new housing developments in St Nicholas and Bonvilston. A new 126 place school would accommodate the projected increase in pupil numbers from the new development in St Nicholas and Bonvilston, in addition to the projected pupil numbers that would move from the existing school of St Nicholas CIW Primary. Reviewing the wider needs of St Nicholas and Bonvilston offers an opportunity to establish a new 21st century school building while addressing community need and surplus capacity challenges.

All staff and pupils would move to the new school building and the governing body would remain unchanged. Careful planning and management of any transitional arrangements would be necessary to mitigate the challenges of pupils moving in to the area between 2022 and 2023, ensuring no disadvantage to pupils moving to the new school or negative impact on the current performance of St Nicholas CIW Primary.

The needs of the new school community that will attend this school in future cannot be known, however a great deal of information is available with relation to the population within the Vale of Glamorgan. This can be accessed from the following sources.

Equality Impact Assessment

Household projections by local authority <https://gov.wales/sites/default/files/statistics-and-research/2020-08/subnational-household-projections-local-authority-2018-based-272.pdf>

Future population trends <https://gov.wales/sites/default/files/publications/2021-12/future-trends-report-wales-2021-narrative-summary.pdf>

ONS 2016 population estimates <https://gov.wales/mid-year-estimates-population-2020>

Protected characteristic data from 2011 Census
<https://gov.wales/statistics-and-research/census-population/?lang=en>

Will the proposal impact on other policies or practices?

The proposal is part of the councils overall strategic outline programme for Band B of the Sustainable Communities for Learning Programme. The operation of the school would continue to be supported by many policies and procedures. The governing body would be required to continue to comply with all policies, including the Council and schools Equality Policies. All schools have their part to play in meeting the equality objectives that the Learning and Skills Directorate is responsible for delivering and support the performance reported on in the annual equality monitoring report where appropriate.

The Vale of Glamorgan Local Development Plan (LDP) 2011-2026 provides the local planning policy framework for the Vale of Glamorgan and was adopted by the Council on 28 June 2017.

Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?

The proposal being put forward is to build a new 126 place school building for St Nicholas CIW Primary, which would be located on the current site. It is proposed that all pupils, staff, and governors from St Nicholas CIW Primary would be provided with a new school building. The building will be designed to improve accessibility and promote equality of opportunity for education for more pupils over an increased age range. It would provide the school with improved facilities which would enable them to promote equality of opportunity and foster good relations between those with different protected characteristics. Specific consideration to feedback in relation to pupils with disabilities has been fed into the consultation document and in turn would be reflected in the design for the new building.

Our formal consultation process follows Welsh Government guidelines outlined in the School Organisation Code 2018. A range of individuals and groups were asked for their views about these proposals during the period 1 February to 15 March 2022. All responses received as part of the consultation are reflected in the Consultation Report.

Before any decisions are made, the Council needs to ensure that it offers a number of opportunities for individuals and interested groups to make their views and opinions on the proposals known.

Equality Impact Assessment

The Council consulted with the following groups:

Staff (teaching and non-teaching) at St Nicholas CIW Primary School	Governing Body of St Nicholas CIW Primary School
Parents/Carers and Guardians of children attending St Nicholas CIW Primary School	St Nicholas with Bonvilston Community Council
Vale of Glamorgan Children and Young People's Partnership	Vale of Glamorgan Early Years Development Partnership (EYDCP)
Assembly Members (AM's) / Members of Parliament (MP's) / Regional Assembly Members	Local Councillors
Care and Social Services Inspectorate Wales (CSSIW)	Welsh Language Commissioner
Rhieni dros Addysg Gymraeg (RHAG)	Neighbouring Primary and Secondary schools in the Vale of Glamorgan
Estyn	Central South Consortium Joint Education Service
Welsh Government Ministers	Trades Unions
Local Police and Crime Commissioner	Directors of Education – All Neighbouring Authorities
Council's Transportation Department	Diocesan Directors of Education

Table 4 - List of groups to consult as part of the consultation process

How will you achieve the proposed changes?

The consultation period for the proposal started on 1 February 2022 and ended on 15 March 2022.

Within 13 weeks of 15 March 2022 a consultation report will be published on the Council's website. Hard copies of the report will also be available from the school office on request. The report will summarise the issues raised by consultees during the consultation period and responses to these issues. The report will also contain Estyn's view of the proposals. In May 2022, the Governing Body will consider the consultation report and decide whether or not to proceed with the proposals.

If the Governing Body decides to continue with the proposals it must publish a statutory notice.

The Council's proposals mean that all pupils, staff, and governors would move to the new school site in September 2023.

Who will deliver the proposal?

Equality Impact Assessment

Subject to the approval of this proposal, a significant capital investment will be made to establish a new school building for St Nicholas CIW Primary.

This building would be delivered by the Sustainable Communities for Learning team within the Directorate of Learning & Skills as part of the Councils School Investment Programme following its successful bid for funding as part of the Sustainable Communities for Learning Programme. Projects are subject to statutory consultation and rigorous business cases as required by the School Organisation Code and Welsh Government. The Sustainable Communities for Learning Programme is a long-term strategic investment in educational estate throughout Wales. It is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges, and dioceses. All of the Vale of Glamorgan Council projects that were undertaken as part of Band A of the Sustainable Communities for Learning Programme were completed on time and on budget.

How will you know whether you have achieved the proposal's purpose?

The Council would have determined the proposal to:

- Provide nursery provision at St Nicholas CiW Primary School by changing the lowest age range of pupils at St Nicholas CiW Primary School from 4 to 3, to include 24 part time nursery places

The Council may decide to approve, reject, or approve the proposals with modifications. In doing so, the Council will take into account any statutory objections that it has received.

5. What evidence are you using?

Engagement (with internal and external stakeholders)

The consultation process followed Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and School Organisation Code 2018. The Council consulted with a range of statutory consultees outlined in and required by the Code.

Prior to the consultation, a meeting was held with the Headteacher of St Nicholas CIW Primary and representatives from the governing body to discuss the proposal and respond to queries raised. The Council arranged tours with the school's staff and governing body of comparable primaries completed within Band A to provide context of the proposed new building. The Council also held formal meetings with staff and the governing body to present the proposal and respond to queries.

Consultation was undertaken at a formative stage and allowed for intelligent consideration and response. The timescales for consultation comply with the School Organisation Code and allowed 7 weeks for consultees to consider and prepare a

Equality Impact Assessment

response. A number of themes received in as part of the process will be addressed and contained within a consultation report to be reported to Council on the proposal. The Council has a statutory duty to publish a consultation report on the proposal.

The Council held drop in sessions and invited parent and community stakeholders to attend as part of the process. Feedback from the drop in sessions are not included in the consultation response report as it was stated clearly in the consultation document that the Council would only accept responses using the official consultation response form. Consultees were advised of this at the drop in sessions.

Consultees were asked for their opinion on the key question for the proposal:

- 1) Do you support the proposal to change the lowest age range for the school from 4 to 3 to provide nursery provision from September 2023?

Consultees were able to respond with Yes, No or No opinion either way. Consultees were also offered the opportunity to comment further.

As the table below shows, most responses were in favour of the Proposal.

Total (individual) responses:	Total support		Total not support	
	No.	%	No.	%
4	3	75%	1	25%

Respondents were provided with the option of answering equality monitoring questions. Respondents did not have to answer as the questions were optional and a prefer not to say option was provided. Results are summarised in the table below.

What is your gender?							
Male	1	Female	1	Non-binary	N/A	Prefer not to say	N/A
How old are you?*							
25-34		35-44	1	45-54	1	55-74	
Are your day-to-day activities limited because of a physical or mental health condition, illness or disability?							
Yes – limited a lot		Yes – limited a bit		No	2	Prefer not to say	
How would you describe your national identity?							
Welsh	2	English		Scottish		Northern Irish	
Other		Prefer not to say					
How would you describe your ethnic group?*							
White	2	Mixed		Asian		Black	

Equality Impact Assessment

Other Ethnic Group		Prefer not to say					
Please describe your Welsh language ability by ticking the relevant box(es) below.							
Understand	1 basic 1 Fluent	Speak	1 basic 1 Fluent	Read	1 basic 1 Fluent	Write	1 basic 1 Fluent
Which of the following options best describes how you think of yourself?*							
Heterosexual / straight	2	Gay or lesbian		Bisexual or pansexual		Prefer not to say	
What is your legal marital status?*							
Single	1	Married	1	Divorced or widowed		Prefer not to say	
Are you currently pregnant or have you been pregnant within the last year?							
Yes		No	1	Prefer not to say		1	
Have you taken maternity leave within the past year?							
Yes		No	2	Prefer not to say			

*table just displays options with responses, further options were available to select.

Consultation was undertaken at a formative stage and allowed for intelligent consideration and response. The timescales for consultation comply with the School Organisation Code and allowed 7 weeks for consultees to consider and prepare a response.

A number of themes received in as part of the process will be addressed and contained within a consultation report to be reported to Cabinet on the proposal. The Council has a statutory duty to publish a consultation report on the proposal.

The consultation processes gave a range of consultees and local people the opportunity to learn about the proposal and for the Council to hear the views of all those with an interest so that they can be taken into account before any decisions are made. The number of respondents and characteristics thereof are detailed in the consultation response report.

Consultation (with internal and external stakeholders)

The consultation processes followed Welsh Government guidelines, in compliance with the Schools Standards and Organisation (Wales) Act 2013 and School Organisation Code 2018. The Council consulted with a range of statutory consultees outlined in and required by the Code.

Formal consultations were conducted through a consultation document and response form distributed electronically to prescribed consultees and published on the school's and Vale of Glamorgan Council's websites on the 1 February 2022.

The bilingual consultation documents were published on 1 February 2022 and distributed online; through social media, and on the Vale of Glamorgan Council's website.

Equality Impact Assessment

Consultees were provided with an electronic copy of the documents and a link to the Vale of Glamorgan Council website. Hard copies were available at the school and also at all of the consultation events.

Consultees for the consultations were asked for their opinion on a key question:

- Do you support the proposal to change the lowest age range for the school from 4 to 3 to provide nursery provision from September 2023?

Consultees were also offered the opportunity to comment further:

- If you would like to suggest any changes or alternatives to the proposals, please detail these below.
- Any other comments?

Meetings for the consultation were held with the staff and governors at St Nicholas CIW Primary which were attended by Council officers. Two drop in sessions were held for all stakeholders in St Nicholas CIW Primary. A consultation session was undertaken with the School Council of St Nicholas CIW Primary to engage the pupils in the consultation process.

The consultation processes gave a range of consultees and local people the opportunity to learn about the proposal and for the Council to hear the views of all those with an interest so that they can be taken into account before any decisions are made. The number of respondents and characteristics thereof are detailed in the consultation response report.

The authority received 4 individual responses by the consultation closing date of 15 March 2022. Of the total 4 individual responses received 3 were in favour of the proposal and 1 were opposed. The Council will also include the responses received to the consultation exercises carried out with pupils of St Nicholas CIW Primary within the consultation response report.

National data and research

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

Household projections by local authority <https://gov.wales/sites/default/files/statistics-and-research/2020-08/subnational-household-projections-local-authority-2018-based-272.pdf>

Future population trends <https://gov.wales/sites/default/files/publications/2021-12/future-trends-report-wales-2021-narrative-summary.pdf>

ONS 2016 population estimates <https://gov.wales/mid-year-estimates-population-2020>

Protected characteristic data from 2011 Census

Equality Impact Assessment

<https://gov.wales/statistics-and-research/census-population/?lang=en>

The Council's proposal will be delivered through the Welsh Government Sustainable Communities for Learning Programme. The Sustainable Communities for Learning Programme is a long-term strategic investment in educational estate throughout Wales. It is a unique collaboration between Welsh Government, the Welsh Local Government Association (WLGA), local authorities, colleges, and dioceses. All of the Vale of Glamorgan Council projects that were undertaken as part of Band A of the Sustainable Communities for Learning Programme were completed on time and within budget. The Council is expected to receive Welsh Government Band B match funding through the Sustainable Communities for Learning Programme for the proposal.

Changes to school provision, in the form of statutory school organisation proposals, are often necessary as part of local authority plans within the Sustainable Communities for Learning and Education Capital Programme.

The School Standards and Organisation (Wales) Act 2013 requires that the Welsh Ministers issue a School Organisation Code. The School Organisation Code 2018 sets out requirements for consultation upon and publication of statutory proposals for change and local authorities are required to follow the Code. The Code sets out requirements and provides guidance in respect of school re-organisation proposals brought forward to reconfigure school provision and for those responsible for determining proposals. The consultation process follows Welsh Government guidelines outlined in the School Organisation Code.

Local data and research

The Council is using current demographic, school, and pupil data to inform the proposal. A strategic review of data was used to inform the process.

St Nicholas CIW Primary is a Voluntary Controlled school serving 4 to 11 year olds in St Nicholas and Bonvilston. In terms of admissions, there are 18 pupils per year group with a total capacity of 126 pupils.

St Nicholas CIW Primary School is a timber clad building which has been categorised as being of poor condition and suitability. This means the school is exhibiting major defects and teaching methods are adversely affected. It would not be possible to refurbish teaching areas to fully meet 21st century standards. The school is split over two sites with reception pupils having to walk to the nearby 'Old School' following morning assembly. There is no path along this stretch of road. Classroom sizes are inconsistent throughout the building.

The buildings do not meet Sustainable Communities for Learning design guidance standards for primary schools which have been used for all new builds completed through the Council's Sustainable Communities for Learning programme. These schools comprise a fully accessible one or two storey building providing all the required educational functions within a single building set in grounds meeting current outdoor curriculum needs.

Equality Impact Assessment

The Vale of Glamorgan Local Development Plan (LDP) 2011-2026 provides the local planning policy framework for the Vale of Glamorgan and was adopted by the Council on 28 June 2017.

A number of large scale housing developments are planned for the Vale of Glamorgan area. Planning permission has been granted for 117 dwellings to the east of St Nicholas and 120 dwellings to the east of Bonvilston. These housing developments are situated within the catchment area for St Nicholas CIW Primary School. The development in total is projected to yield around 24 nursery and 66 primary school pupils.

A new 126 place school building with 24 part-time nursery places would accommodate the projected increase in pupil numbers from the new developments.

6. How robust is the evidence?

Does it show what the impact will be (positive and negative)?

This proposal pays due regard to the need to eliminate discrimination, advance equality, and foster good relations as an integral part of the decision making process. The impact of the proposal will be positive in terms of managing the demand for school places in the Vale of Glamorgan and in the St Nicholas and Bonvilston area and ensuring that pupils within an extended age range can receive education. The proposal may also be positive for those children attending St Nicholas CIW Primary who live in the St Nicholas and Bonvilston area, particularly those from the new housing developments.

There may be a negative impact in terms of potential disruption during the construction phase. A part of the school site would not be accessible during construction. The school would work closely with the construction team to limit disruption. The Construction Environment Management Plan which outlines the construction phases identifies that the Multi Use Games Area would be developed first allowing access to hard play area for the pupils. Additionally a large area of the playing fields would not be within the construction phase and will be accessible.

What are the gaps?

The protected characteristics of future new residents emanating from the proposed new development are unknown at this stage. There is limited information held within the Directorate of the protected characteristics of the staff and governing body however the proposal is designed to have a positive or neutral impact on those with protected characteristics accessing the new building. As the staff and governing body are small in number, this data may also serve to identify individuals and personal information held about them. However as part of the consultation several opportunities via a variety of confidential methods were given to staff and governors to express concerns with relation to their personal circumstances as well as any wider concerns. No issues were raised during the consultation or subsequently that were considered to have an adverse impact on the protected characteristics of staff or governors. As a result this is not included in

Equality Impact Assessment

this assessment.

The Council would ensure that all staff and governors would not be adversely impacted as a result of their protected characteristic as a result of this proposal.

What will you do about this?

Consideration of the protected characteristics of the pupils, staff and Governing Body would be reflected in the development of the new building for example via the provision of a fully accessible building and gender neutral toilets.

The protected characteristics of future occupiers of the school cannot be known however the new building would ensure equality of opportunity for all those accessing the new building.

Information is provided to the school by the parents and professionals on the child's enrolment at the school. This allows the school to ensure that the school can meet their needs.

What monitoring data will you collect?

The Pupil Level Annual School Census (PLASC) data is collected on an annual basis, protected characteristics are captured through this process.

How often will you analyse and report on this?

The pupils Level Annual School Census (PLASC) is completed annually. The Council and schools use the data to develop and monitor policy and performance in the Vale of Glamorgan. The effectiveness of this proposal will be monitored via the school's governing body, the Council, the Central South Consortium and Estyn.

Where will you publish monitoring data and reports?

School Census is published by Welsh Government on the STATS Wales website for each local authority area.

<https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census>

There would be continued monitoring of the progress made by all learners and their wellbeing across all year groups by the governing body, the Local Authority, and the Central South Consortium and via Estyn.

Equality Impact Assessment

7. Impact

Is there an impact?

There would be a positive impact on persons with the protected characteristics of age, disability, gender reassignment and identity, religion/belief, and human rights. The proposal would support the school to ensure that it has the improved facilities to promote equality of opportunity and foster good relations between those with different protected characteristics.

There has been no perceived negative impact on the protected characteristics identified. The existing site is not fully compliant with the requirements of the Equality Act 2010 due to site constraints. Successful implementation of the proposal would enable compliance by providing a fully accessible building with gender neutral facilities.

The positive impacts are outlined below in the relevant section.

If there is no impact, what is the justification for thinking this? Provide evidence.

Evidence is assessed through the consultation process and through school and pupil data.

If there is likely to be an impact, what is it?

Age

According to the Pupil Level Annual School Census (PLASC) carried out in January 2021 there were 121 children on roll of compulsory school age. 50 children were aged 4–7 and 71 children were aged 8–11.

The proposal would provide a 126 place primary school building with a 24 part time place nursery class. This proposal would develop continuity and progression in children's learning from the age of three. A consistent approach to the planning and delivery of the foundation phase (nursery to year two) would be enhanced through a purpose build nursery unit with access to outdoor learning areas. Provide a consistent approach from 3-11 years to promote and underpin continuity and progression for pupils, ensuring breadth and balance across the curriculum. The already well-developed holistic approach could be embedded from an early age.

As a new school on the existing site would be of sufficient size to provide the required places for children of nursery and primary school age who will be residing in the area, the

Equality Impact Assessment

proposal would provide a **positive** impact for children of these age brackets. The school would be able to provide sufficient places for primary school age children that would not be available without the new school building.

However, it is noted that section 149, so far as relating to age, does not apply to the exercise of a function relating to the provision of education to pupils in schools (see paragraph 1 of Schedule 18 to the 2010 Act).

Disability

The data held on pupils is characterised by Special Educational Needs (SEN) not disability. 29.7% of children attending St Nicholas CIW Primary have SEN which is higher than the average (14 %) for the Vale of Glamorgan Primary School population. This will include pupils with a disability however it will also include pupils without a disability. There are no pupils with a disability which impacts on their mobility currently on roll at the school. The degree of need varies across a range of additional learning types including:

Additional Learning Needs (ALN) Groups
ASD (Autistic Spectrum Disorder)
BESD (Behavioural, emotional, and social difficulties)
DYSL (Dyslexia)
GLD (General Learning Difficulties)
MLD (Moderate Learning Difficulties)
SLCD (Speech, Language and Communication Difficulties)

The school does not have an attached specialist resource base (SRB); it provides specialist support for children who have identified needs in an inclusive setting within the school.

The proposed new school building would be designed in such a way as to equip staff to meet the needs of learners with additional learning needs. The school would provide a targeted and bespoke curriculum which is responsive to the individual child's abilities and ensures that all children who require additional support are integrated across all areas of the curriculum.

It has been recognised that some parents may have selected St Nicholas CIW Primary due to a preference for a smaller school to support their child's individual needs. As the Council is not proposing to close the school, the staff would remain unchanged and would be very aware of the individual needs of pupils. All staff, governors and pupils would be in a position to liaise with the Council's Sustainable Communities for Learning team at the design stage in order to ensure that the learning environment is supportive of all pupils, including those who benefit from a quieter learning environment.

There are many design elements that could be incorporated to support pupils. These could include, for example a small room between a pair of classrooms which could be used for individual / small group learning or could be used as a breakout space should a pupil need to retreat from the classroom. Creative use of acoustic materials and bespoke calming colour schemes etc. would also be considered by part of the design team in full consultation with staff pupils and governors. The school will be designed to have flexible

Equality Impact Assessment

spaces which could be adapted by the use of furniture for specific activities, which would include quiet areas for individual learning. The building will be designed to current acoustic standards (BB93). This will define the acoustic performance standard that the school will be designed to. The whole building will be designed to comply with current building regulations for disabled access, with parking and access into the school building as well as access throughout the school. Natural daylighting and ventilation will be a key feature of the new learning environment.

The protected characteristics of children who will emanate from the new developments in St Nicholas and Bonvilston are unknown at this stage. This data is collected where appropriate on admission and the Council and schools use the data to develop and monitor policy and performance in the Vale of Glamorgan. The effectiveness of this proposal will be monitored via the school's governing body, the Council, the Central South Consortium and Estyn.

Based on the policies in place that would not change as a result of the move to a new school building, staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school and all people accessing the building will benefit from its accessible nature.

The proposal will therefore provide a **positive** impact for pupils, staff, governors, and the wider community visiting the school who have been identified within this protected group as they will have access to a fully accessible school building which has been designed to consider individual needs and will be managed by existing senior leaders at the school.

Gender reassignment, including gender identity

Gender reassignment is not recorded for Primary age pupils however individual pupils choosing to live other than at their birth gender are supported within Primary Schools. All children would continue to receive a high quality education at the new school site. The new building would have suitable facilities in place to accommodate pupils of any gender; no pupil would need to consider changing schools due to gender reassignment. Pupils and staff have the right to access the toilet that corresponds to their gender identity. Any pupil or staff member who has a need or desire for increased privacy, regardless of the underlying reason, would be provided access to a single stall toilet, but no pupil or staff member shall be required to use such a toilet. The new building would provide single stall toilets that can be used by all, albeit separate facilities would be available for adults and children.

The use of changing rooms by transgender pupils and staff would be assessed on a case by-case basis in discussion with the individual concerned. The school would maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring the safety and comfort, and removing adverse impact for the individual. In most cases, transgender pupils or staff would have access to a changing space that corresponds to their gender identity.

Staff would also have access to improved, gender neutral facilities and would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school. Non-binary people,

Equality Impact Assessment

including staff, governors and members of the community accessing the facilities would benefit from the gender neutral adaptations to the school that have been identified above.

None of the respondents indicated that this proposal would have an adverse impact on their gender identity. Based on current evidence this proposal would have a **positive** impact on this protected group.

Marriage and civil partnership (discrimination only)

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. This information is not held at a directorate level for staff and governors however the proposal is designed to have a positive or neutral impact on those with protected characteristics accessing the new building. Pupils at the school are below the legal marriage age. Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Based on the policies in place that would not change as a result of the transfer to a new school building, this proposal would have a **neutral** impact on this protected group.

Pregnancy and Maternity

It is considered that there will not 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 school. The provision of education for any pupil who were within this protected group would remain unaltered by the proposal.

Staff who are currently on maternity leave or are pregnant at the point of the proposed move would be protected under the Equalities Act 2010.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard however reference to the impact, both positive and negative, on future children was made in a small number of responses. Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Race

The predominant ethnicity at St Nicholas CIW Primary is currently White – Welsh/English/Scottish/Northern Irish British with 86% of children falling within this category. This is lower than the average (90% White British) across the wider Vale Primary School population.

As the children will be moving to a new school building, it is unlikely that the proposal will change the ethnic profile of the school although the characteristic of children emanating from the new development in St Nicholas and Bonvilston being built at this time is unknown at this stage.

Equality Impact Assessment

All staff, pupils and governors would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on the policies in place that would not change as a result of the proposal and the very small number of pupils in this category, this proposal would have a **neutral** impact on people in this protected group.

Religion and belief

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Respect for all religious and non-religious beliefs would not change due to this proposal. This school is a Voluntary Controlled school and the aspect of the curriculum relating to religion and belief would not change as a result of this proposal.

St Nicholas CIW Primary School is one of the seven Church in Wales primary schools. This proposal would increase the school's capacity from 126 places to 138 places (including full time equivalent nursery places) resulting in an additional 12 Church in Wales school places.

St Nicholas CIW Primary School would maintain its religious ethos whilst catering for a larger number of pupils. Governors welcome applications for admission from a range of backgrounds and admissions criteria does not require identification of religion.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Provision for Church in Wales education would increase, meaning the proposal would have a **positive** impact on people in this protected group.

Sex

The school currently has 48.6% (59) female pupils on roll and 51.4% (62) male. This is a similar percentage to the Vale wide primary pupil population (49% female and 51% male), therefore there would be no perceived negative impact. The staff population is 69.7% female and 30.3% male, compared with a Vale wide profile of 89.7% female and 10.3% male staff in Primary Schools.

Children of both sexes would be treated and taught equally in the school at its new site. There would be no different methods of teaching or curricula for either sex. The school would aim to reduce - as far as possible - segregating pupils and students by Gender. Pupils would continue to be supported to enable equal access to PE and where lessons are segregated by sex/gender they would be enabled to participate in the activity which corresponds to their gender identity if this is what they request. The aspect of the curriculum management relating to any identified gender based attainment gap would not change as a result of this proposal.

Equality Impact Assessment

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing body and Council in order to support the staff at the school. This proposal would lead to an increase in employment opportunities at the school as additional pupil numbers would lead to growth in future staffing levels. This may lead to more employment opportunities for people of either sex.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Sexual orientation

Inclusivity and respect of others is an intrinsic element of the national curriculum. The principles of school inspection as described in the 'Guidance for Inspectors – What we inspect', (2021) outlines that inspections will focus on the needs of pupils and parents by evaluating the extent to which schools 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.

Inspectors will also consider types, rates and patterns of bullying and the effectiveness of the school's actions to prevent and tackle all forms of bullying and harassment – this includes cyber bullying and prejudice-based bullying related to special education need, sexual orientation, sex, race, religion and belief, gender reassignment or disability.

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Based on the policies in place that would not change as a result of the proposal, this proposal would have a **neutral** impact on people in this protected group.

Welsh language

Parental demand for Welsh medium primary education will continue to be provided through the catchment area school Ysgol Iolo Morgannwg.

St Nicholas CIW Primary is an English medium school and this proposal does not seek to change this. The Council was very successful in increasing Welsh medium primary sector capacity within the Vale of Glamorgan under Band A of the 21st Century Schools Programme. In order to build on this success, a key priority for Band B is to increase capacity in the Welsh medium secondary sector as well as consideration of further developments at primary level. In order to ensure that the Council actively addresses the Welsh Government target of one million Welsh speakers by 2050, the Council will be undertaking an active programme of addressing need with regard to Welsh and English medium education.

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Equality Impact Assessment

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a **neutral** impact on people in this protected group.

Human rights

Consideration of the UNICEF document, A Human Rights-Based Approach to Education For All was given as part of the development of this consultation. This document advises that Chapter 2 introduces a conceptual framework for the rights-based approach to education that embodies three interlinked and interdependent dimensions. It contends that human rights related to education cannot be realized unless and until all three are addressed:

- The right of access to education – the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children.
- The right to quality education – the right of every child to a quality education that enables him or her to fulfil his or her potential, realize opportunities for employment and develop life skills. To achieve this goal, education needs to be child-centred, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.
- The right to respect within the learning environment – the right of every child to respect for her or his inherent dignity and to have her or his universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture, and religion.

This proposal has been presented in order to address the right of access to education, the right to quality education and the right to respect within the learning environment for all pupils within the Vale of Glamorgan.

Moving the school to improved accommodation with sustainable numbers would:

- Enable the school to further improve while catering for a greater pupil population.
- Ensure that the environment was accessible for all
- Provide innovative and creative learning environments which are adaptable to change and will challenge and support children to reach their full potential.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- Establishing a new building and site offers a more efficient and sustainable model of delivery of education for the 21st Century that meets national building standards and reduces the recurrent costs and carbon footprint of education buildings. The new building will meet BREEAM (Building Research Establishment Environmental Assessment Method) Excellent standards and be built to an EPC (Energy Performance Certificate) A rating.

Equality Impact Assessment

- Develop the ethos and culture of the school in children from an earlier age, leading to effective interpersonal relationships and higher self-esteem.
- All curriculum planning and resourcing would build successfully on previous pupil knowledge and experience and engage interest.
- Support pupils to develop their ability to learn new skills and apply their subject knowledge more positively and creatively across a continuum of learning.
- Improve the already good arrangements for the care, support, and guidance of pupils from an earlier age.
- Extend and develop partnerships with families from the earliest opportunity to strengthen home / school transition.

It is not anticipated that there would be any adverse impacts for staff as they would simply move to a new building on their existing contracts. This proposal would lead to an increase in employment opportunities at the school as additional pupil numbers would lead to growth in future staffing levels. If the move to a new school site takes place, the governing body and headteacher would need to consider an increase in the staffing structure for the additional pupil numbers from September 2023. Any proposed changes to staffing would be subject to full consultation with staff and the relevant trades unions where necessary.

The Vale of Glamorgan Council fully supports the governors, headteacher and staff at the school with any employment related matters. The school has access to the Council's Human Resources policies and procedures, including recruitment policies. The Human Resources service works closely with governors to ensure regular and clear communication with all employees takes place on all matters relating to a change in location of their workplace.

None of the respondents indicated that this proposal would have an adverse impact on their status in this regard. Based on current evidence, this proposal would have a **positive** impact on people in this protected group.

Socio-economic duty

The overall aim of the duty is to deliver better outcomes for those who experience socio-economic disadvantage. The duty, which applies to strategic decisions, commenced 31 March 2021. Socio-economic considerations have subsequently been assessed and the results are documented below. For the purposes of this assessment, socio-economic indicators include education, economic, employment, health and wellbeing, and accessible transport.

Education

It is determined that if implemented the proposals would have the following benefits related to improving educational outcomes:

- Enable the school to further improve while catering for a wider pupil demographic.
- Ensure the Council is able to accommodate the future demand for faith-based education based on current trends.

Equality Impact Assessment

- Provide innovative and creative learning environments which are adaptable to change and will challenge and support children to reach their full potential.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- The new building will meet BREEAM (Building Research Establishment Environmental Assessment Method) Excellent standards and be built to an EPC (Energy Performance Certificate) A rating.
- Establish a nursery unit which offers a more efficient and sustainable model of delivery of education for the 21st Century that meets national building standards and reduces the recurrent costs and carbon footprint of education buildings.
- Develop the ethos and culture of the school in children from an earlier age, leading to effective interpersonal relationships and higher self-esteem.
- Provide a consistent approach from 3-11 years to promote and underpin continuity and progression for pupils, ensuring breadth and balance across the curriculum.
- All curriculum planning and resourcing would build successfully on previous pupil knowledge and experience and engage interest.
- Support pupils to develop their ability to learn new skills and apply their subject knowledge more positively and creatively across a continuum of learning.
- Improve the already good arrangements for the care, support, and guidance of pupils from an earlier age.
- Extend and develop partnerships with families from the earliest opportunity to strengthen home / school transition.

The proposals are unlikely to have a significant impact on any other schools in the local area as no change to the existing catchment area is proposed.

There is currently no nursery provision at St Nicholas CiW Primary School. Children can access nursery provision at other nursery units of schools in the wider area or at a registered provider.

The Proposal would result in 24 part time English-medium nursery places in St Nicholas CiW Primary School. This is a new provision, the school does not currently provide for nursery aged children.

Any local registered providers were able to respond to the consultation. This consultation document was made available to other childcare and early years institutions, including private and third sector providers. Any feedback was considered as part of the consultation report.

Economic

There is one educational setting affected by the proposal which are within the Ward area of Wenvoe (this ward area is being amended and the proposal will be located in the Ward of St Nicholas and Llancafán following the local elections in April 2022). Wenvoe ward is a relatively rural ward area and includes a number of small rural settlements. The largest settlement is Wenvoe which is not included within the school's catchment area. The main settlements the school serves is St Nicholas and Bonvilston. These 2 settlements are

Equality Impact Assessment

relatively wealthy areas however there is still areas of local deprivation.

St Nicholas CiW Primary School is located within the Wenvoe 1 ward in Wenvoe area. The overall the ward has a population of 5,786 (Office of National Statistics, 2019).

The ward has a low level of deprivation, overall it is within the 50% least deprived wards within Wales.

The school does take in pupils from wider areas with more varied socio-economic status, this would not change as a result of these proposals as it is subject to the Council's admissions policy.

Employment

The Vale of Glamorgan Council would fully support the governors, headteacher and staff at the school with any employment related matters. The school has access to the Council's Human Resources policies and procedures, including recruitment policies. The Human Resources service works closely with governors to ensure regular and clear communication with all employees takes place.

The proposal would not result in any loss of employment. Due to the addition of the nursery there will be additional opportunities for employment available at the school following the implementation of the proposal.

Health and Wellbeing

The school has a highly positive and inclusive ethos, which helps pupils to develop self-esteem and grow in confidence.

Accessible transport

The Council has a statutory duty to provide free school transport for pupils of statutory school age who reside beyond walking distance to the nearest appropriate school. In accordance with 'The Learner Travel (Wales) Measure 2008'.

The Vale of Glamorgan Council does not provide free school transport for nursery-age children other than those children who have a Statement of Special Educational Needs (SEN). Under these proposals there are no plans to change the Council's policy on the transport of children to and from schools. As the nursery phases would remain on their current sites with their current capacity, there are no envisaged implications for transport and learner travel arrangements.

None of the respondents indicated that these proposals would have an adverse impact on their socio-economic status in this regard. Based on current evidence noted above, these proposals would have a **positive** impact on pupils from families which are socio-economically disadvantaged due to the new provision of nursery available in the area and the additional employment opportunities created at the school.

Equality Impact Assessment

How do you know?

Explain this for each of the relevant protected characteristics as identified above.

Data is provided and analysed through the Pupil Level Annual School Census data collected in the January of each year. The Council also uses current demographic, school, and pupil data to inform the proposal. The staff would also continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

What can be done to promote a positive impact?

Explain this for each of the relevant protected characteristics as identified above.

The availability of the school, its benefits, and the facilities available will be published on the Council's website and through the Council's Parental Guide to School Admissions for parents to consider when making a decision on where to express a preference for a pupil place. Having due regard to the need to advance equality of opportunity includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard would therefore be paid to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities would be key to the design of the new building. Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding. This is an important aspect to curriculum delivery and would not change as a result of this proposal.

It is acknowledged that complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.

Age

As the school would continue to provide sufficient places for children of primary school age. Inclusivity and respect of others is an intrinsic element of the national curriculum.

Disability

St Nicholas CIW Primary's buildings do not meet Sustainable Communities for Learning design guidance. This new building would be designed to ensure it was fully accessible to all, regardless of the nature of their disability.

As stated previously design elements would be incorporated to support pupils such as a small room between a pair of classrooms which could be used for individual / small group learning or could be used as a breakout space should a pupil need to retreat from the classroom. The school would be designed to have flexible spaces which could be

Equality Impact Assessment

adapted by the use of furniture for specific activities, which would include quiet areas for individual learning. The school would be designed to current acoustic standards (BB93); this will define the acoustic performance standard that the school will be designed to. The whole building will be designed to comply with current building regulations for disabled access, with parking and access into the school building as well as assess throughout the school. Natural daylighting and ventilation will be a key feature of the new learning environment.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The proposal would provide a positive impact.

Gender reassignment, including gender identity

All children would be supported to receive a high quality education if the proposal were to be successfully implemented regardless of gender identity. The school will have suitable facilities in place to accommodate pupils of any gender; no pupil or staff member would need to consider changing schools due to gender reassignment.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The proposal would provide a positive impact.

Marriage and civil partnership

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Pregnancy and Maternity

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the governing body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Race

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Religion and belief

Equality Impact Assessment

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sex

Children of both sexes would continue to be treated and taught equally in the new school building. There would be no different methods of teaching or curricula for either sex. Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

Sexual orientation

Staff would continue to receive protection under the Equalities Act 2010 which would be referred to by the Governing body and Council in order to support the staff at the school.

Inclusivity and respect of others is an intrinsic element of the national curriculum. The Council will ensure that the school promotes this requirement through its monitoring and challenge carried out by the school improvement service and Human Resources.

What can be done to lessen the risk of a negative impact?

Explain this for each of the relevant protected characteristics as identified above.

No negative impacts have been identified as a result of this proposal.

Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)

The current facilities are not fully accessible and this would be addressed positively as part of this proposal. The building will be designed to be fully accessible. In addition, small classrooms, and quiet break out areas will be considered as part of the design plan in order to ensure that children requiring a quieter and less busy learning environment can be accommodated.

Will the impact be positive, negative, or neutral?

Explain this for each of the relevant protected characteristics as identified above.

Age – Positive

Disability – Positive

Equality Impact Assessment

Gender reassignment, including gender identity – Positive
Marriage and civil partnership – Neutral
Pregnancy and Maternity – Neutral
Race – Neutral
Religion and belief – Positive
Sex – Neutral
Sexual orientation – Neutral

(Welsh language – Neutral
Human rights – Positive
Socio-economic duty – Positive)

Please see reasons outlined in the previous sections. In conclusion, there is no real risk of direct or indirect discrimination as the Council is pursuing a legitimate aim (namely, improving the capacity and efficiency of education) and the decision to publish the proposals to make a regulated alteration is a proportionate means of achieving that aim.

8. Monitoring on-going impact

Date you will monitor progress

PLASC data is annual and if approved by cabinet a project plan for this proposal will be initiated. This will include reference to this document. Any changes in outcomes resulting from this ongoing analysis will be used to update this Equality Impact Assessment, including any mitigating actions which may be required.

Measures that you will monitor

PLASC data for all pupils will be broken down and monitored by Age, Disability, Race, Religion and belief and Welsh language. The Equalities Team monitors service data and provides information in the annual equality monitoring report. The measures identified for the education of pupils are a matter for the governing body in their School Improvement Plan.

Date you will review implemented proposal and its impact

Subject to the Council's Cabinet approval, the school would receive enhanced support and challenge in the year following its move as is the practice following all school re-organisations. This will be provided by the Central South Consortium and the Council. Thereafter, the school will be subject to routine monitoring and challenge from the Central South Consortium, Estyn, and the Council.

The Vale of Glamorgan Council works closely with the governing bodies of schools to ensure that standards are robust, that teaching and learning is of a high quality and that

Equality Impact Assessment

leadership and governance is strong. The Council works with two organisations in order to monitor the performance of schools and to support school improvement.

Estyn is the office of Her Majesty's Chief Inspector of Education and Training in Wales. It is a Crown body, established under the Education Act 1992. Estyn is independent of the National Assembly for Wales but receives its funding from the Welsh Government under section 104 of the Government Wales Act 1998. Estyn inspects quality and standards in education and training providers in Wales.

The Central South Consortium Joint Education Service (CSCJES) was established in September 2012. The Local Authority works with the Consortium to support and challenge all schools in the Vale of Glamorgan.

Schools are inspected as part of a national programme of school inspection. The purpose of an inspection is to identify good features and shortcomings in schools in order that they may improve the quality of education offered and raise the standards achieved by their pupils (Estyn).

In September 2017, a new Estyn School Common Inspection Framework was introduced for all schools across Wales. St Nicholas CIW Primary was last inspected in January 2017 under Estyn's previous School Inspection Framework which evaluates a provider's effectiveness using a four-point judgement scale.

9. [Further action as a result of this equality impact assessment](#)

Possible Outcomes	Say which applies
No major change	Yes
Adjust the policy	
Continue the policy	
Stop and remove the policy	

10. [Outcomes and Actions](#)

Recommend actions to senior management team
Outcome following formal consideration of proposal by senior management team

Equality Impact Assessment

11. Important Note

Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.

12. Publication

Where will you publish your approved proposal and equality impact assessment?
The Council's website

13. Authorisation

Approved by (name)	Paula Ham
Job Title (senior manager)	Director of Learning and Skills
Date of approval	28 th April 2022
Date of review	



DIRECTORATE OF LEARNING AND SKILLS

Community Impact Assessment

On the proposal to:

- **Change the age range of St Nicholas CIW Primary School from 4-11 years to 3-11 years and to establish a nursery class containing 24 part time places from September 2023**



This document can be made available in Braille. Information can also be made available in other community languages if needed. Please contact us on 01446 709828 to arrange this.

TABLE OF CONTENTS

1. Introduction	1
2. National Context	1
3. Local Policy Context	1
4. Current Challenges	2
5. Community Profile	3
5.1. Housing Developments	3
6. Impact Assessment	4
6.1. Impacts on the Local Community	6
7. Scoring Summary	12
8. Conclusions	12

1. INTRODUCTION

The Vale of Glamorgan Council is committed to ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. In order to achieve this ambition, it is essential that we ensure schools remain sustainable, reflect the needs of our local communities, and are equipped with the best possible learning environments.

The Vale of Glamorgan Council is committed to ensuring that consultations are meaningful, relevant, and appropriate for the communities that are involved, and the Council has a duty of care to ensure that proposals are clear, transparent, and reflective of those affected. This is a vision that can only be realised by working in partnership with schools, governors, parents, and the wider communities we all serve.

This proposal is being considered under section 2.3 of the School Organisation Code (2018). This section refers to Regulated Alterations of a school, which includes changing the age range of a school by a year or more. A new 126 place school with additional nursery provision for 24 part time places for St Nicholas CIW Primary School has been included as part of the Council's 21st Century Schools programme. It is proposed that staff and pupils would move into this building by September 2023 to provide the required capacity.

Although the transferring of the school to the new building is included as part of this consultation, this is not subject to the statutory process as the transfer would be within 1.609344 kilometres (1 mile).

2. NATIONAL CONTEXT

The key statutory guidance for local authorities in developing statutory proposals for changes for school organisation is in accordance with section 42 of the School Standards and Organisation Act 2013 and the School Organisation Code 2018. When considering proposals the Council must consider the impact on the local community, particularly in rural areas and in areas designated for communities' first programmes or successor programmes.

3. LOCAL POLICY CONTEXT.

Echoing national policy outlined in the Well-Being of Future Generations (Wales) Act 2015, the Council has committed as part of the Corporate Plan 2020-25 to achieving a vision of – **'Strong Communities with a bright future'**.

The Vale of Glamorgan is committed to achieving the objective 'to support learning, employment and sustainable economic growth' raising overall standards of achievement by modernising education in the Vale to ensure children and young people receive a first-class education.

We believe that in order to achieve this it is important that we support teaching and learning outcomes by providing modern and fit for purpose buildings that meet the needs of modern-day education. Schools need to be able to provide the best possible learning experience to make sure that children and young people have the best opportunities available to them and that they are able to reach their full potential.

4. CURRENT CHALLENGES

The proposal to increase capacity and change the age range of St Nicholas CIW Primary School would address a number of challenges.

- Enable the school to further improve while catering for a greater pupil population.
- Ensure the Council is able to accommodate the future demand for faith-based education based on current trends.
- Provide innovative and creative learning environments which are adaptable to change and will challenge and support children to reach their full potential.
- Increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.
- The new building will meet BREEAM (Building Research Establishment Environmental Assessment Method) Excellent standards and be built to an EPC (Energy Performance Certificate) A rating.
- Establish a nursery unit which offers a more efficient and sustainable model of delivery of education for the 21st Century that meets national building standards and reduces the recurrent costs and carbon footprint of education buildings.
- Develop the ethos and culture of the school in children from an earlier age, leading to effective interpersonal relationships and higher self-esteem.
- Provide a consistent approach from 3-11 years to promote and underpin continuity and progression for pupils, ensuring breadth and balance across the curriculum.
- All curriculum planning and resourcing would build successfully on previous pupil knowledge and experience and engage interest.
- Support pupils to develop their ability to learn new skills and apply their subject knowledge more positively and creatively across a continuum of learning.
- Improve the already good arrangements for the care, support and guidance of pupils from an earlier age.
- Extend and develop partnerships with families from the earliest opportunity to strengthen home / school transition.

5. COMMUNITY PROFILE

St Nicholas CIW Primary School is an English-medium voluntary controlled school serving 4 to 11 year olds in St Nicholas and Bonvilston. In terms of admissions, there are 18 pupils per year group with a total capacity of 126 pupils. The school does not currently provide nursery provision.

St Nicholas is a village in the Western Vale, in the Wenvoe Ward. According to 2011 census data, the Wenvoe Ward has a population of 2,659 with a mean age of 46. 69% of the population is economically active and deprivation is low. 69% of the population are identified as Christian.

According to the 2019 Welsh Index of Multiple Deprivation (WIMD) Wenvoe 1 is ranked 1664 out of 1909 Lower Super Output Areas (LSOAs) in Wales, placing it amongst the 50% least deprived. However, Wenvoe 1 is amongst the 20-30% most deprived LSOAs for access to services. This could be improved by this proposal with increased community access and facilities.

5.1. HOUSING DEVELOPMENTS

A number of large scale housing developments are planned for the Vale of Glamorgan area. Planning permission has been granted for 117 dwellings to the east of St Nicholas and 120 dwellings to the east of Bonvilston. These housing developments are situated within the catchment area for St Nicholas CIW Primary School.

The projected number of pupils emanating from a development is calculated using a formula derived from census data of householders in the Vale of Glamorgan. The formula is contained within the Council's Supplementary Guidance for planning purposes.

The development in total is projected to yield around 24 nursery and 66 primary school pupils.

6. IMPACT ASSESSMENT

This section of the Community Impact Assessment assesses the potential impact this proposal could have on the local community. The information analysed in this process represents a snapshot of the current situation. The impact assessment is an evolving document that will continue to be developed throughout the project. Feedback received during the consultation period will be used to further inform the Community Impact Assessment, which will be presented to Cabinet as part of the Consultation Report.

Eight key measures have been identified:

Ref.	Measure
CI1	Children living in the catchment are attending their local school
CI2	Services provided by the school for the local community, including extra-curricular activities
CI3	Community facilities used regularly by the school
CI4	Community facilities provided by and activity undertaken within the school premises
CI5	Impact on local businesses
CI6	Impact on local employment
CI7	Impact on local infrastructure
CI8	Transport arrangements

The eight measures were assessed to identify any negative or positive impacts on the local community, and a score was applied ranging from -3 to +3 based on the balance of the evidence available.

Measure Score	Measure Assessment
-3	Large deterioration
-2	Moderate deterioration
-1	Slight deterioration
0	No overall change
1	Slight Improvement
2	Moderate Improvement
3	Large Improvement

6.1. IMPACTS ON THE LOCAL COMMUNITY

Ref.	Measure	Score	Impact of Proposed Transfer
C11	Children living in the catchment area are attending their local school	2	<p>Recent housing developments have resulted in increased pupil numbers in the Western Vale. Within the catchment area of St Nicholas CIW Primary School there are two major developments totalling 237 dwellings. Projections indicate that St Nicholas CIW Primary School would not be able to meet this increased demand. Increasing the capacity of St Nicholas CIW Primary School by September 2023 would result in the school being able to accommodate the projected future demand from within the catchment area.</p> <p>Traditionally, St Nicholas CIW Primary School has attracted a large number of pupils from out of the catchment area. Projections indicate that demand will increase from within the catchment area due to the recent and future housing developments.</p> <p>The addition of nursery provision would ensure the school is able to better meet the needs of the local community. The admissions policy for the Vale of Glamorgan prioritises pupils residing within the catchment area of the school helping to ensure the new school meets the needs of pupils within the local area. Further information on the current admissions policy can be viewed on the following link - https://www.valeofglamorgan.gov.uk/Documents/Working/Education%20and%20Skills/Schools/admissions/School-Admission-arrangements-2022-23-E-Policy-Final-v4.pdf</p>

			<p>All catchment and feeder arrangements in place within the Vale of Glamorgan are subject to regular review. A widespread review took place during the academic year 2018/19. No changes were made to the catchment area for St Nicholas CIW primary school but in September 2020 feeder arrangements for Primary Schools in the Vale of Glamorgan were removed.</p>
CI2	<p>Services provided by the school for the local community, including extra-curricular activities</p>	2	<p>St Nicholas CIW Primary School currently offers a breakfast club.</p> <p>The breakfast club is available from 7.50am to 8.40am.</p> <p>St Nicholas CIW Primary School also offers a wide range of extra-curricular activities. These include Art, sports, newspaper, music and eco clubs.</p> <p>It is intended that all existing services for children, parents and the community would continue if the proposal was to go ahead. The proposal would result in increased pupil numbers which is likely to result in increased demand for school services, as well as providing the opportunity to expand the number of services offered.</p> <p>The proposal forms part of Band B of the Council's 21st Century Schools Programme. This would include the creation of new state of art facilities fit for the 21st Century. A key element of the 21st Century Schools Programme is the provision of community facilities.</p>

CI3	Community facilities used regularly by the school	2	<p>St Nicholas CIW Primary School is currently taught over two sites with reception being taught in the nearby 'Old School' building. The school is currently in talks with the diocese to use this building for community use as it would not be required by the school when the new school building opens.</p> <p>St Nicholas CIW Primary School does not use any other local facilities.</p>
CI4	Community facilities provided by and activity undertaken within the school premises	3	<p>St Nicholas CIW Primary School does not currently offer any lettings or facilities for community use. This is due to the limitations with the existing school site.</p> <p>A key aim of the 21st Century Schools Programme is to ensure school facilities are developed to meet the needs of the local community.</p> <p>Members of the local community would be involved throughout the development of the plans for the new school building to ensure services meet the needs of the community and enhance the facilities available.</p> <p>Adding nursery provision and moving the school to a new building would result in improved facilities for the community to use.</p>
CI5	Impact on local businesses	0	<p>The school does not have close links or support any local businesses.</p>

CI6	Impact on local employment	3	<p>All staff employed at the school on the date of transfer would transfer automatically to the new site with no change to their terms and conditions of employment.</p> <p>As the school would be adding 24 part nursery places, additional staff would be required. This would include both teaching and support staff positions.</p>
CI7	Impact on local infrastructure	-1	<p>Access to St Nicholas CIW Primary School is via a narrow entry road. There is limited parking around the school which causes congestion during drop-off and pick-up times. Adding additional nursery places at the school would likely result in more cars which could result in increased congestion. The Council will work closely with the school to determine drop off and pick up arrangements. Additional extra-curricular activities, such as after school clubs, could assist with reducing congestion at pick-up times. Proposed plans also include a larger parking area and a new drop off and pick up area within the school site to remove congestion from the approach roads to the school within the Village of St Nicholas.</p> <p>Traffic and transport implications are being considered as part of the Transport Assessment that would be required in order to achieve planning consent for the building works should this proposal be implemented. This would ensure transport implications are factored into the design of the new school.</p>
CI8	Transport arrangements	0	<p>The Council has a statutory duty to provide free school transport for pupils of statutory school age who reside beyond walking distance to the nearest appropriate school.¹</p>

¹Policy For The Provision Of Home To School Transport (Revised February 2010)

			<p><i>“This is defined as 2 miles or further to the nearest suitable school for Primary Pupils and 3 miles or further for Secondary School Pupils. Distances are measured by the nearest available walking route.”²</i></p> <p>The school does not currently have any pupils who are entitled to free school transport. However, the school does provide a fee-paying minibus service for parents.</p> <p>This proposal would not impact on existing learner travel arrangements as the school would remain on the existing site and there would be no change to the catchment area.</p> <p>The school’s increased capacity under the proposal did have the potential to cause traffic implications for the local community. However, traffic and transport implications were considered as part of the Transport Assessment that supported the recent planning application for the redevelopment of the school. Planning consent for the building works was received on 28th April 2022 where it was determined that the likely traffic implications raised by the redevelopment would be mitigated by measures included in the proposal such as increased on-site parking facilities, providing a drop-off / pick-up area, widening the road to the school frontage and improving active travel infrastructure.</p>
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²The Learner Travel (Wales) Measure 2008

			Further information on the planning considerations can be viewed online using the planning register on the following link - https://vogonline.planning-register.co.uk/Planning/Display/2022/00066/RG3
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7. SCORING SUMMARY

Ref.	Local Community
CI1	2
CI2	2
CI3	2
CI4	3
CI5	0
CI6	3
CI7	-1
CI8	0
Average Score	1.375

8. CONCLUSIONS

The impact assessment identifies that the proposal would likely have a neutral impact on the local community across 2 of the 8 measures assessed. The proposal would likely have a positive impact on the local community across 5 of the 8 measures assessed. The proposal would likely have a negative impact on the local community across 1 of the 8 measures. Overall, the proposal would likely have a positive impact on the local community.

The proposal would enable the school to continue its success while catering for a greater pupil population, as well as a wider age range. It would provide innovative and creative learning environments which are adaptable to change and would challenge and support children to reach their full potential.

The proposal would maintain and increase the level of community access and interaction through the use of the school's educational facilities whilst meeting the needs of the school.

The proposal would provide a consistent approach from 3-11 years that would promote and underpin continuity and progression for pupils, ensuring breadth and balance across the curriculum.

The school currently offers a range of activities for pupils outside of the normal school day. It is proposed that as a minimum all existing facilities for pupil's parents and the community would continue on the proposal.

Transport implications would need to be carefully considered during the design of the new school to limit the impact of the increase in pupils traveling to the school.

It is concluded from the Community Impact Assessment that the proposal to increase the number of school places and change the age range of St Nicholas would better meet the needs of the local community to ensure the sustainable balance between supply and demand for school places.

Estyn response to the proposal by the Vale of Glamorgan council to change the age range of St Nicholas CiW Primary School from 4-11 years to 3-11 years and to establish a nursery class containing 24 part-time places from September 2023

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer.

Introduction

The proposal is by the Vale of Glamorgan council.

The proposal is to change the age range of pupils at St Nicholas CiW Primary School from 4-11 years to 3-11 years and to establish a nursery class containing 24 part-time places from September 2023 by:

- changing the age range of St Nicholas CiW Primary school from 4 - 11 to 3 - 11
- constructing a new school building on the current school site to accommodate the nursery and primary classes
- opening a new 126 place school with additional 24 part time nursery places.

It should be noted that St. Nicholas Church in Wales Primary School was subject to a previous statutory consultation in 2019 to expand the school from 126 places to 210 places, including the addition of a nursery class containing 48 part-time places from September 2021. However, the Local Planning Authority considered the proposed design was insufficient to mitigate the impact the increased school capacity would have on the local highway infrastructure. Consequently, the Council's planning committee on 21st January 2021 determined that planning permission would not be granted due to the impact the increased capacity would have on the local highway infrastructure.

As a result, the original proposal was amended to reduce the proposed capacity of the new school building but maintain additional nursery provision for the school. This

would address concerns regarding the impact the proposal would have on the local highway infrastructure.

Summary/ Conclusion

In Estyn's opinion the proposal is likely to maintain or improve the current standards of education and provision in the area.

Description and benefits

The proposer has provided a clear rationale for the proposal. This is to provide nursery provision at the school to meet increased demand for faith-based education within the area because of recent and proposed housing developments.

The local authority has considered the potential advantages of the proposal reasonably. These include providing more suitable learning environments for pupils and more effective transition from nursery to primary education. It has considered in small part a few of the potential disadvantages of the proposal, for example the disruption to staff and pupils during the building phase of the new school. However, the local authority has not been clear enough about how it will mitigate the impact of the works on the school and its pupils.

The proposer has considered one main risk to the proposal, which is the risk that sufficient funding does not materialise as expected. It has stated that The Council has secured 65% of funding for the proposal under Band B of the Welsh Government 21st Century Schools Programme subject to approval of a business case. The remaining funding for the new school building would be met by the Council using Section 106 funding received from the nearby housing developments. The authority has not been clear about what will happen if this funding does not materialise.

The proposer has considered well other alternative options to the current proposal. It has listed the advantages and disadvantages of each option. The disadvantages of these options clearly demonstrate why the other options have been discounted as being viable.

The proposer has undertaken an appropriate condition survey of St Nicholas CiW Primary School and assessed the condition of the school building to be poor and needing around £730,276 pounds worth of repairs. It highlights the advantages that a new school building would provide.

The local authority has considered the impact on learner travel arrangements suitably. It identifies that traffic and transport implications would be considered as part of proposals to limit the impact of the additional nursery provision. It has considered the fact that no pupils currently receive free school transport, and the proposed site relocation is within one mile of the existing school. As a result, the

proposer reasonably concludes that the proposal is unlikely to have any significant impact.

The proposer has produced a clear analyses of current pupil numbers and projected demand for future places in the area due to local housing developments. These projections indicate that St Nicholas CiW Primary School will be able to meet the demand for English medium nursery and primary education from September 2023. It should be noted that there is potential for a further increase in numbers at St Nicholas CiW school as currently a notable proportion of parents living in its catchment send their children to other English medium CiW primary schools in the local authority.

The proposer has considered the impact of the proposal on Welsh language provision in the area suitably. It refers to the council's Welsh in Education Strategic Plan (WESP), which aims to ensure that demand for Welsh medium education can be met in the long-term. It notes that there are several Welsh-medium primary schools serving the Western Vale, including Ysgol Iolo Morgannwg and Ysgol Dewi Sant.

The proposer has provided an appropriate community impact assessment as a separate document. This considers suitably the impact of the relevant components of the proposal on the local community and of the eight measures assessed it reasonably concludes that overall, the proposal would likely have a positive impact on the local community.

Educational aspects of the proposal

The proposer has considered suitably the impact of the proposals on the quality of standards, wellbeing and attitudes to learning, teaching and learning experiences, care support and guidance and leadership and management. It refers appropriately to the outcomes of the most recent Estyn inspection reports. The proposer states reasonably that the improved accommodation and modern learning environments should better meet the needs of the Curriculum for Wales and provide more opportunities for community learning across phases.

The proposer has considered the impact of the proposal on pupils with special educational needs and provided information about the needs of pupils at the school. The proposal appears to demonstrate that suitable provision will be made for pupils with special educational needs throughout the new school.

The proposer has considered the impact of the proposal on other schools in the area. It has concluded reasonably that the proposal is unlikely to have a significant impact on these schools as no changes to the existing catchment area are proposed.

The proposer has included details about finance, including running costs and capital investment. It estimates that the total capital funding required will be split between

Welsh Government funding through the 21st Century Schools Programme and funded by the Council using section 106 contributions where available.

The proposer has recognised the need for additional nursery places of a religious character within the area and assumes an increased demand for nursery and school places due to housing developments. However, the local authority does not consider well enough the effects of the proposal on other institutions, including private and third sector providers.

The proposer reasonably assumes that adding nursery provision will improve the already good arrangements for the care, support, and guidance of pupils from an earlier age, and extend and develop partnerships with families from the earliest opportunity.