

Meeting of:	Cabinet
Date of Meeting:	Tuesday, 07 March 2024
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Sustainable Communities for Learning (SCfL) Rolling Programme
Purpose of Report:	To seek Cabinet approval on the Sustainable Communities for Learning Rolling Programme. This report does not seek any financial commitment. It seeks approval of the recommended projects in order to submit a Strategic Outline Rolling Programme to Welsh Government.
Report Owner:	Cabinet Member for Education, Arts & the Welsh Language
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	Trevor Baker, Head of Strategy, Community Learning and Resources Lisa Lewis, Operational Manager, Strategy and Resources Natasha Burton and Kelly Williams, Sustainable Communities for Learning Project Manager
Policy Framework:	This is a matter for Executive decision by the Cabinet
Executive Summary:	
<p>This report is to seek Cabinet approval for the Sustainable Communities for Learning (SCfL) Strategic Outline Rolling Programme.</p> <p>Welsh Government has advised that when Local Authorities have delivered over 60% of their Band B programme value, this would initiate the start of the Rolling Programme, the third wave of investment. As the Vale of Glamorgan Council has delivered 9 projects (over 60%) of the Band B programme, the Council is now expected to submit a new Strategic Outline Rolling Programme, detailing proposed future projects. The submission deadline to Welsh Government is 31st March, 2024.</p> <p>This nine-year rolling capital programme replaces Welsh Government’s previously used banded funding structure for 21st Century Schools, now known as Sustainable Communities for Learning. This new format requires an indicative funding forecast and should provide a commitment and support for the first 3 years of the proposed programme with in-principal support for years 4, 5 and 6. Years 7 to 9 will be reflected in the longer-term project pipeline.</p> <p>Details of the proposed projects can be found in the main body of this report. Each individual project will require further approval from Cabinet in order to progress. This will be requested if or when funding becomes available. We currently do not have any funding set aside for the rolling programme.</p>	

Recommendations

1. That Cabinet notes the proposed short and long-term provisional plans for future waves of investment and approves the recommended schemes in line with the programme objectives.
2. That Cabinet approves submission of these recommended schemes to Welsh Government.

Reasons for Recommendations

1. To update Cabinet on short and long-term plans for future waves of investment and to seek approval on recommended schemes in line with the programme objectives.
2. To ensure that the Council meets Welsh Government's deadline of 31st March, 2024 for the Council's Rolling Programme submission.

1. Background

- 1.1 The Sustainable Communities for Learning Programme (SCfL) 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 diocesan authorities.
- 1.2 The Sustainable Communities for Learning Rolling Programme requires the Council to meet the following investment objectives:
 - addressing growth in demand for Welsh medium education;
 - elimination of surplus capacity and inefficiency in the system;
 - expansion of schools in areas of increased demand for educational services;
 - address condition of educational assets; and
 - making assets available for community use where demand exists
- 1.3 On 22nd January, 2018, Cabinet approved the Council's Band B Sustainable Communities for Learning Programme (Minute No. C199 refers). The programme has been very successful with 9 projects delivered or under construction and 3 projects which are in progress for delivery (Ysgol y Deri, St Richard Gwyn and Ysgol Iolo Morganwg).
- 1.4 Welsh Government has advised that through a co-constructed approach, the Sustainable Communities for Learning Programme should be delivered at the pace and to the priority of the delivery partners. Lessons learned from Band A, and the transition into the current Band B, have highlighted both the complexity and protracted nature associated with the delivery of a number of projects through the current 'fixed' programme timelines. This approach poses challenges for both the Welsh Government and delivery partners in the management and delivery of strategic infrastructure investment for the education estate in Wales. To that end,

a Rolling Programme of investment is now being implemented to improve efficiency and delivery for both partners and Welsh Government.

1.5 Welsh Government has advised that as delivery partners are at differing stages through their existing Band B, it is expected that as and when a local authority or college is nearing completion of their Band B programme, typically above 60% of programme value (£) either completed or on-site/under contract, they submit their new Strategic Outline Programme (SOP) which would initiate the start of their Rolling Programme. This will encourage a smooth transition of each delivery partner’s programme as and when the need arises, removing the stop-start actions associated with a fixed-term investment programme.

1.6 The rolling programme will comprise of a 9-year capital programme.

<u>Years</u>	<u>Expectation</u>
1, 2 and 3	Projects expected to reach full business case within the 3 years.
4, 5 and 6	Projects being developed and going through statutory consultation
7, 8 and 9	Pipeline projects

1.7 Under Welsh Government’s Rolling Programme framework, the Council is required to review their rolling programme at least every 3 years. It is expected that years 1, 2 and 3 would comprise the projects that formed years 4, 5 and 6 of the previous submission, subject to those projects remaining a priority for the delivery partner with a further 3 years of pipeline projects added to the nine-year plan. This will focus on a three-year investment plan and draft budgets, alongside the Wales Infrastructure Investment Strategy.

1.8 For projects that continue to be classified as ‘Band B’, the current business case appraisal and approval framework will continue to challenge the strategic needs and priorities of the Council and individual business case submissions in the normal manner. The process for new SOPs will also follow this route.

1.9 Current intervention rates would be retained throughout the Rolling Programme in order to support the deliverability and affordability of the programme as per the table below:

Category	Intervention rates %
Community, voluntary controlled and foundation schools	65
Voluntary aided schools of religious character	85
Special schools and pupil referral units (PRUs)	75
Mutual Investment Model (revenue-funded element)	81
Mutual Investment Model (Capital - funded element)	65

Extra over-costs of net zero carbon (NZC) (Band B) 100	100
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2. Key Issues for Consideration

- 2.1 The Sustainable Communities for Learning Programme (SCfL) is aimed at ensuring that learning environments are fit for purpose, that there are sufficient places available for our learners due to development and regeneration within the Vale, and that our priorities enable key outcomes within both the Welsh Government's national strategies and our own local strategies.
- 2.2 Welsh Government requires SCfL projects to work towards whole-life NZC through the programme's mandated Net Zero Carbon (NZC) in operation and the embodied carbon targets in line with the Welsh Government's Carbon Reduction Commitments. SCfL is one of the biggest programmes contributing to Project Zero and the Council's climate emergency due to its commitment to developing net zero/near net zero buildings. The programme has an excellent track record for delivering sustainable learning environments that invest in biodiversity to enhance the surrounding environment and support active travel.
- 2.3 The Council has a statutory duty to review the number and type of schools in the area and to make the best use of resources to raise standards in schools.
- 2.4 The Council has a statutory duty to secure sufficient school places in its area to meet current and future demand for school places in line with national, regional and local strategies.
- 2.5 Expanding schools and developing new schools is required where there is a shortfall in school places, current and future, to meet demand for Welsh, English and denominational schools. This may arise due to large scale housing developments planned for an area, increased demand and changes to parental preference for schooling.
- 2.6 The Council also has a statutory duty to ensure that pupils at the Vale of Glamorgan are taught in a safe environment that meets 21st century standards.
- 2.7 Each individual project will require cabinet approval to consult, these will only be consulted upon if internal funding is available.

Rolling Programme

- 2.8 This report seeks Cabinet approval for the Rolling Programme which outlines high-level future schemes that have been identified for the next wave of investment subject to internal funding being available. The projects identified are listed below:

Project	Development Type	Investment Objective	Timeframe
Primary provision in Eastern Vale	Replacement School	<ul style="list-style-type: none"> Expansion of schools in areas of increased demand for educational services Making assets available for community use where demand exists 	1 – 3 years
Increasing ALN provision	New school (subject to land)	<ul style="list-style-type: none"> Expansion of schools in areas of increased demand for educational services Making assets available for community use where demand exists 	1 – 3 years
Addressing English medium demand in Barry	Replacement School	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	1 – 3 years
Increasing Welsh medium secondary provision	New school (subject to land)	<ul style="list-style-type: none"> Addressing growth in demand for Welsh medium education Making assets available for community use where demand exists 	4- 6 years
Addressing condition and suitability in Eastern Vale	Replacement School	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	4 – 6 years
Addressing condition and suitability in Barry	Replacement School	<ul style="list-style-type: none"> Elimination of surplus capacity and inefficiency in the system Making assets available for community use where demand exists 	4 – 6 years
Increasing Welsh medium Primary Provision	New school	<ul style="list-style-type: none"> Addressing growth in demand for Welsh medium education Making assets available for community use where demand exists 	4 – 6 years
Rural vale investment	Replacement School	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	4 – 6 years
Pipeline project - condition and suitability	Replacement School	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	7 – 9 years

Pipeline project - condition and suitability	Refurbishment	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	<ul style="list-style-type: none"> Address condition of educational assets Making assets available for community use where demand exists 	7 – 9 years

Years 1- 3

2.9 There are several key drivers for delivering the Rolling Programme between year 1 – 3, as listed below:

- Increased Primary provision in Eastern Vale
- Increasing ALN provision
- Welsh medium provision (WESP)
- Addressing English medium demand in Barry
- Condition and suitability

Project 1 – Primary provision in Eastern Vale

2.10 This project proposes increasing the capacity of a school via a refurbishment or replacement building, providing additional primary places, whilst also improving existing suitability issues, where existing classroom sizes and shared spaces are very confined and do not meet the requirements of 21st Century education standards.

Project 2 - Increased Additional Learning Needs (ALN) provision

2.11 This project focuses on expanding ALN provision given forecasted demand, while ensuring accessibility to specialist ALN provision across the Vale of Glamorgan. This provision would require additional land to be repurposed for education provision. The inclusion of this project in the early delivery programme is being led by Ysgol y Deri being at capacity. Ysgol Y Deri was designed for approximately 205 pupils on opening in 2014. The number of pupils requiring a place at the school has grown year on year and has now reached 380 with 420 due to be

accommodated next academic year. A number of measures have been introduced to date to address this.

- Adaptations have been made to increase classroom space at the school through the conversion of Ty Deri and the inclusion of 6 temporary classrooms accommodating 60 pupils.
- Establishing satellite provision linked to mainstream schools whilst a new school is being developed.
- Development of new facility, Derw Newydd, which provides up to 60 places for suitable education for children and young people who, by reason of illness, exclusion or otherwise, may not receive such education in a mainstream school.
- Expansion and inclusion of the Specialist Resource Bases (SRB) included within a number of schools, which have been a success overall. The inclusion of SRB's will continue with all new school developments providing further ALN capacity across the education estate, meeting the needs all pupils as the complexity of cases increases.

2.12 The Council will seek available sites in order to create a new special school building.

Project 3 - English medium demand in Barry, condition and suitability

2.13 Recent condition surveys have highlighted the need for capital investment to address elements such as roofs, windows and doors, alongside internal areas of damp, ceilings, and toilet provision.

2.14 Classroom sizes are not compliant with current Building Bulletin recommendations for many of the spaces available, and there is a need to increase the number of school places available within Barry, given the growth and migration to the area.

Years 4 – 6

2.15 The identified key drivers for the Rolling Programme between year 4 – 6 are listed below:

- Welsh medium demand
- Rural vale investment
- Demand in Eastern Vale
- Addressing condition and suitability

Project 4 - Welsh medium secondary demand

2.16 This project focuses on widening Welsh Medium secondary provision outside of Barry. With current projections predicting Ysgol Gymraeg Bro Morgannwg reaching capacity of places in 2027/28 or earlier, the proposal is to monitor the projections in years 1 and 2 of the programme and plan for a development to deliver the new school for operation in September 2027. This includes consideration of potential sites for a satellite provision. Considerations will be undertaken to determine the

size of the site and facility required based on pupil location and projections across the whole county.

Project 5 – Addressing condition and suitability in Eastern Vale

- 2.17** Condition surveys have identified significant backlog maintenance necessitating consideration of a replacement school in the area as value for money.
- 2.18** The proposal would be to replace the existing buildings with a single building to accommodate the 1 Form Entry (FE) provision, with nursery offering 24 Full Time Equivalent (FTE) places. This school has been categorised as a condition C with over a million pounds worth of backlog maintenance.

Project 6 - Addressing condition and suitability in Barry

- 2.19** Condition surveys have identified a number of existing buildings as requiring significant remodelling and repair and the current classrooms sizes do not comply with current Building Bulletin recommendations. There are a number of logistical challenges in relation to capacity in the area and a review of catchment may be required to leverage existing capacity, with consideration transport implications.

Project 7 - Welsh medium Primary Provision

- 2.20** To address future demand for Welsh medium education and align with the current WESP targets this new school may be considered as a Welsh Medium Primary school.

Project 8 - Rural Vale investment

- 2.21** This proposal is to increase capacity within the rural vale by 210 places, while addressing condition, suitability and potential future capacity issues.

Years 7-9 Pipeline projects

- 2.22** The identified key drivers for the rolling Programme between year 7 – 9 are based on condition and suitability.
- 2 FE Primary School - Western Vale: Establishing a new 2FE replacement school in the Western Vale cluster, to comply with the current Building Bulletin recommendations, and to accommodate planned growth/demand within the area.
 - 1 FE Primary School – Barry: Refurbishment of an existing 1FE school in the Barry cluster, to comply with Building Bulletin regulations, and to be reviewed against pupil projections to determine future capacity.
 - 2 FE Primary School – Barry: The existing site is very confined with no opportunity to replace the existing building. A refurbishment of this school would be designed to provide suitable spaces as recommended in the current Building Bulletin. The current provision provides places for a 2FE, this is to be reviewed against pupil projections to determine future capacity.
 - 1FE Primary School – Barry: The existing site is very confined with no opportunity to replace the existing building. A refurbishment of this school will be reviewed and designed to provide suitable spaces as recommended in the current Building Bulletin. The current provision provides places for a 1FE, this is to be reviewed against pupil projections to determine future capacity.

- 2FE Primary School – Barry: The existing site has received a variety of adaptations and expansions over the last ten years, the site is very constrained due to its topography. A replacement building would not be feasible on this site, the proposal is for a refurbishment and adaptations of spaces to the recommendations within the current Building Bulletin. The current provision provides places for a 2FE, this is to be reviewed against pupil projections to determine future capacity.

2.23 Estimated costs for these pipeline projects will be provided in future cabinet reports. Each individual project will require cabinet approval to consult, these will only be consulted upon if and when internal funding is available.

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** 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 of the goals.
- 3.3** These listed projects contribute to achieving the wellbeing goals by:
- Improving sustainability of school buildings through the creation of Building Research Establishment Environmental Assessment Method (BREEAM) Excellent accommodation.
 - Ensuring an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
 - Ensuring schools are designed to better meet the needs of pupils. The new and remodelled buildings would provide modern education facilities with improved external areas.
 - A key objective of the Sustainable Communities for Learning Programme is to increase the level of community access and interaction through the use of the school’s educational facilities whilst meeting the needs of the school.
 - Supporting contractors to deliver a programme of community benefits that aims to reduce unemployment through increased apprenticeship opportunities.
 - The priorities outlined are reflective of the Council’s commitments in the Welsh in Education Strategic Plan (WESP) 2022 - 2032 and aims to ensure that demand for Welsh medium education can be met in the long-term, in line with the Welsh Government’s ambitious target of 1 million Welsh speakers by 2050 (Cymraeg 2050). The Council has made significant investments in Welsh medium education, which has seen an increase in bilingual learners and aims to continue this trend to ensure sufficient capacity over the long term.
- 3.4** 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.

- 3.5** Band B has contributed to improving the economic and environmental wellbeing of Wales, with our additional aspiration to develop schools to become more community focused and Net Zero Carbon efficient by working on our standard building designs and focusing on the fabric first approach to ensure the building works smarter to allow for the inclusion of carbon reduced measures. This has resulted in the first Net Zero Carbon in Operation School in Wales being delivered at South Point Primary School and all developments meeting BREEAM Excellent standard.
- 3.6** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals. The Council has committed as part of the Corporate Plan 2020-25 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 a number of Well-being objectives to deliver this vision.
- 3.7** These are specifically linked to education with a number of objectives contributing to the Sustainable Communities for Learning Programme. We have prioritised the need to raise standards of achievement as one of our well-being objectives. We are proud of the Vale of Glamorgan and our place in Wales and that the use of the Welsh language is growing in the Vale. We respect and value diversity within our communities and recognise the importance of promoting equality of opportunity. We also appreciate our unique heritage and culture and the importance for people of all ages to enjoy a range of activities and to have opportunities to be creative. We have therefore identified valuing culture and diversity as one of our eight well-being objectives.
- 3.8** Details of the objectives that the Sustainable Communities for Learning Programme supports and contributes to are outlined below:
- Wellbeing Outcome 1: Working with and for our communities. Ensuring our communities are involved in the development of the school and our schools are built for our communities.
 - Wellbeing Outcome 2: To support learning, employment and sustainable economic growth. Ensuring the projects are developed to support learning, employment and economic growth with the Vale area.
 - Wellbeing Outcome 3: To support people at home and in their community Ensuring our education facilities are built to provide access to community.
 - Wellbeing Outcome 4: To respect, enhance and enjoy our environment. Ensuring our education facilities are used with respect but developed to enhance enjoyment to pupils, staff, communities and all other stakeholders.

4. Climate Change and Nature Implications

- 4.1** New build elements of the Sustainable Communities for Learning Rolling Programme will meet BREEAM excellent rating significantly reducing the running costs and carbon emissions arising from the building.
- 4.2** The Rolling Programme for the Sustainable Communities for Learning Programme would be required to meet net zero carbon (in operation).
- 4.3** New build and refurbishment elements will adhere to this directive as a minimum, the programme will develop the model to achieve a fully compliant net zero carbon building.
- 4.4** The Council's objectives on climate change have been brought together in to one Project Zero reserve that also help deliver the commitments in the Climate Change Challenge Plan.

5. Resources and Legal Considerations

Financial

- 5.1** There are no specific financial implications within this report. There is currently no internal funding available to support the rolling programme. This report requests approval on the recommended projects put forward for the Rolling Programme. Each individual project will require further approval from Cabinet in order to progress. This will be requested if or when funding becomes available.
- 5.2** The table below provides an overview of estimated costs to deliver the Rolling Programme based on current industry estimates. This will be subject to change:

Project	Development Type	Estimated budget based on current industry figures	
		Estimated budget based on current industry figures	Timeframe
Primary provision in Eastern Vale	Replacement School	£13M	1 – 3 years
Increasing ALN provision	New build (land also required)	£30M	1 – 3 years
Addressing English medium demand in Barry	Replacement School	£13M	1 – 3 years
Increasing Welsh medium secondary provision	New Build (land also required)	£55M	4- 6 years
Addressing condition and suitability in Eastern Vale	Replacement School	£10M	4 – 6 years
Addressing condition and suitability in Barry	Replacement School	£10M	4 – 6 years
Increasing Welsh medium Primary Provision	New build	£10M	4 – 6 years
Rural vale investment	Replacement School	£13M	4 – 6 years
Pipeline project - condition and suitability	Replacement School	£15M	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	TBC	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	TBC	7 – 9 years
Pipeline project - condition and suitability	Refurbishment	TBC	7 – 9 years

Pipeline project - condition and suitability	Refurbishment	TBC	7 – 9 years
		£169M	-

- 5.3** Each individual project will require further approval from Cabinet to consult upon, this will happen if or when funding becomes available.

Employment

- 5.4** There are no direct employment implications as a result of this report.

Legal (Including Equalities)

- 5.5** 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.

- 5.6** 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.

- 5.7** 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.

- 5.8** Powers for Local Authority’s and Governing bodies of voluntary schools to develop school organisation proposals are governed by the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.

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

- 5.9** 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://beta.gov.wales/sites/default/files/publications/2018-03/school-organisation-code.pdf>

- 5.10** Chapter 2 of Part 3 of the 2013 Act deals with school organisation proposals. An alteration which is a “regulated alteration” in relation to the type of school in question may be made to a maintained school only in accordance with Part 3 of the 2013 Act. The term “regulated alteration” is defined in Schedule 2 to the Act. The following changes are “regulated alterations”:
- 5.11** The enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school’s capacity on the appropriate date is a regulated alteration (see paragraph 10 of Schedule 2 to the Act)
- 5.12** Under section 42(1)(c) of the 2013 Act, the governing body of a voluntary school may make proposals to make a regulated alteration to the school.
- 5.13** Section 48(2) of the 2013 Act provides that before publishing such proposals, a proposer (in this case, the Governing body under sections 41-45 of 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.
- 5.14** 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 proposal 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 proposal.
- 5.15** If the Governing Body decides to proceed with a proposal to make regulated alterations to the school. The Governing body must publish a consultation report on their website at least two weeks prior to the publication of a 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).
- 5.16** 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 Governing Body must then publish a summary of all objections made to the proposal and its response to those objections before the end of 28 days beginning with the day of the objection period. The Objection Report must be published by being posted on the proposer’s website, if it has one; on the website of the existing/proposed maintaining local authority, where this differs from the above. In addition, hard copies must be made available on request.
- 5.17** Where the proposal does not require approval under section 50 and 51 of the 2013 Act, they fall to be determined by the proposer. Under section 53 of the 2013 Act, determination by the proposer must be made within 16 weeks (112 days) of the end of the objection period. 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.

- 5.18** Proposals published under section 48 require approval under section 51 of the 2013 Act if a) they do not require approval by the Welsh Ministers; b) they have been made by a proposer other than the relevant local authority; c) an objection to the proposals has been made and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- 5.19** Where proposals require approval by the local authority, the proposer must notify the local authority of a proposal requiring approval and forward to them the documents following documents within 35 days of the end of the objection period; a copy of the consultation document, consultation report, published notice, objection report, copies of the statutory notice, copies of the statutory objections, copies of all of the documents listed, in relation to any proposals which are related to the proposals requiring approval. Local Authorities must decide whether any related proposals sent to them require their approval. They must deal with the proposals which require approval without delay in so far as is compatible with the proper consideration of the issues. In any event, the local authority must issue its decision within 16 weeks (112 days) beginning with the end of the objection period. However, a failure to comply with that time limit does not affect the validity of any decision reached. The local authority must decide whether to approve, reject or approve with modifications, the proposals.
- 5.20** Modifications can only include changes to matters related to implementation such as changes to admission numbers or to the timing of implementation. The local authority must not make modifications that would, in effect, substitute a new proposal for that proposal which was published. Before making any modification, the local authority must first consult with the proposer and obtain either consent to the modification. The must also obtains the consent of the Welsh Ministers. If consent cannot be obtained, and the local authority believes that the proposals are not acceptable in the published state, they must reject the proposals. The local authority must also consult with the opening of any school to which the proposals relate.

(2) The Code

5.21 The Code contains the following elements:

- 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.
- 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.

5.22 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
- Section 1.4 of the School Organisation Code 2018 outlines that Council’s should consider the extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan (WESP).

6. Background Papers

None.