

LEARNING AND CULTURE SCRUTINY COMMITTEE, THURSDAY, 18th JULY, 2019

URGENT ITEM - Matter which the Chairman has decided is urgent by reason to enable Cabinet to consider the views of the Scrutiny Committee prior to the Welsh Government's submission deadline of 31st July 2019.

Meeting of:	Cabinet
Date of Meeting:	Monday, 15 July 2019
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	21st Century Schools Programme - Band B Update
Purpose of Report:	To seek Cabinet approval to amend the capital programme to fully fund the revised 21st Century Schools Programme following Welsh Government's decision not to approve the Council's revised Strategic Outline Programme.
Report Owner:	Cabinet Member for Education and Regeneration
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p>Lisa Lewis: Operational Manager, Strategy & Resources Jane O'Leary: 21st Century Schools Programme Manager Carolyn Michael: Operational Manager, Accountancy Trevor Baker: Head of Strategy, Community Learning & Resources</p> <p>Committee Reports</p> <p>Local Ward Members would be consulted on a project basis.</p>
Policy Framework:	This is a matter for Executive decision by Cabinet. Changes to the capital programme will be a matter for Council.
<p>Executive Summary:</p> <ul style="list-style-type: none"> On 5 April 2019, the Council was notified that that the revised strategic outline programme submitted to Welsh Government had not been approved on the grounds that the revised programme was not within the Council's capital funding envelope. The programme has therefore been revisited to ensure the Council is able to deliver a robust programme within the Welsh Government capital envelope that meets emerging priorities through the rationalisation of existing projects and the reinvestment of capital previously allocated to the 21st Century Schools Programme. 	

Recommendations

1. That Cabinet notes the position relating to the Council's 21st Century Schools, Band B programme.
2. That the report is referred to Scrutiny Committee (Learning and Culture) for consideration.
3. That Cabinet approves the amended Band B profile of the Council's 21st Century Schools Programme and submission to Welsh Government.
4. That subject to consideration by Scrutiny Committee (Learning and Culture), Cabinet approves the relevant changes to the capital programme to fully fund the revised 21st Century Schools Programme, subject to further consideration by Council.
5. That the use of article 14.14.2 (ii) of the Council's Constitution (urgent decision procedure) be authorised in respect of Recommendation (3) above.
6. That in pursuance of recommendation 2, and in the event of Scrutiny Committee (Learning and Culture) making recommendations to Cabinet, further consideration be given to the matter.

Reasons for Recommendations

1. To inform Cabinet of the current position with regards to the 21st Century Schools, Band B programme.
2. To enable Scrutiny Committee (Learning and Culture) to consider the report..
3. To ensure the Council is able to deliver a more robust Band B programme that remains within the Council's Welsh Government capital funding envelope by reinvesting capital funding that has been released due to the Welsh Government intervention rate change.
4. To ensure the Band B programme is able to be delivered and fully funded, subject to the approval of individual project business cases by Welsh Government and by Council.
5. To allow the Council to submit the Strategic Outline Programme to Welsh Government as soon as possible in order to minimise risk to the Council when progressing individual elements of the Strategic Outline Programme.
6. To allow for further consideration, and if necessary and appropriate, further consideration by both Cabinet and Welsh Government.

1. Background

- 1.1 The 21st Century Schools and Education Programme is a unique collaboration between Welsh Government and Local Authorities. It is a major long term strategic capital investment programme with the aim of creating a generation of 21st Century Schools in Wales.

- 1.2 In July 2017, the Council submitted its Strategic Outline Programme (SOP) for Welsh Government approval, identifying the priorities included within the Band B programme.
- 1.3 On 10 November 2017, the Cabinet Secretary for Education confirmed that the Council's proposals met Welsh Government's investment objectives and, subject to approval of the individual business cases, Welsh Government's commitment to supporting all of the projects presented. This was confirmed in writing on 6 December 2017.
- 1.4 On 22 January 2018, Cabinet approved the proposed Band B phase of the 21st Century Schools Programme (minute C199). Funding for the projects was based on an anticipated Welsh Government intervention rate of 50% funding for non-faith school schemes and 85% funding for Voluntary Aided faith school schemes. Eight of the Council's schemes were based on 50% Welsh Government Funding and two schemes were based on 85% funding. The total funding for Band B was £142.417m with £83.823m being funded by Welsh Government and £58.594m being funding by the Council.
- 1.5 On 5 November 2018, Welsh Government confirmed the Council's overall programme envelope had been increased to allow the St Nicholas CIW Primary School scheme be changed from a refurbishment to a new build. This brought the Council's overall funding envelope to £143.904m with Welsh Government funding of £84.567m and Council funding of £59.337m.
- 1.6 On 21 November 2018, Welsh Government and the WLGA issued a joint statement announcing a change to the Welsh Government intervention rate for the 21st Century Schools Programme. Welsh government funding for non-faith school schemes would increase from 50% to 65%. A new intervention rate was introduced for facilities for those pupils with additional learning needs (ALN) and those in pupil referral units (PRU) at 75% Welsh Government funding.
- 1.7 On 7 January 2019 Cabinet approved a revised Band B programme that re-invested a proportion of the capital released as a result of the intervention rate change to provide a more robust 21st Century Schools Programme. This included:
 - **Pencoedtre High School scheme was changed from a refurbishment to a new build.** A new build was the preferred option but was not previously affordable. A new build would;
 - ensure equality across the two English-medium community schools serving Barry;
 - reduce ongoing revenue costs for Pencoedtre High School;
 - reduce reliance on the Council's capital asset renewal programme;
 - result in BREEAM excellent buildings, promoting sustainability;
 - ensure less disruption to teaching and learning during the build process;
 - provide 21st Century Learning environments throughout Pencoedtre High School;

- ensure compliance with Building Bulletin 98; and
 - provide improved facilities for community use.
- **The Centre for Learning & Well-being (previously the Centre for Behavioural Excellence) was established as a stand-alone project with an increased budget.** Previously, it was proposed that this would be built on the Whitmore High School site. However, as the provision developed into a more therapeutic approach, the Whitmore High School site no longer met the needs of the pupils due to restricted outside space. The provision has been developed to meet the needs of some of the most vulnerable pupils in the Vale of Glamorgan. The provision would provide different levels of support depending on the needs of the individual to ensure re-integration into mainstream education wherever possible. It is now proposed that the Centre is built on its own site which would result in a higher build cost. A number of potential sites are currently being considered and a formal consultation would be undertaken with prescribed consultees.
 - **An expansion for Ysgol Y Deri** was included due to a demographic increase in pupils with complex autistic spectrum disorders that has led to an increase in pupils requiring a placement at Ysgol y Deri. Ysgol y Deri was designed for approximately 205 pupils on opening in 2014. The number of children requiring a place at the school has grown year on year and has now reached 262. Adaptations have been made to increase classroom space at the school, however despite this, projections indicate that by 2020 there would be approximately 300 pupils requiring a place and the school would not have sufficient capacity to meet this demand unless additional capital investment is made. Increasing the capacity of the school would avoid costly out of county placements by ensuring that children and young people within the Vale of Glamorgan can access appropriate provision.
- 1.8** Welsh Government advised the Council that any changes to the SOP would need to remain within the Council's funding envelope. Therefore, in order to fund the revised programme, the 3-16 Faith School scheme was removed from Band B and would be delivered as part of Band C with the capital allowance being reinvested to deliver the above projects. It was on this basis and understanding that Cabinet considered and approved the most recently revised band B programme in January 2019.

2. Key Issues for Consideration

- 2.1** Following Cabinet approval of the revised Band B programme, the Council submitted a revised Strategic Outline Programme to Welsh Government for approval. The programme is outlined below.

	Total Cost (£,000)	Local Authority (£,000)		Welsh Government (£,000)	
Whitmore High School	30,500.00	7,878	26%	22,622	74%
Pencoedtre High School	34,685.00	12,139	35%	22,546	65%
Centre for Learning Well-being	4,400.00	1,100	25%	3,300	75%
Ysgol Gymraeg Bro Morgannwg	21,423.50	7,499	35%	13,925	65%
Barry Waterfront	7,417.00	3,708	50%	3,709	50%
Primary Provision in the Western Vale	4,185.00	1,639	39%	2,546	61%
Cowbridge Primary Provision	9,847.00	4,424	45%	5,423	55%
St David's Primary School	4,185.00	628	15%	3,557	85%
St Nicholas Primary School	4,185.00	1,998	48%	2,187	52%
Penarth Primary Provision	9,239.00	3,234	35%	6,005	65%
Review Nursery Provision	2,725.50	954	35%	1,772	65%
Ysgol Y Deri Expansion	11,000.00	2,750	25%	8,250	75%
3-16 Faith School	MIM or Band C				
Total	143,792.00	47,950		95,842	

2.2 On 5 April 2019, the Council was notified that the variation had not been approved by the Minister for Education as it would result in the funding envelope being increased. Initially, the Council questioned this decision, as officers were of the view that the funding envelope had not been increased.

2.3 However, following further clarification, Welsh Government confirmed that it considers the Council's capital funding envelope to be £112,047,500 rather than £143,904,000. The basis of this conclusion was that the funding envelope initially set aside for the Vale of Glamorgan, excluded the funding allocated to the 3-16 faith school scheme as this scheme was initially identified as being delivered using Welsh Government's Mutual Investment Model (MIM). As MIM is a revenue funded programme, Welsh Government has stated the value of the project should not be included within the Council's capital funding envelope and the funding could not therefore be reallocated to fund alternative capital schemes.

2.4 The Council is therefore faced with a shortfall of £31.745 million in progressing its revised Band B programme. Officers have considered a number of options to deliver the revised Band B programme without the additional Welsh Government funding. In order to deliver the revised programme a number of changes have been identified in line with the Council's key priorities. The Council's priorities are outlined below:

- Ensuring an efficient supply and demand for school places across the Vale of Glamorgan, ensuring the Council is able to meet its statutory duty to provide sufficient places.

- Addressing growth in demand for Welsh medium education, supporting the Council's Welsh in Education Strategic Plan (2017-2020).
- Addressing condition of educational assets.
- Increased community facilities available.
- Reduction in ongoing revenue costs.

2.5 The changes identified to ensure the Council is able to best meet the above priorities are outlined below:

- The Penarth Primary Provision scheme (£9,239,000) could be reduced to £4,185,000 and would be fully funded by the Council. The purpose of this scheme is to ensure sufficient capacity as a result of proposed developments included within the Council's Local Development Plan (LDP). The largest housing development is proposed for Cosmeston with 536 houses. No formal planning application has been received to date but feasibility work is being undertaken. Based on the number of properties being proposed, and the anticipated pupil yield, the Council would look to secure sufficient Section 106 contributions to provide a 210 place school on the site. The transfer of land to accommodate the new school would also be included within the Section 106 agreement. Based on the formula contained in the Supplementary Planning Guidance, 536 houses would yield 53 nursery and 149 primary pupils. This demand would be met by a 210 place school.
- The review of nursery provision is scheduled for the end of the programme. This scheme could be reduced from £2,725,500 to £1,362,000 with an element of the project being delivered as part of Band C. The consultation for any proposals within this scheme would be undertaken in advance of Band C to ensure projects could be delivered at the beginning of the programme.
- Expansion of Ysgol Y Deri and the Centre for Learning & Well-being have been included as part of the programme as ALN schemes attract a higher intervention rate which would result in additional Welsh Government funding. These are also priority schemes that are time sensitive in order to avoid significant future cost pressures due to increased out of county placements. In order to do this within the overall funding envelope, Cowbridge Primary Provision could be removed from the programme and be fully funded by the Council.
- Cowbridge Primary Provision has been removed from the Band B programme to ensure the ALN schemes were included within the Council's capital envelope, thereby attracting a higher Welsh Government intervention rate. The Cowbridge Primary Provision scheme has been reduced from £9,847,000 to £7,417,000 and would be fully funded by the Council. £7,417,000 is deemed sufficient to meet the anticipated demand for primary education in Cowbridge by providing an additional 210 places. Proposals are currently being developed for consideration early in the next academic year, and would be subject to consultation prior to any decisions being made.

2.6 The Council's original Strategic Outline Programme, submitted in July 2017 resulted in a Council contribution of £59,337,300. This was included within the Council's capital programme.

- 2.7** Welsh Government's change in intervention rate resulted in a reduction in the Council's contribution to £37,939,450. Following this, an enhanced programme was developed and agreed by Cabinet in January 2019, which resulted in a Council contribution of £47,950,000. This proposal was then submitted to Welsh Government and was subsequently rejected.
- 2.8** The above programme has a Council contribution of £35,863,000 which is £23,474,300 lower than the Council's original contribution and £11,387,300 lower than the programme for which approval was sought but rejected earlier this year. However, this is reflective of the fact that certain elements of the programme previously submitted to Welsh Government will now have to be taken forward outside of, but alongside the Band B programme.
- 2.9** In order to fund the revised programme, £18,712,000 could be re-invested with £11,295,000 being allocated to Pencoedtre High School and £7,417,000 allocated to Cowbridge Primary Provision.
- 2.10** £4,185,00 has also been allocated to Penarth Primary Provision but this would be subject to Section 106 contributions received as a result of the housing development proposed for Cosmeston. This funding is in addition to the capital allocated to the Band B programme.
- 2.11** The following table shows the revised funding programme as outlined above.

	Total Cost (£,000)	LA (£,000)		WG (£,000)	
Band B					
Whitmore High School	30,500	7,878	26%	22,622	74%
Pencoedtre High School	23,390	8,187	35%	15,203	65%
Centre for Learning Well-being	4,400	1,100	25%	3,300	75%
Ysgol Gymraeg Bro Morgannwg	21,424	7,499	35%	13,925	65%
Barry Waterfront	7,417	3,708	50%	3,709	50%
Primary Provision in the Western Vale	4,185	1,639	39%	2,546	61%
St David's Primary School	4,185	628	15%	3,557	85%
St Nicholas Primary School	4,185	1,998	48%	2,187	52%
Review Nursery Provision	1,362	477	35%	885	65%
Ysgol Y Deri Expansion	11,000	2,750	25%	8,250	75%
3 – 16 Faith School	MIM				
Subtotal	112,048	35,864		76,184	
Council Funded					
Pencoedtre High School - Top-up	11,295	11,295	100%	0	0%
Cowbridge Primary Provision	7,417	7,417	100%	0	0%
Penarth Primary Provision	4,185	4,185	100%	0	0%
Subtotal	22,897	22,897		0	
Total	134,945	58,761		76,184	

- 2.12** The above programme would result in the Council's capital funding envelope increasing from £112,048,000 to £134,945,000. However, the increase would be fully funded by the Council by re-investing previously allocated capital and additional Section 106 contributions. The contribution from the Council would stand at £58,761,000, compared to £59,337,300 as part of the original approved programme. However this compares less favourably to the indicative £47,950,000 contribution as part of the unsuccessful bid earlier this year.
- 2.13** Re-investing the capital to deliver the revised programme could result in increased reliance on prudential borrowing to deliver the schemes. However, this reliance on prudential borrowing was included within the original programme.
- 2.14** There are a number of opportunities to obtain additional capital funding and reduce the reliance on prudential borrowing through additional Section 106 contributions and capital receipts.
- 2.15** Welsh Government has also indicated that there may well be additional opportunities for the Council to apply for additional capital funding as the programme develops.
- 2.16** The revised programme would:
- significantly improve the offer available to local communities with new facilities at Pencoedtre High School;
 - support the ongoing success of co-education in Barry by providing innovative 21st century learning environments across both schools that support raising standards;
 - meet the fast-growing demand for complex pupil placements at Ysgol Y Deri, avoiding costly out of county placements;
 - provide a new Centre for Learning & Well-being designed to provide a range of support to re-integrate pupils into mainstream education; and
 - ensure the Council is able to meet its statutory duty to provide sufficient school places.
- 2.17** The recommendations are made to reflect the current positions for the Council. It is important that the revised Strategic Outline Programme is submitted to Welsh Government as soon as possible so that the Council can receive confidence that the work that is being progressed on individual schemes will receive the backing of Welsh Government. It is therefore recommended that the urgent decision procedure is used to allow the revised programme to be submitted to Welsh Government immediately following consideration by Cabinet. The report, will, nevertheless be subject to consideration by Scrutiny Committee and if any recommendations emerge from Scrutiny committee, Cabinet will need to consider those recommendations. This will allow any further modifications, if necessary and appropriate to be submitted to Welsh Government in due course.

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, 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

3.3 The 21st Century Schools Programme contributes to achieving the wellbeing goals by:

- Improving sustainability of school buildings through the creation of BREEAM Excellent accommodation.
- Ensure an efficient supply and demand of school places across the Vale of Glamorgan through effective forecasting of future demand.
- Providing additional school places to meet increased demand as a result of recent and proposed housing developments.
- Providing facilities available for community use.

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 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.

3.6 The Council has committed as part of the Corporate Plan 2016-20 to achieving a vision of 'Strong Communities with a Bright 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 Well-being Outcome 3, 'An Aspirational and Culturally Vibrant Vale' is specifically linked to education with a number of objectives contributing to the 21st Century Schools 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 the 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 relevant objectives are listed below:

Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale

- All Vale of Glamorgan citizens have opportunities to achieve their full potential.

Objective 5: Raising overall standards of achievement

- Improve standards of achievement for pupils through sharing excellence between schools and the targeting of resources.
- Secure improved outcomes for groups of learners at risk of underachievement, such as those entitled to free school meals.
- Increase the learning opportunities for disadvantaged individuals and vulnerable families.
- Reduce the number of young people not in education, employment or training.
- Improve outcomes for post 16 learners through greater cooperation between schools, training providers and businesses.

- Develop a new school modernisation programme in readiness for the next 21st century schools funding due to commence in 2019/20.

3.9 The 21st Century Schools 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 as a result of recent and planned housing developments. It is recognised that the changing demographics in the Vale of Glamorgan will significantly affect the demand for our services. Short term and long term need and the assessment of demographic increases is an important aspect of the Council's strategic planning responsibilities.
- Developing schools that will have an environment reflective of the national mission for education in Wales and future curriculum.
- Working towards ensuring that all pupils within the Vale have every opportunity to attain the best possible outcomes. This ambition is achieved by ensuring that schools remain sustainable, reflects the needs of local communities and are equipped with the best possible learning environments.
- Contributing towards a healthier Wales by supporting sustainable transport strategies and providing additional sport facilities.
- Contributing towards a prosperous Wales by committing to working with Welsh Government on the 21st Century Schools Programme. The 21st Century Schools and Education Programme in the Vale of Glamorgan will drive greater social value while delivering on the Welsh Governments community benefits through its investment in education infrastructure and employment. Specifically, it will increase contributions to education, training and skills across the Vale and the region and commit to resourcing local tradespeople and resources wherever possible
- 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. Resources and Legal Considerations

Financial

- 4.1** The following table shows the revised programme.

	Total Cost (£,000)	LA (£,000)		WG (£,000)	
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Whitmore High School	30,500	7,878	26%	22,622	74%
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Cowbridge Primary Provision	7,417	7,417	100%	0	0%
Penarth Primary Provision	4,185	4,185	100%	0	0%
Subtotal	22,897	22,897		0	
Total					
	134,945	58,761		76,184	

- 4.2** The revised programme would result in the Council's capital contribution increasing by £22,897,000 compared with the programme approved by Cabinet on 7 January 2019.
- 4.3** The Council's original Strategic Outline Programme, submitted in July 2017 resulted in a Council contribution of £59,337,300. This was included within the Council's capital programme. The revised programme reinvests some of this capital to deliver a more robust programme. Overall, the Council's contribution has reduced by £576,300.
- 4.4** Furthermore, £4,185,000 of this would be subject to additional Section 106 contributions that were not previously included as part of the programme. These contributions would be received as a result of the proposed housing development at Cosmeston, Penarth.
- 4.5** The remaining £18,712,000 would be funded within the Council's capital programme.

Employment

- 4.6** There are no direct employment implications as a result of the revised programme. Individual projects would be subject to Cabinet approval and employment implications would be considered on a project by project basis.

- 4.7** On 21 January 2018, Cabinet approved four new positions to manage the Council's 21st Century Schools Programme. These positions have now been appointed.

Legal (Including Equalities)

- 4.8** Individual proposals would be subject to Equality Impact Assessment as part of the consultation exercise which is undertaken in line with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code (2018).
- 4.9** The programme would increase the opportunities for learning through the medium of Welsh and ensure accessibility of education through the medium of Welsh.
- 4.10** All new buildings would be fully accessible and compliant with the Equality Act 2010.
- 4.11** The Council must comply with the public sector equality duty (section 149) of the Equality Act 2010.

5. Background Papers

- 5.1** 7 January 2019, 21st Century Schools Programme - Band B Update and Current Position. (Cabinet minute C539)
- 5.2** 22 January 2018, 21st Century Schools Programme - Band B. (Cabinet minute C199)