THE CITY OF CARDIFF COUNCIL

THE PROVISION OF ADDITIONAL ENGLISH-MEDIUM PRIMARY SCHOOL PLACES AT RADYR PRIMARY SCHOOL

Reason for this Report

1. This report is prepared in accordance with the Welsh Government’s School Organisation Code, statutory document 006/2013.

2. Its purpose is to set out the objections received to the statutory notice to increase the capacity of Radyr Primary School from 376 places to 420 places to allow the school to admit up to 60 pupils from September 2017, which was published on 28 February 2017 and the Council’s response to these objections.

The Proposal

3. At its meeting on 19 January 2017 the Cabinet in accordance with the terms of the Schools Standards and Organisation (Wales) Act, approved a recommendation for the publication of the statutory notice to:

   • Increase the capacity of Radyr Primary School from 376 places to 420 places to allow the school to admit up to 60 pupils from September 2017.

4. The decision was made by Cabinet having reviewed the responses to the consultation which had been undertaken (in accordance with the School Organisation Code) between 10 October and 21 November 2016.

5. The notice was published on the Council website, displayed at the Radyr Primary School site and in the local area on 28 February 2017. A copy of the notice is at Appendix 1. Additionally stakeholders identified in the Welsh Government School Organisation Code as needing to receive either a hard copy of the notice or be emailed a link to the Council website were notified of publication of the notice.

Objections Received and Council Response

6. One objection to the statutory notice was received.

7. The points raised in the objection are set out in bold/italics below.

8. The paragraphs following these points contain the Council’s response to the objection.
9. The objection was raised by a parent of a pupil at Radyr Primary School who expressed the view that Radyr Primary School is already an overcrowded school with children in ‘cramped unsafe conditions’ and that extra pupil numbers will impact negatively on the existing children attending the school.

10. The objector is concerned that Radyr Primary School is in “Special Measures”; that the Council is investing in a “low performing primary school”; and that the existing pupils have no play area and no field.

Council’s response to the Objection

Performance of Radyr Primary School

11. Radyr Primary School is not in Special Measures. Radyr Primary School was last inspected in June 2011. The school’s performance was judged to be good with prospects for improvement judged to be adequate. As a result of the recommendations from Estyn, an action plan was drawn up by the school and the school’s progress monitored.

12. In October 2012, the school was judged to have good progress and was removed from the list of schools requiring Estyn monitoring.

13. As set out in Estyn’s response to the public consultation (10 October – 21 November 2016) (a copy of the full response can be seen at Appendix 2), Estyn are of the view that the proposal is likely to at least maintain the current standards of education in the area.

14. In the most recent Welsh Government categorisation of schools the school was categorised as Yellow (an effective school which is already doing well and knows the areas it needs to improve) and it is not expected that the proposal would impact on this.

15. During the consultation the Governing Body and Headteacher expressed their desire for the school to become two form entry and their belief that the school has the physical space and resources in place to fully support the proposed increase in pupil numbers. (Copies of the responses are at Appendix 3).

16. The current uncertainty of pupil numbers at Radyr Primary School has caused challenges for the school in the areas of budget planning and staff resourcing. A permanent two form intake will mean that there are no mixed year group classes which will assist in school management planning.

17. Whilst concerns have been expressed about the expansion of Radyr Primary School, the school is well placed to meet demand for English-medium community places from the local area and the Council will work with the school to ensure that standards are maintained.
18. Changes to any existing accommodation and any new accommodation can cause some disruption, however experience shows that this can be kept to a minimum and children’s education does not suffer.

**Overcrowding at Radyr Primary School**

19. The Headteacher and the Governors of Radyr Primary School fully support the expansion of the school. In their response to the public consultation, the Governing Body formally noted their desire for the school to become two-form entry: “We believe that the school has the physical space and resources in place to fully support a school of 60 pupils per year group”.

20. The Headteacher’s formal response include the following: “The school has over the years adapted the physical space and resources to fully support a school of 60 pupils and the only necessary accommodation would be an extra classroom. As Radyr is fortunate to have a very large field area and open space a further classroom would not impact on the available playground space for the children.”

21. As set out in the response from the Governing Body and the Headteacher, the school has the physical space and resources in place to fully support a school of 60 pupils in each year group.

22. The School has already made changes to the space and accommodation in order to ensure it has suitable physical space along with appropriate levels of resources to provide for 60 children per year group. The school has a large field and open space and do not feel that an additional classroom would impact on the available playground space for the children.

23. In the event of the proposal being progressed to implementation, officers will work with the school to ensure there is sufficient, suitable accommodation available to support the school in the effective delivery of national curriculum requirements.

**Financial Implications**

24. Radyr Primary School has admitted in excess of its Published Admission Number in recent years and in most years has admitted close to 60 pupils. The revenue funding provided to schools, via the School Funding Formula, is largely predicated on the basis of expected pupil numbers and, therefore, Radyr Primary School has received a share of funding based on the increased level of pupil numbers. As a consequence of formally increasing the potential intake from September 2017, it is not anticipated that there will be a requirement to increase the revenue funding provided to the school and that any additional revenue costs incurred will be met from within the school budget.

25. There is a potential need to add an additional classroom to the school site to accommodate the additional numbers. It will be necessary for any capital
costs associated with this additional classroom, which could total approximately £400,000, to be met from within the Council’s annual School Suitability & Sufficiency Budget, approved as part of the Council’s 2017/18 Capital Programme. In addition, any revenue costs associated with the hire of temporary accommodation will need to be met from within the Council’s revenue budget for the hire of demountable accommodation. Furthermore, should any of the transport recommendations, outlined in Appendix 5, be implemented, these will need to be subject to a detailed costing exercise and any expenditure incurred will need to also be met from within the existing Suitability & Sufficiency budget. This will entail a review of other commitments against that budget and consideration as to which are the priority works, resulting in a potential phased approach to their implementation, in line with resource availability.

**Legal Implications**

26. Under the Education Act 1996, the Council has a responsibility for education and must provide sufficient school places for pupils of compulsory school age.

27. A local authority can make proposals to make regulated alterations to a community school which include enlargement of the premises to increase its capacity under section 42 and Schedule 2 of the Schools Standards and Organisation (Wales) Act 2013. The Council is required prior to publishing its proposals to undertake a consultation on those proposals in accordance with section 48 of that Act and the School Organisation Code. The recommendation seeks authority to carry out that statutory consultation.

28. Any proposals must be the subject of full and fair consultation and due regard must be had by the Cabinet to the responses before a final decision is taken.

29. The Council has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils 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. Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.

30. As such the decision on whether to proceed to publish intention to implement the proposal has to be made in the context of the Council’s public sector equality duties.

31. The Equality Impact Assessment has been updated to take into account the consultation and is included in the Statutory Screening Tool at Appendix 4. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having
due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

32. As such the decision on whether to proceed to publish intention to implement the proposal has to be made in the context of the Council’s public sector equality duties.

33. In accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards included within the Council’s Compliance Notice issued by the Welsh Language Commissioner, the Council must also consider the consultation must also consider (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language.

34. The decision maker must also have regard to certain other matters when making its decision as outlined in the Statutory Screening tool (including where appropriate a Strategic Environmental Assessment). The decision maker is therefore referred to the Screening Tool attached at Appendix 4.

**HR Implications**

35. HR People Services will work with the Governing Body of Radyr Primary in readiness for its permanent expansion. In line with the SOP HR Framework the Headteacher and the Governing Body will be encouraged to undertake a review of their staffing structure to ensure that they are sufficient for expansion as the numbers on roll increase. This will have to be balanced against the forecasted school budget. However, it is likely that the permanent expansion of the school will result in the creation of additional permanent vacancies.

36. HR People Services will also provide recruitment support in line with the Council’s Redeployment and Redundancy Policy which the Governing Body has adopted. This means that any new vacancies arising as a consequence of an increase in the numbers on role, will provide opportunities for staff on the school redeployment register.

**Transport Matters**

37. A Highway Impact Report to assess the potential impact of the proposal has been undertaken (See Appendix 5). The assessment sets out a number of recommendations that would need to be considered in the event of the proposal being progressed to implementation.

**Cabinet Decision**

RESOLVED: that

- The proposal as set out in paragraph 3 be approved without modification.
• Officers be authorised to take the appropriate actions to implement the proposals as asset out in paragraph 3.

• Officers be authorised to publish a summary of the statutory objections and the Authority’s response to those objections (referred to as the “Objection Report”) within 7 days of the determination of the proposal.

• Officer to be authorised to publish the decision within 7 days of determination of the proposal.

• The approval of any necessary contracts be delegated to the Director of Education and Lifelong Learning in consultation with the Corporate Director Resources & Section 151 Officer, Director of Legal Services and the Cabinet Members for Corporate Services & Performance and Education, Employment& Skills.

Nick Batchelar
Director of Education and Lifelong Learning
July 2017