

MEETING	Gwynedd Council Cabinet
DATE	24 January 2023
CABINET MEMBER	Councillor Beca Brown
OFFICER	Gwern ap Rhisiart
TITLE OF ITEM	A) Ysgol Chwilog statutory consultation report B) Submitting a business case to the Welsh Government in order to secure the funding from the Welsh Medium Education Capital Grant

A) YSGOL CHWILOG STATUTORY CONSULTATION REPORT

1. The decision sought

The Cabinet is asked to consider the comments received during the statutory consultation conducted on increasing the capacity of Ysgol Chwilog and the response to those comments, and determine whether to:

Approve the publication of a statutory notice and conduct an objection period on the proposal to increase the capacity of Ysgol Chwilog to 95 from 1 September 2023, which is an increase of over 25% to the existing capacity.

(It is not necessary to follow a statutory procedure in relation to the intention to expand the sites of Ysgol Llanllechid and Ysgol Bro Lleu as it will not increase the capacity of the schools sufficiently.)

2. Introduction

During the Summer Term 2021, the governing bodies of three schools and their local members contacted the Education Department, concerned about the lack of capacity at those schools to address the increase in learner numbers as a result of housing developments within their natural catchment areas, namely Ysgol Llanllechid, Ysgol Bro Lleu and Ysgol Chwilog.

An opportunity was seen to submit an application to the Welsh Government's Welsh Medium Education Capital Grant to seek a response to the situations of these schools, and package the bid around communities of linguistic significance (communities with over 70% of Welsh speakers).

By means of this bid, the Education Department is eager to support economic, housing and social enterprise developments in some communities of linguistic significance in the county, by increasing the capacity of the schools in response to a growth in the population as a result of these developments. By intertwining all of these elements of community regeneration together, it can create solid grounding for these communities, and create the best possible conditions for the Welsh language and for the communities to thrive.

In its meeting on 19 July 2022, the Cabinet gave its approval to conduct a statutory consultation on the proposal to increase the capacity of Ysgol Chwilog to 95, which is an increase of over 25% of the existing capacity, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, and report back to the Cabinet following the completion of the consultation.

It also gave its approval to proceed to submit a full business case before the Welsh Government to secure funding from the Welsh Medium Education Capital Grant to invest over £1.5m in capital funding and £0.3m in revenue funding to increase the capacity of three schools (Llanllechid, Bro Lleu and Chwilog), in order to support Welsh communities of linguistic significance (i.e. the communities with over 70% of Welsh speakers) to thrive.

3. The need for a decision

The School Organisation Code notes that a statutory process must be conducted if there is to be '*an enlargement of the premises of a school (excluding nursery and special schools), 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. In determining an increase in capacity all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement*'.

Adding a classroom to Ysgol Chwilog would increase the capacity to 95, which is an increase of over 25% of the existing 65, which the school's capacity at the appropriate date in this case. This means that a statutory process will need to be carried out before any modifications can be made, which will lead to increasing the school's capacity. The first step in the statutory process was to conduct a statutory consultation on the proposal.

The Cabinet, therefore, needs to consider the responses received to the statutory consultation and decide whether a statutory notice should be published and an objection period held on the proposal to increase the capacity of Ysgol Chwilog to 95 from 1 September 2023.

4. The statutory consultation

In accordance with the School Standards and Organisation (Wales) Act 2013 and the statutory requirements of the School Organisation Code (011/2018), a period of statutory consultation on the proposal was held with relevant consultees between 19 October 2022 and 13:00 on 30 November 2022.

A statutory consultation document was created in accordance with the requirements and guidance of the School Organisation Code (011/2018) and a copy was distributed to all relevant consultees, by sending an e-mail which included a link to a specific page on the Council's website containing information relevant to the consultation (www.gwynedd.llyw.cymru/modernisingeducation). In addition, it was offered that hard copies of any documents were sent out at the request of consultees.

Electronic copies of the consultation document were sent to Ysgol Chwilog, as the school affected by the proposal, and the Headteacher was asked to distribute them to parents/guardians, staff and members of the school's governing body.

Electronic copies of the consultation document were sent to neighbouring schools, namely Ysgol Abererch, Ysgol Bro Plenydd, Ysgol Llangybi and Ysgol Llanystumdwy, and headteachers were asked to distribute them to parents/guardians, staff and members of the schools' governing bodies.

In addition, a background pack was published which included the impact assessments of the proposal on the Welsh language, the community, equality, socio-economic, well-being, along with assessments on the possible impact of the proposal on travel arrangements, the quality and standards of education. The documents were also available to download from the Council's website.

Also, a consultation document was created for primary school children with accompanying questionnaires. An officer from the Modernising Education Team and the Head of Ysgol Chwilog held

a consultation session with a representation of Ysgol Chwillog pupils in order to ascertain the views of pupils. An analysis of the responses received during the session has been included in **Appendix B**.

18 responses were received to the statutory consultation, including a response from Estyn in the form of a report.

The table below shows the form and language used to respond to the consultation:

Type of response	Welsh	English	Bilingual	Total
Response form	14	1	0	15
E-mail	2	0	0	2
Letter	0	0	0	0
Report	0	0	1	1

5. Responses received during the statutory consultation

The purpose of this section is to present and summarise some of the main points that came to light during the statutory consultation period. It is not possible to respond to each observation in detail in the body of this report, however, attached (**Appendix A**) is a copy of a table that includes all comments as well as the Council's response to these. Copies of the individual responses can be seen in **Appendix C**. Personal information on some of the responses have been redacted in order to comply with the requirements of the consultees in accordance with the Data Protection Act 2008 and the General Data Protection Regulation (GDPR).

The responses received elaborated on the following matters:

5.1 Support for the proposal

The responses received indicated general support for the proposal.

5.2 Number of children

Some comments queried whether increasing the school's numbers to 95 + 13 nursery was sufficient, bearing in mind that the number projections were 109 (nursery - year 6) in 2027.

The projections are based on information we have received from the school in September 2022 and an estimate of any potential new primary age children who will live in the new houses following their construction. It must also be noted that the projections of 109 learners for September 2027 are for nursery children - year 6. We are therefore of the opinion that increasing capacity to 95 (reception - year 6) + 13 nursery, i.e. 108 pupils, is sensible to respond to the projections as there is no guarantee that these numbers will be realised. We will, however, monitor any increase annually and respond promptly to any need to further increase capacity.

5.3 The impact on transport

Some comments indicated concern about the impact of the increase in learner numbers on the number of cars that would transport the children to school.

As the new housing estates, which are the main drivers of the need for additional places at Ysgol Chwillog, are located within a reasonable distance of the school, and that there are footpaths or pavements between the estates and the school, in accordance with the Welsh Government's policies, we will encourage learners to use active travel to school e.g. walking and cycling. Doing this would ensure that an increase in learner numbers would not lead to an increase in the use of cars to the school.

We will also commission a study in order to understand the problems created as a result of using cars to transport children to school, identifying and assessing any ways to overcome the problems.

5.4 The school's suitability

There were comments about the school's suitability to deal with an increase in learner numbers.

Officers from the Education and Property Departments have visited Ysgol Chwilog to carry out a suitability assessment in order to identify any modifications that need to be carried out to ensure a suitable and adequate environment for the school's needs.

As a result, we can confirm that we will respond to the need to adapt resources by either locating them as part of the new Unit or by making modifications to the main building, e.g. increasing the size of the hall.

5.5 Alternative options

Some comments asked why we did not create a new school or a traditional extension to the existing building rather than place an Unit on the site.

In order to respond to an urgent situation for additional places at Ysgol Chwilog, we aim to create the additional classroom by 1 September 2023. Creating a new school, or even an extension to the classroom and other additional resources such as toilets and other multi-purpose rooms, would take a significantly longer time to fulfil. It is intended to do this by using MMC (Modern Methods of Construction) Units as their on-site construction period is much shorter than a building of traditional construction although they have a lifespan of up to 60 years. These types of Units have already been used in other schools in the county and are proving to be effective and popular classrooms.

5.6 Estyn's response

The School Organisation Code 011/2018 requires proposers to send consultation documents to Estyn. As a consultation body, Estyn gives its views on the consultation.

Estyn noted in its summary:

Estyn is of the opinion that the proposal is likely to at least maintain the existing standards of education, provision and leadership and management.

5.7 Children's response

Suitable documents were prepared for primary age children and it was arranged that the Head of the school would facilitate a session with school pupil representatives to receive their response to the proposal. In addition to the Head, a Modernising Education Officer was also present to observe the session.

The consultation session highlighted that Ysgol Chwilog learners were very happy with the proposal and it was clear that they thought this would be good for Ysgol Chwilog.

Some were concerned that the hall and corridor would be too small for all the school's learners, but despite this, they welcomed the proposal.

One other response was received from a child via e-mail. This response also supported the proposal.

6. Impact assessments on the change

A number of impact assessments were completed before commencing the statutory consultation procedure and the consultees were asked for any comments on those assessments. Some of the

assessments have been adapted following the receipt of comments to the consultation (see **Appendix D**).

The main comments received can be seen below.

6.1 Assessing the Impact on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage

One comment stated that some of the children arrive at the school with insufficient Welsh to be able to integrate into the natural flow of the school. Do we therefore need another class in order to improve these children's Welsh so that their shortcomings do not have a negative impact on the classes of those who do speak Welsh?

The Education Department has Language Centres located across the county, including one in Dwyfor, which admits latecomers who arrive at local schools such as Ysgol Chwilog, and headteachers and teachers of mainstream schools in the catchment area are able to refer learners who do not speak Welsh or who lack confidence in their speaking, writing and listening skills in Welsh to the attention of the Immersion Education System. Recently, staff of the Immersion Education System also provided training sessions on language immersion principles in the Foundation Phase for school teachers and assistants throughout the county, to ensure that appropriate immersion takes place in the Foundation Phase. In addition, the Language Centres have a long tradition of providing Language Improvement support to mainstream learners who need additional support with their skills and confidence in the Welsh language. As the new Immersion System has been implemented since the beginning of January 2023, the Department will ensure a continuation of this practice of being able to offer language improvement sessions to children and young people in our schools, in order to further reinforce their skills and confidence in the Welsh language.

This service is therefore available to offer support to those children who need to improve their Welsh, and to schools that need help with immersing learners in the mainstream.

Another asked if it is time to designate the school as a Welsh-medium school, in order to protect interests?

The national system of categorising schools according to Welsh-medium provision has come into force since September 2022. In accordance with the Welsh Government's guidance on the categorisation procedure, together with the requirements of the Gwynedd Education Language Policy, Gwynedd's primary schools, including Ysgol Chwilog, fall into Category 3 Welsh Medium, as the criteria reflect our current education language policy with regard to curriculum provision and the administrative language of our schools, i.e. a school where Welsh is the main language for internal communication, and a school with a strong Welsh-language ethos, supporting and enabling the learners to use Welsh in all social contexts, inside and outside school. From the age of seven onwards, at least 80% of the learner's school activities (both curricular and extra-curricular) will be in Welsh.

6.2 Well-being impact assessment

Comments were received requesting modifications that would improve the well-being of staff and pupils in the future, e.g. a staff room, better toilets, a larger dining area.

Officers from the Education and Property Departments have visited Ysgol Chwilog to carry out a suitability assessment in order to identify any modifications that need to be carried out to ensure a suitable and adequate environment for the school's needs.

As a result, we can confirm that we will respond to the need to adapt resources by either locating them as part of the new Unit or by making modifications to the main building.

6.3 Impact assessment on the Community, Education Quality and Standards, and Travel Arrangements

Some comments indicated concern about the impact of the increase in learner numbers on the number of cars that would transport the children to school.

As the new housing estates, which are the main driver of the need for additional places at Ysgol Chwilog, are located within a reasonable distance of the school, and that there are footpaths or pavements between the estates and the school, in accordance with the Welsh Government's policies, we will encourage learners to use active travel to school, e.g. walking and cycling. Doing this would ensure that an increase in learner numbers would not lead to an increase in the use of cars to the school.

We will also commission a study in order to understand the problems created as a result of using cars to transport children to school, identifying and assessing any ways to overcome the problems.

Another noted that some classrooms are currently too small.

We will not be able to adapt the size of any existing classroom as doing so would mean structural changes that would be beyond the project budget.

B) THE OUTCOME OF SUBMITTING A BUSINESS CASE TO THE WELSH GOVERNMENT IN ORDER TO SECURE THE FUNDING FROM THE WELSH MEDIUM EDUCATION CAPITAL GRANT

We sent a **Business Justification Case** to the Welsh Government to secure funding from the **Welsh Medium Education Capital Grant** to increase the capacity of Ysgol Bro Lleu, Ysgol Chwilog and Ysgol Llanllechid. The Welsh Government discussed the business case at the Business Case Scrutiny and Investment Panels in November and December.

The application was for £1,533,500 capital funding to create additional classrooms in the 3 schools as well as £341,874 revenue funding to employ an additional teacher in each of the 3 schools for 2 years. The **Welsh Medium Education Capital Grant** represents a 100% contribution from the Welsh Government without any contribution from Cyngor Gwynedd.

We are still awaiting official confirmation of the decision, although the Welsh Government has already supported the application in principle in the summer of 2022.

The use of any funding received to adapt Ysgol Chwilog will be subject to the outcome of the statutory process.

NEXT STEPS AND TIMETABLE

If the Cabinet approves the publication a statutory notice and hold an objection period on the proposal to increase the capacity of Ysgol Chwilog to 95 from 1 September 2023 - a statutory notice will need to be published in accordance with the School Standards and Organisation (Wales) Act 2013 and the guidance given in the School Organisation Code (011/2018).

Statutory notices will be published on a school day and there will be a 28 day objection period from the date of publishing the notices. Any one may object to the proposal.

Following the objection period, a report will be submitted to the Cabinet for a final decision. It has to be remembered that in some circumstances the final decision of the Council could be referred to the Welsh Government's Minister for Education, in accordance with the School Organisation Code (011/2018).

Subject to the decisions of the Cabinet, these are the next steps of the process with an outline timetable:

February 2023	Publish a Statutory Notice: If the Council decides to proceed with the proposal, a statutory notice will be published and an objection period will be held. Any objection must be submitted within the 28 day objection period.
April 2023	The Cabinet: Following the objection period, the Cabinet will discuss the objections report and decide whether or not to confirm the proposal.
May 2023	Refer the decision to the Welsh Ministers: If the decision is to support the proposal and an objection was received during the objection period, in accordance with section 54 of the 2013 Act, within 28 days of the Cabinet's decision, the following bodies can refer the proposal to the Welsh Ministers for a decision: Another Local Authority affected by the proposals; The appropriate religious body for any school affected; The governing body of a voluntary or foundation school subject to proposals; A trust holding property on behalf of a voluntary or foundation school subject to proposals; A further education establishment affected by the proposals.
May - August 2023	Create an extra classroom on the Ysgol Chwilog site.
September 2023	Implement the proposal: We will implement the proposal to increase the capacity of Ysgol Chwilog from 65 to 95
February 2023 - March 2026	Create additional space at Ysgol Bro Llew and Ysgol Llanllechid Appoint and employ an additional teacher in each of the three schools for a period of two years.

9. VIEWS OF THE STATUTORY OFFICERS

The Monitoring Officer:

The Legal Service has had input into the report and any comments have been incorporated.

The Head of Finance:

I do not have comments to offer from a financial perspective regarding the outcome of the consultation. I can confirm that relevant officers from the Finance Department have addressed the financial aspects of the Business Justification Case that was submitted to Welsh Government during the autumn of 2022, and I approved the case at the time in my role as the Council's Statutory Finance Officer.

Local Members' Views (Councillor Rhys Tudur):

I hope that the promises and possibilities that have been given and proposed by the Council in section 4.1 of their response in the report are realised. These are the comments given by the Council:

- Create an additional class in the new Unit
- Create additional children's toilets in the Unit
- Create new staff toilets in the Unit
- Create a room in the Unit for PPA work and 1:1 work
- Create a staff room in the Unit
- We will create an indoor link from the Unit to the main building so there won't be anyone needing to cross the yard to get to the main building.
- We will extend the canteen/hall in order to create sufficient space for future progress.

I also hope that the Council will be very considerate of further requests from the School to modify the building further in the future if there is demand for that and if the number of children increases according to the forecasts.