

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

18 OCTOBER 2022

### REPORT OF THE CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

#### SCHOOL MODERNISATION PROGRAMME – HERONSBRIDGE SCHOOL OUTCOME OF STATUTORY NOTICE

#### 1. Purpose of report

1.1 The purpose of this report is to:

- inform Cabinet of the outcome of the published statutory notice in respect of the replacement Heronsbridge School;
- seek approval to modify the implementation date of the proposal to the beginning of spring term 2026; and
- seek approval to issue and publish a decision letter, as prescribed by the School Organisation Code 2018 (the Code).

#### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** - taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 The Band B Strategic Outline Programme (SOP) was submitted to Welsh Government in July 2017. In October 2017 Cabinet was presented with a report detailing the outcome of the Band B review and gave approval to discontinue the original Band B schemes identified in the November 2010 Cabinet report and approved the revised SOP.

3.2 On 6 December 2017, the Welsh Government Department for Education gave 'approval in principle' for Bridgend's second wave of investment, which at that

stage had an estimated programme envelope cost of £68.2m. Further costs were to be determined, and these would be associated with additional infrastructure capacity.

- 3.3 In January 2018, Council approved in principle the financial commitment required for Band B of the School Modernisation Programme, subject to sufficient resources being identified and allocated to meet the match funding commitment.
- 3.4 In January 2020, Cabinet was presented with the outcome of the extensive options appraisal relating to each of the approved projects.
- 3.5 In December 2020, Cabinet and Corporate Management Board (CCMB) gave approval to progress the preferred 'Do maximum' option for Heronsbridge Special School (that is, a new-build school for pupils with autistic spectrum disorder (ASD), severe learning difficulties (SLD), and profound and multiple learning difficulties (PMLD) plus residential provision). The school would be sized to accommodate 300 pupils. The existing Heronsbridge Special School and the Pencoed College sites, which had been approved for further consideration in January 2020, would no longer be considered, and work would focus on the privately owned site at Island Farm. This was reflected in the Strategic Outline Case, which was subsequently submitted to Welsh Government for consideration.
- 3.6 In December 2020, Council approval was received to include funding in the Capital Programme to deal with payments associated with securing the land.
- 3.7 In March 2021, Ministerial approval was received in respect of the Strategic Outline Business Case for a replacement 300-place Heronsbridge Special School, plus residential provision. Although no capacity calculation is available for special schools, an assessment of existing teaching spaces based on a notional 5m<sup>2</sup> per pupil (that is, less area per pupil than is specified in the Building Bulletin area guidelines) highlighted the significant overcrowding issue that exists at the school, producing a capacity of approximately 180 pupils.
- 3.8 Currently, there are 236 pupils on roll. Although every effort has been made to make best use of the building, the unprecedented increase in the number of learners with ASD requiring an education suited to their needs has resulted in an increased demand for places, which simply cannot be accommodated. The existing school has a range of specialised facilities. However, it is not fit for purpose. There are significant issues with regard to the size of teaching and non-teaching spaces. Storage and circulation space is extremely poor, and given the needs of the learners, (many of whom require walking aids/wheelchairs), this causes issues in managing safe movement around the school. The overall condition of the school is grade C (poor - exhibiting major defects and/ or not operating as intended) and the backlog maintenance costs (assessed in October 2020) is £1,248,200.
- 3.9 Ministerial approval of the Welsh Government Outline Business Case was received in November 2021.

- 3.10 The outcome of the feasibility study to consider the development of the school on privately owned land at Island Farm, Bridgend was reported to Cabinet on 8 March 2022 and approval was received to commence a statutory consultation process to make regulated alterations to Heronsbridge Special School to increase the number of pupils for whom the school makes provision to 300 and to relocate the school from its current location at Ewenny Road, Bridgend to Island Farm, Bridgend. The proposed new school would open from the beginning of autumn term 2025 (that is, September 2025).
- 3.10 In June 2022, Cabinet was informed of the outcome of the statutory consultation process and gave approval to publish the consultation report and statutory notice in respect of the proposal.

#### **4. Current situation/proposal**

- 4.1 Following Cabinet approval on 14 June 2022, the consultation report was published on the Council's website and stakeholders were informed accordingly.
- 4.2 The statutory notice was published on 30 June 2022 for a period of 28 days and formal written objections were invited during this time.
- 4.3 The statutory notice closed on 27 July 2022 and no objections were received in respect of the proposal.
- 4.4 An in-depth review of the delivery programme for the replacement school has been undertaken and advice has been received from internal and external consultants in this regard. Given the specialist nature of the school, sufficient time to undertake meaningful consultation with a structured programme of engagement with stakeholders, including the governing body, staff and pupils would be required. It is vital that the school and Health colleagues have input into this important stage of the process. Therefore, the proposed opening date for the replacement school should be modified to the beginning of the spring term 2026 in order to allow time within the programme for suitable stakeholder engagement to take place.
- 4.5 The local authority has consulted with Heronsbridge School's Governing Body regarding the proposed modification, and the Chair has confirmed that the revised date is accepted, but has stressed the importance of devoting the extra consultation period for engagement with stakeholders to ensure that the new building does the pupils and county borough justice. The Chair advised that the governing body expects the best for their pupils, which begins with detailed consultation with all stakeholders at the design stage before building begins.
- 4.6 The Corporate Landlord Department is in the process of acquiring the Island Farm site for the proposed school. It is important to note that there is an element of risk in respect of this process. This matter has been considered by the School Modernisation Strategic Programme Board and it is the Board's view that this risk level is low. Should this transaction not proceed, this matter would be reported to a future Cabinet meeting and approval would be sought to abandon the proposal as published.

4.7 Cabinet is now requested to consider the outcome of the statutory process and determine whether to implement the proposal. Cabinet can either decide to accept, reject, or modify the proposal.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no effect upon the policy framework or procedure rules.

## **6. Equality Act 2010 implications**

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal. There have been positive impacts identified, including disability and gender.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment provides a comprehensive summary of the outcomes expected from the implementation of the service.

Long-term	The proposal fulfils the Council's statutory duty to provide sufficient pupil places and will allow teaching and learning to take place in a building and site which is suited to the needs of the learners and staff.
Prevention	The Council has a statutory duty to ensure there are a sufficient supply of school places, and this scheme will safeguard the Council's position in terms of any potential legal challenge in this regard.
Integration	Providing sufficient places at Heronsbridge School, ensures that the curriculum can be delivered and meets the social, environmental, and cultural objectives of learners and the community it will serve. This scheme will promote inclusion. Community use of facilities will be explored and, where appropriate, will be incorporated into the design. Should the proposal proceed in the future, construction will be competitively tendered, via a mini competition through the South East and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework. This will potentially provide opportunities for local companies to engage with the main contractor for inclusion in their supply chain, via 'Meet the Buyer' events. This would support economic activity in the area. Community benefits will be maximised.

Collaboration	The local authority will work effectively with the school, Estyn, Central South Consortium, health, town and community councils and many internal and external partners to ensure that the building meets the short-term and future needs of the users and the community which it will serve. Officers will work with an external design team in developing the scheme to ensure that the building design is sustainable and energy efficient and delivers on the decarbonisation agenda.
Involvement	This scheme was subject to a long list of education and site options. These were systematically evaluated and have been reduced from a long list to a short list to confirm the preferred option. Further work involved the engagement of all potential stakeholders including Cabinet, members, governors, staff, pupils, community, internal and external partners which will include third sector organisations, during the consultation exercise. A public consultation process has been undertaken, according to the WG School Organisation Code 2018.

As a result of the assessment, it is considered that there will be a positive impact upon the achievement of well-being goals/objectives.

## **8. Financial implications**

- 8.1 In December 2018, Council approved a programme envelope of £71.3m, covering Band B new school builds of £68.2m and potential highways works of £3.1m (the cost of highway works will have to be met in full by the local authority, as there is no match funding from Welsh Government). Following subsequent amendments to the capital programme, the updated position was that there were budgets of £49.504m for works and £3.4m for all Band B schools highways infrastructure within the capital programme, with the remaining Band B school build schemes funded via the revenue funded Mutual Investment Model (MIM).
- 8.2 £25m had been allocated within the overall £49.504m Band B capital budget for this project. In June 2022, Cabinet were advised that contractor inflation and the impact of COVID-19 and 'Brexit' will have a detrimental impact on the scheme costs. Cabinet was informed that Welsh Government had issued revised cost standards to local authorities, which address price increases and cover decarbonisation and the commitment to deliver 'net zero carbon' schools. The impact of the revised cost standards was reported to Council in July 2022, and approval was received to increase the Council's overall Band B capital budget from £49.504m to £64.966m. The funding matrix detailing this funding increase has since been submitted to Welsh Government, and clearly sets out the additional Welsh Government funding required for the scheme at the 75% intervention rate. The cost of the scheme will continue to be reviewed regularly throughout the course of the project. Any changes to the total cost of the scheme or council contributions will be reported back to Cabinet and Council as appropriate.

- 8.3 The scheme would be tendered as a design and build contract through the South East Wales and Mid Wales Collaborative Construction Framework (SEWSCAP3) or potential future iterations of the framework.
- 8.4 Any revenue implications resulting as a consequence of moving sites, including increases to the schools' delegated budget to cover a larger premises areas, and any potential increases in school transport costs, will not be known until the scheme is developed further.
- 8.5 The cost of the feasibility study has been funded from the Council's feasibility funding allocation for Band B school modernisation.

## **9. Recommendations**

9.1 Cabinet is recommended to:

- note the outcome of the published statutory notice to make regulated alterations to Heronsbridge School to increase the number of pupils for whom the school makes provision to 300 and to relocate the school from its current location at Ewenny Road, Bridgend to Island Farm, Bridgend;
- determine to modify the implementation date of the proposal to the beginning of spring term 2026; and
- give approval to issue and publish a decision letter, as required by the Code.

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**Corporate Director - Education and Family Support**

**18 October 2022**

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### **Background documents**

Equality Impact Assessment, Community Impact Assessment, Welsh Language Impact Assessment