

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 19 October 2017 at 10.00 am.

### **PRESENT**

Councillors Brian Blakeley, Rachel Flynn, Tina Jones, Merfyn Parry, Arwel Roberts, Anton Sampson, Glenn Swingler, Andrew Thomas, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

Co-opted Members Mike Hall, Kathy Jones and Gareth Williams attended for agenda item 5

Councillor Huw Hilditch-Roberts, Lead Member for Education, Children and Young People was in attendance at the Committee's request

Observers – Councillors Eryl Williams and Emrys Wynne

### **ALSO PRESENT**

Head of Planning and Public Protection (GB), Head of Education and Children Services (KE), Principal Education Support Manager (GD); Programme Manager – Modernising Education (JC), Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

### **WELCOME**

The Chair welcomed everyone to the meeting and congratulated Mr. Graham Boase on his new role as the Council's Corporate Director Economy and Public Realm. The Chair also conveyed a special welcome to Co-opted Member Mike Hall who was attending his first meeting of the committee as a Parent Governor Representative.

### **1 APOLOGIES**

There were no apologies.

### **2 DECLARATION OF INTERESTS**

The following councillors declared a personal interest in Agenda Item 5 –

Councillor Huw Hilditch-Roberts – Chair of Governors Ysgol Pen Barras  
Councillor Merfyn Parry – Governor Ysgol Rhewl, Ysgol Bryn Clwyd, Ysgol Gellifor  
Councillor Arwel Roberts – Governor Ysgol y Castell & Ysgol Dewi Sant  
Councillor Huw Williams – Parent of child in Ysgol Pen Barras  
Councillor Emrys Wynne – Governor Ysgol Borthyn and he had also been involved, along with family members, in the campaign to support Category 1 education (language) in the Pentrecelyn and Llanfair Dyffryn Clwyd area.

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

### **4 MINUTES**

The minutes of the Committee's meeting held on 7 September 2017 were submitted.

**RESOLVED** that the minutes of the meeting held on 7 September 2017 be received and approved as a correct record.

### **5 LESSONS FROM THE RUTHIN PRIMARY AREA REVIEW**

The Lead Member for Education, Children and Young People, introduced the Principal Education Support Manager's report (previously circulated) and advised that the report was being presented to members at the Committee's request, as during the term of the previous Council members had requested to review the progress of the Ruthin area primary education review, specifically to understand the lessons learnt during the exercise with a view to improving similar processes for any future reviews.

For the benefit of new councillors, the Lead Member and Head of Education and Children's Services outlined the background to the primary education area reviews that had been undertaken in various parts of the county in recent years. They advised that the objective of the reviews were to –

- ensure the sustainability of high quality education provision across the county
- improve the quality of school buildings and associated facilities, and
- ensure that the right number of school places were available in the right locations.

They also emphasised that whilst the Ruthin area review was being undertaken three different Welsh Government (WG) Ministers/Cabinet Secretaries had been in charge of the education portfolio. Each one having a slightly different approach or emphasis in relation to the need to address surplus school places if intending to apply for WG capital funding for educational facilities. Denbighshire had commenced the process of modernising the delivery of its education services in 2009 when it had adopted its Modernising Education Policy Framework. This Framework formed the basis for the Council to strategically plan how and where education services would be delivered in future. The WG Education Minister at that time was quite clear that local authorities would have to address the number of surplus school places they had within their schools if they wanted to bid for 21st Century Schools funding from WG. Evidencing how they were addressing the issue of surplus places was a key requirement when submitting applications for 21st Century Schools funding for new educational capital projects. For the Council to successfully draw down this funding school reorganisation work had to take place, therefore some school closures were inevitable. The WG Minister underlined the need to address surplus places when he wrote to local authorities in 2012. From Denbighshire's perspective Cabinet approved the six recommendations detailed in

the report in relation to future primary education provision in the Ruthin area at its meeting in June 2013. However, in October of the same year the WG introduced a School Reorganisation Code, this new Code had major implications for the depth of information that had to be provided during the formal consultation stages on school reorganisation proposals. Whilst this Code was very specific about the mandatory requirements of the consultation process it also contained some suggestions on what aspects 'should' be incorporated. However it fell short of requiring local authorities to undertake these aspects. In hindsight, it would have been better to have undertaken these steps as well, as these were the elements on which the Council was judged to have fallen short on in the cases that were referred to the Minister and the High Court. It was also highlighted that in the case of Ysgol Llanbedr Dyffryn Clwyd the Council was still awaiting the Ministerial decision in relation to the second appeal lodged against the decision to close the school, 18 months after the decision had been referred to the Welsh Government.

Responding to members' questions the Lead Member, Head of Service and officers:

- advised that the Council's statutory duty in relation to education was to provide the county's pupils with education of the highest quality. To enable this and to ensure that pupils had access to appropriate facilities to deliver a modern curriculum, including science, technology, engineering and mathematics (STEM) subjects, older buildings which did not lend themselves well to adaptation sometimes had to close and smaller schools would have to amalgamate, otherwise the education authority would be failing in its duties to the county's pupils
- advised that in relation to schools' language categorisation, an element which had caused some considerable controversy in relation to some of the reorganisation proposals included as part of the Ruthin primary area review, the WG had given assurances that they would be looking at school language categorisation matters in the near future
- confirmed that as part of any consultation process feedback from all stakeholders, including school governing bodies and parents was welcomed and valued
- advised that following the review process the local authority was now clear on the roles and the extent of the responsibilities of the education authority, headteachers and governing bodies in relation to maintained and non-maintained schools when consulting on any proposals
- agreed that it was important as part of developing proposals which resulted in buildings being vacated that a strategy was developed in parallel with the reorganisation proposal to address the disposal etc. of surplus buildings. Work was underway with the Council's Corporate Landlord to develop a strategy to manage and dispose of corporate surplus accommodation, including school buildings, at present
- advised that support was made available to headteachers, staff, pupils and parents, if they wished to access it, to help with the transition process from one school/school facility to a new one
- confirmed that whilst the closure of schools did generally generate negativity in some communities, particularly until the children were settled into new state of the art facilities and the benefits of those facilities were realised, in Llanbedr

Dyffryn Clwyd the opposite had happened. The threat of closure had brought the community closer together to work to support the school

- confirmed that there was a shortage of headteachers across Wales. Difficulties in recruiting to headteachers posts, particularly to small rural schools had been highlighted nationally
- advised that clear lines of communication between chairs of governors, headteachers and the local authority were crucially important at all times and were key in the event of consultation exercises
- confirmed that to date in excess of £100m had been invested in Denbighshire's schools since the start of the Modernising Education process in 2009
- advised that whilst parents had not listed the quality of school buildings as a high priority when consulted upon school reorganisation proposals, the quality of facilities featured higher on the satisfaction ratings of parents whose children had moved into modern facilities as the result of previous reviews. Therefore, it was anticipated, that when the impact of the Ruthin area review was evaluated once the pupils had settled into their new school facilities that the quality of the facilities would receive a higher rating from parents
- confirmed that if the WG upheld Ysgol Llanbedr Dyffryn Clwyd's appeal, the Council would work with the Governing Body to support them to deliver education of the highest quality to pupils
- confirmed that the WG had recently consulted on changes to its School Organisation Code which included a presumption against the closure of rural schools and that addressing surplus places did not necessarily mean closure of schools. However, the procedures set out in any revised Code could not be applied in retrospect. The existence of surplus places would always place additional financial pressures on schools. The revised Code when approved would define the Council's approach for applying for the next tranche of 21st Century Schools funding
- outlined the criteria used by WG for defining rural schools at present, and agreed with the Committee that the current definition as used by WG for the classification of rural schools was unsatisfactory
- confirmed that both the decisions to close schools, in Llanbedr Dyffryn Clwyd and Pentrecelyn, that were challenged and upheld were upheld not on the basis of the educational merits of the case for closure but on procedural grounds. The complexities of the judicial review process and change to WG codes were explained in detail
- advised that there was not set formula for deciding on the location or optimum size for area schools. Each case had to be proposed on its own merits and an evaluation of its potential to deliver a meaningful curriculum to pupils. However, it was widely regarded that it was no longer appropriate to deliver education to pupils of multiple ages and school years in the same classroom. Hence the reason why federation of some schools i.e. Bryn Clwyd and Gellifor had been proposed rather than amalgamation
- confirmed that for school reorganisation purposes the minimum basic consideration would be the number of pupils at a school. Other factors would be given equal if not more weighting, i.e. curriculum delivery, the experiences of the child, accountability and leadership

- advised that the potential impact of proposed new housing developments known to the authority or included in the Local Development Plan (LDP) had been factored into the school reorganisation proposals approved by Cabinet
- agreed that perhaps there had been a misperception by the public in general in relation to the extent of the consultation undertaken with respect to the review undertaken in the Ruthin area, and that communication with residents would be an area that could benefit from being strengthened ahead of potential future consultations on the next tranche of 21st Century Schools funding projects
- confirmed that concerns had been raised with them on the potential impact on the future viability of Ysgol Borthyn, Ruthin once the new schools nearby were open. The Council would be monitoring the situation closely. Whilst the fact that the offer at the school was slightly different to the new schools, due to it being a voluntary controlled school, the Authority would be providing support to the school during the transitional phase and into the future. In addition, the new schools had been carefully planned capacity-wise, the objective of which was not to have a detrimental impact on Ysgol Borthyn, which was a much valued community school. When planning new schools careful consideration was given to their potential impact on neighbouring well established schools
- advised that the introduction of parental choice in respect of school provision had affected the number of pupils attending their local schools, as parents now transported children to the schools of their choice, particularly within easy reach of their place of employment
- confirmed that the documentation relating to the consultation on the Ruthin primary education area review, along with the responses was readily available for members to examine if they wished to do so;
- agreed with the Committee that it would be appropriate to review the federation arrangements for Ysgol Bryn Clwyd, Llandyrnog and Ysgol Gellifor to evaluate their effectiveness for the future, and
- confirmed that at the conclusion of the entire Ruthin Primary Area Review, once all pupils had settled into their new schools and had been at those schools for a whole academic year that an assessment of the impact of the changes on pupils' well-being, educational attainment, staff, parents and the community (in line with the sustainable development principle and the well-being goals of the Well-being of Future Generations (Wales) Act 2015) should be undertaken.

The former Lead Member for Education advised the Committee that from his experience of undertaking the Ruthin area review he had found the involvement of the diocesan representatives in the decision-making process to be at times challenging. He had also realised that no two schools were identical, each had their own traits, some were valued as community assets and served the indigenous population, whilst others were valued by parents who chose to transport their children to them to receive their education.

On the matter of school language categorisation one Committee member stated that in his view it would be better if schools were permitted to determine their own language category than have to strictly adhere to WG language categorisation. Such an approach could foster the development of pupils' Welsh Language skills in all of the county's schools and support the WG's vision of doubling the number of Welsh speakers by the year 2050.

At the conclusion of an in-depth discussion the Committee:

**RESOLVED** that having considered the findings detailed in the report, and subject to the above observations –

- (a) *to note the lessons learnt from undertaking the Ruthin Primary Area Review and recommend that appropriate measures be implemented to address the identified weaknesses ahead of any future proposed education reviews;*
- (b) *that an information report be prepared for circulation to Committee members and other councillors who wish to receive it detailing the consultation process undertaken in relation to the Ruthin Primary Education Review, including details of all consultation responses received;*
- (c) *that the situation in relation to pupils and stakeholders of Ysgol Rhewl be monitored closely until the school closes in August 2018;*
- (d) *that the situation in relation to pupils and stakeholders of Ysgol Llanbedr Dyffryn Clwyd be monitored until such time as the Welsh Government's Cabinet Secretary for Education determines the outcome of the appeal, and from thereon;*
- (e) *that a report evaluating the support provided to both Ysgol Rhewl and Ysgol Llanbedr Dyffryn Clwyd be submitted to the Committee for consideration during the autumn of 2018;*
- (f) *that a full assessment of the impact of the Ruthin Primary Education Area Review, based on the principles and goals of the Well-being of Future Generations (Wales) Act 2015, be undertaken at the end of the first full academic year that all pupils have been at their new schools and that the findings of the impact assessment are presented to the Committee, and*
- (g) *that the Scrutiny Chairs and Vice-Chairs Group (SCVCG) consider examining the strategy for managing and disposing of corporate assets that become surplus to requirement.*

At this juncture (12 noon) the meeting adjourned for a refreshment break.

## **6 SCRUTINY WORK PROGRAMME**

The Scrutiny Coordinator submitted a report (previously circulated) seeking members' review of the Committee's work programme and provided an update on relevant issues.

Discussion focused on the following –

- the Scrutiny Chairs and Vice Chairs Group had referred a matter for scrutiny relating to Tourist Signs for the Vale of Clwyd and the committee agreed to consider that item at their next meeting on 30 November

- in response to concerns raised by members regarding the capacity of various schools within the county to cope with the demand for places, those members were encouraged to complete the necessary proposal form for submission to the Chairs and Vice Chairs Group for further consideration as appropriate
- questions were raised regarding the 21st Century Schools Programme Band B proposals and members were advised that a report on those proposals had recently been submitted to Cabinet – the Scrutiny Coordinator agreed to circulate that information to committee members outside of the meeting
- members noted that the item on the Draft Tree Maintenance Policy (provisionally scheduled for the October meeting) had been deferred to January 2018 with the Chair's permission as further work was required on the policy before it was ready to be presented to the Committee for observations
- a future item on the Committee's work programme related to the Community Infrastructure Levy (CIL) but officers explained that it had never been introduced and responsibility for it had since been transferred from the UK Government to the Welsh Government. It was noted that Welsh Government was reviewing the CIL with the aim of introducing something different for Wales but there was currently no indication on when proposals were likely to be published. The Committee agreed to remove that topic from the work programme and to consider scrutinising future proposals in that regard once they emerged
- members' attention was drawn to the committee information brief (previously circulated) which included an update on matters arising from the previous meeting which had not been covered in the work programme report
- expressions of interest were sought from committee members following a request to nominate a representative on the School Standards Monitoring Group, details of which had been previously circulated to members
- finally members were reminded that the Welsh Local Government Association would be delivering a training session on Chaining Skills specifically for scrutiny committees which had been scheduled for 2.00 p.m. on Thursday, 2 November in the Council Chamber, County Hall, Ruthin.

After due deliberation it was:

**RESOLVED** that –

- subject to the above, the forward work programme as detailed in Appendix 1 to the report be approved, and*
- Councillor Graham Timms be appointed the Committee's representative on the Schools Standards Monitoring Group.*

## **7 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor Glenn Swingler referred to his recent attendance at a meeting of the Customers, Communication and Marketing Service Challenge and reported upon discussions for a clear overarching Tourism Strategy; provided an update on 'EMMA' and the development of a new CRM system, and referred to positive steps to increase the Council's use of social media.

**RESOLVED** that the verbal report be received and noted.

The meeting concluded at 12.25 p.m.