

Report To: Cabinet

Date of Meeting: 18th February 2014

Lead Member / Officer: Councillor Eryl Williams

Report Author: Head of Customers and Education Support

Title: Proposal to close Ysgol Clocaenog and Ysgol Cyffylliog and to establish a new area school

1. What is the report about?

- 1.1 This report is to advise Cabinet of the process that is required to be followed as a consequence of the conclusion of the Statutory Notice period which would allow a determination to be made on the proposal.

2. What is the reason for making this report?

- 2.1 Following the completion of a period of Statutory Notice, a decision is required on whether to proceed to implement the proposal to close Ysgol Clocaenog and Ysgol Cyffylliog on the 31st of August 2014 and to establish a new area school on the existing sites.

3. What are the Recommendations?

The recommendations for Cabinet are:-

- (i) to consider the findings of the objections report
- (ii) Subject to consideration of the above, to approve implementation of the proposal to close Ysgol Clocaenog and Ysgol Cyffylliog on the 31st August 2014 to enable a new area school to be opened on the 1st September 2014 using the existing sites at Clocaenog and Cyffylliog.

4. Report details.

- 4.1 The Council published a Statutory Notice on the 7th of January 2014 notifying stakeholders of the intention to close Ysgol Clocaenog and Ysgol Cyffylliog on the 31st of August 2014 and to establish a new area school on the existing sites. The 28 day Statutory Notice period came to an end on the 3rd of February 2014.

- 4.2 In line with the requirements of the new school organisation code (<http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en0>), the proposals were published on Denbighshire County Council's website and near the main entrance to the existing schools which are subject of the proposal.
- Each school subject to the proposals were provided with copies of the notice to distribute to pupils, parents carers and guardians, and staff members (the schools may distribute the notice by email);
- 4.3. On the day that the proposals were published, the following received either a hard copy of the proposals or were emailed a link to the relevant website:
- Denbighshire County Council;
 - Conwy County Borough Council;
 - the Church in Wales Diocese St Asaph and the Wrexham Roman Catholic Diocesan Authority;
 - the Governing Body of Ysgol Clocaenog, Ysgol Cyffylliog, Ysgol Pen Barras, Ysgol Pantpastynog, Ysgol Rhewl and Ysgol Pantpastynog.;
 - the Welsh Ministers;
 - the Assembly Members (AMs) representing North Wales, the Assembly Member and Member of Parliament (MP) representing Clwyd West and for information the Members of Parliament and Assembly Members representing Clwyd South and the Vale of Clwyd;
 - Estyn;
 - GWE - the Regional Education Consortium;
 - the relevant teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
 - Taith – the Regional Transport Consortium;
 - the Police and Crime Commissioner for North Wales;
 - Cynghorau Cymuned, Clocaenog, Cyffylliog and Derwen;
 - Mudiad Meithrin and Cylch Meithrin Clocaenog;
 - Denbighshire County Council Partnership and Communities Team;
- 4.4 All objections submitted during the notice period had to be made in writing or by email. At the end of the consultation period on the 3rd February 2014 the Council had received 16 individual objections from members of the Community and a petition signed by 144 individual people.

Process

- 4.5 In determining proposals the School Organisation Code states decision makers:
- **must** consider whether there are any other related proposals;
 - **must** ensure that the statutory consultation has been conducted in accordance with this Code;
<http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
 - **must** ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
 - **must** consider the consultation document and consultation report;

- **must** consider the objections and the objection report and any responses to the notice supporting the proposals;
- 4.6 Under section 54 of the School Standards and Organisation (Wales) 2013 Act another local authority affected by the proposals may within 28 days refer the proposal to the Welsh Minister for consideration.
- 4.7 The School Organisation Code clearly states that “where a local authority’s proposals have received objections, and require determination under section 53 of the 2013 Act, the local authority **must** not approach the determination of these proposals with a closed mind. Objections **must** be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code.”
- 4.8 In considering the proposal Cabinet should take into account the factors highlighted within the code which include quality and standards in education, need for places and the impact on accessibility of schools, resourcing of education and other financial implications as detailed in the School Organisation Code. Appendix 1, the Determination Report provides Cabinet with a summary of the factors to be considered prior to determining any proposal.
- 4.9 In addition, in accordance with the 2013 Act Cabinet are required to give full consideration to the objections received by the Community to the proposal. The objections have been collated into an Objection Report which detail the objections received and the response of the local authority to these concerns. This is attached as Appendix 2.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 The proposal supports the priority of “Improving performance in education and the quality of our school buildings” and has been highlighted as a work stream as follows: “We will continue to review school provision across the County to ensure that we provide the right number of school places, of the right type, in the right location.

6. What will it cost and how will it affect other services?

- 6.1 Should the recommendation be approved it has been identified that one school on two sites will increase the budget requirement for the school during this interim period. This will have no overall impact on the costs for the Council as these increased costs will be considered as part of the overall funding formula for schools and will be met across the entire school budget.
- 6.2 There is an anticipated increase in home to school transport costs as a consequence of the first phase. The Consultation document highlighted a potential additional cost of £39k dependent upon agreements as to which site pupils may be located within the new area school arrangements. Should the proposal be implemented the Council will work with the Temporary Governing

Body to confirm such arrangements to minimise disruption for parents and pupils and also to reduce significantly any additional transport costs.

- 6.3 In order to progress to phase two, there will also be a need to undertake feasibility work on the potential sites and then the preferred site. This work will be undertaken by staff from Finance and Assets. The costs for this work will be met from the existing allocation for the Corporate Plan priority area for Modernising Education within the Council's Capital Programme.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

- 7.1 The EqIA undertaken on the proposal suggested that there would be minimal impact in respect of the first phase of the proposal. The development of an area school would provide greater capacity to respond to fluctuations in pupil numbers and reduce the age range taught together.

8. What consultations have been carried out with Scrutiny and others?

- 8.1 Full consultation has been undertaken with all stakeholders and the findings from the Formal Consultation period were presented to Cabinet on the 17th of December 2013. Objections submitted during the statutory notice period are summarised in the objections report.

9. Chief Finance Officer Statement

- 9.1 The proposals may see an increase in the cost of the school transport service but any savings will accrue to the schools budget and be reinvested in education. This would potentially cause a pressure within the transport budget. The Council has set aside funds towards the modernising education priority and this would be a legitimate use of those funds. Once the pressures are clear, then budget can be moved from modernising education into school transport to cover it.

10. What risks are there and is there anything we can do to reduce them?

There is a strong possibility that the proposal could result in adverse publicity for the Council and in adverse public comments.

To minimise this risk the Council will seek to ensure clear communication with all stakeholders.

11. Power to make the Decision

School Standards and Organisations (Wales) Act 2013
Modernising Education Policy Framework (approved by Cabinet January 2009)