

Report To: Cabinet

Date of Meeting: 25th of March 2014

Lead Member / Officer: Councillor Eryl Williams

Report Author: Head of Customers and Education Support

Title: Proposal to close Ysgol Llanbedr as of the 31st of August 2014 and transfer existing pupils to Ysgol Borthyn, Ruthin subject to parental preference

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.

2. What is the reason for making this report?

2.1 Following the completion of a period of Statutory Notice, a decision is required by Cabinet whether to proceed with the proposal to implement the closure of Ysgol Llanbedr as of the 31st of August 2014.

3. What are the Recommendations?

The recommendations for Cabinet are:-

- (i) to note the determination report and objection report;
- (ii) Subject to consideration of the above, to approve the proposal to close Ysgol Llanbedr as of 31st of August 2014 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference.

4. Report details.

4.1 The Council published a Statutory Notice on the 29th of January 2014 notifying stakeholders of the intention to close Ysgol Llanbedr as of the 31st of August 2014 with existing pupil transferring to Ysgol Borthyn, Ruthin subject to parental preference. The Statutory Notice period concluded on the 25th of February 2014. A copy of the Notice can be found in **Appendix A**.

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 proposal were provided with hard copies of the Notice to distribute to pupils, parents and staff members (the schools were also able to distribute the Notice by email).

4.3 On the day of the Statutory Notice being published the following received either a hard copy or were emailed a link to the Denbighshire County Council website;

- *Conwy County Council;*
- *Flintshire County Council;*
- *The Church in Wales Diocese of St Asaph and the Wrexham Roman Catholic Diocesan Authority;*
- *The Governing Body of Ysgol Llanbedr and Ysgol Borthyn;*
- *Headteachers, Chairs and Vice Chairs of the following schools; Ysgol Gellifor; Ysgol Bro Famau; Rhos Street School and Ysgol Llanfair DC;*
- *The Welsh Ministers;*
- *All Denbighshire County Councillors;*
- *The Assembly Member representing the area and Member of Parliament representing Clwyd West;*
- *Estyn;*
- *GWE- the relevant Regional Education Consortium*
- *The relevant teaching and staff trade unions;*
- *Taith;*
- *The Police and Crime Commissioner for North Wales;*
- *Llanbedr Community Council;*
- *Ruthin Town Council;*
- *Local child care facilities;*
- *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. In total 121 objections have been received; additionally 443 'supporting hands' submissions have also been received.

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 Should the proposal be approved a 28 day referral period (to the Welsh Ministers) will commence for the following bodies (*Section 54 of the School Standards and Organisation (Wales) Act 2013*);

- *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 the proposals;*
- *A trust holding property on behalf of a voluntary or foundation school subject to the proposals; and*
- *A further education institution affected by the proposals*

4.7 The School Organisation Code clearly states that “where a local authority’s proposals have received objections, and required 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 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 and accessibility of schools, resourcing of education and other financial implications as detailed within the School Organisation Code. **Appendix B**, 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 1* **within** the aforementioned Determination Report (**Appendix B**).

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 The proposal will not have an effect on other services within the organisation.

Based on all existing pupils transferring to Ysgol Borthyn in Ruthin the transport costs have been estimated at around £26,000 (for pupils eligible under the Denbighshire School Transport Policy). Cost of provision in Ysgol Llanbedr is £8,498 per pupil, this is the second highest rate per pupil within Denbighshire. The cost of provision in Ysgol Borthyn is £4,583 per pupil, this would be reduced if a number of pupils transferred from Ysgol Llanbedr to Ysgol Borthyn should the Current Proposal be implemented

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 in relation to the proposal to close Ysgol Llanbedr highlights that the school provides a Faith based (Church in Wales) primary provision through the medium of English. If the proposal were to progress this provision would cease.

7.2 Ysgol Borthyn has been named as the alternative primary school as it also provides a faith based English Medium primary education within 3 miles of Llanbedr.

7.3 The full EqIA can be found in **Appendix C**.

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 14th of January 2014. Objections submitted during the statutory notice period are summarised in the objection report.

9. Chief Finance Officer Statement

9.1 There are minimal costs as shown above. The financial implications of the closure were covered in the Cabinet report of 14 January. The closure will generate savings and these should be reinvested within the Education budget.

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

10.1 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

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