

Report To: Cabinet

Date of Meeting: 29th September 2015

Lead Member / Officer: Councillor Eryl Williams

Report Author: Head of Customers and Education Support

Title: Proposal to close Ysgol Rhewl as of the 31st of August 2017 and transfer existing pupils to Ysgol Pen Barras, Ruthin or Rhos Street School 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 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 Rhewl on the 31st of August 2017.

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 Rhewl on the 31st August 2017 with existing pupils transferring to Ysgol Pen Barras, Ruthin or Rhos Street School, Ruthin subject to parental preference.
- (iii) That applications for discretionary transport to the nearest category 2 school, be considered on a case by case basis, from existing pupils of Ysgol Rhewl for the remainder of their Primary education.

4. Report details.

4.1 The Council published a Statutory Notice on the 16th of June 2015 notifying stakeholders of the intention to close Ysgol Rhewl on the 31st of August 2017. The 28 day statutory notice period came to an end on the 13th of July 2015.

- 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 consultees listed in Appendix 3 received either a hard copy of the proposals or were emailed a link to the relevant website.
- 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 13th July 2015 the Council had received 60 individual objections from members of the Community.

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 details the objections received and the response of the local authority to these concerns. This is attached as Appendix 2.

Recommendations of Scrutiny Committee

- 4.10 The Performance Scrutiny Committee reviewed the decision of Cabinet to publish the statutory notices at its meeting on the 9th June. The Committee determined that there was not sufficient evidence to ask Cabinet to consider its decision of 2nd June to publish a statutory notice to close Ysgol Rhewl, but to recommend to Cabinet that:-

(a) It should instruct officers during the consultation period following the publication of the statutory notices to undertake work to assess and mitigate the effects of the loss of Welsh language provision on the community and to ensure that the loss of a dual stream school would not disadvantage the area's pupils in future;

(b) Further work to be undertaken with pupils, parents, staff and other stakeholders of Ysgol Rhewl to address their concerns relating to the capacity of the Glasdir site, the transport management of the new school site and road safety concerns between Rhewl and Glasdir; and

(c) That the findings of the work outlined in (a) and (b) above is reported to Cabinet in the autumn of 2015 when presenting the objections report in response to the publication of the statutory notice.

- 4.11 Officers have met with the Headteacher, Chair of Governors and Local Member on a number of occasions to discuss issues. The response to these issues presented to them are detailed in Appendix D and E.

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.

- 6.2 Should the recommendation be approved, transport costs could increase for the specific period until existing pupils have left primary education, due to the possible use of discretionary transport.

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 main impact of this proposal would be a change in the learning environment for existing pupils of the school at the point of closure.

7.2 The proposal could impact positively on some of the protected of the protected characteristics, specifically disability. The proposal recommends that existing pupils transfer to new, purpose built educational facilities that would be fully compliant with the Disability Discrimination Act. The full Equality Impact Assessment is included as Appendix 4.

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 2nd of June 2015. Objections submitted during the statutory notice period are summarised in the objections report.

9. Chief Finance Officer Statement

9.1 “The proposal to close Ysgol Rhewl will release £150k in non-pupil led savings which will be used to help fund the corporate plan including the ambitious programme of investment in school buildings. Any additional transport costs will, however, also need to be funded from this saving. The closure also gives the potential to generate a capital receipt.”

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)