

Report To: Cabinet

Date of Meeting: 29th September 2015

Lead Member / Officer: Councillor Eryl Williams, Lead Member for Education

Report Author: Head of Customers and Education Support

Title: Modification to Ysgol Llanfair and Ysgol Pentrecelyn proposal

1. What is the report about?

The report is to seek approval from Cabinet Members to consult on a potential modification to the proposal regarding the closure of Ysgol Llanfair and Ysgol Pentrecelyn and the opening of a new Area school.

2. What is the reason for making this report?

A decision is required by Cabinet to give approval to proceed to consult on a modification to the original timescales stated, regarding a new school to serve the existing schools of Ysgol Llanfair and Ysgol Pentrecelyn.

At this stage consideration is to be given only to the merits of seeking the modification rather than determining the proposal. Should approval be granted Cabinet will consider the findings of this consultation, regarding the modification, at its meeting in October as part of the process of determining the proposal.

3. What are the Recommendations?

- (i) To give approval to consult with the Diocese of St.Asaph, as a joint proposer, to seek their consent to the proposed modification.
- (ii) To obtain the consent of the Welsh Ministers to the proposed modification.
- (iii) To consult with the governing bodies of Ysgol Llanfair and Ysgol Pentrecelyn on the proposed modification.
- (iv) That Cabinet agrees, that the recommendations be implemented immediately in accordance with the Council's call in procedure rules contained in the constitution in light of the circumstances set out below.

4. Report details.

- 4.1 In February 2015 Denbighshire County Council in partnership with the Church in Wales, St Asaph Diocese undertook formal consultation on the proposal to close Ysgol Llanfair and Ysgol Pentrecelyn as of 31st August 2016 and to establish a new area school based on the existing sites as of the 1st of September 2016.
- 4.2 The Statutory Notice was issued on 18th June 2015 to 15th July 2015. The objection report is now available.
- 4.3 The proposal stated that Denbighshire County Council would close Ysgol Llanfair DC and Ysgol Pentrecelyn on the 31st August 2016; and the Church in Wales will establish a new Area School on the existing sites from the 1st September 2016. The second phase would see this Area School consolidated onto a new site in the Llanfair/ Pentrecelyn area.
- 4.4 The consultation document commented that in regard to the second phase that the Council proposed that the new build would be ready by September 2017, therefore ensuring the split will only be for one academic year. The latest indications following initial feasibility works is that this date may no longer be realistic.
- 4.5 The Council has considered a number of factors in relation to this. Concerns were expressed during the initial consultation over the length of time the area school would be in existence over two sites. In addition a potential delay to the timescale for implementation could arguably assist in delivering the leadership and management changes required for a new school. Whilst both of these issues can be overcome should the implementation occur as planned, on balance, it is considered that a delay in implementation of 12 months would give a greater period of consolidation of the school. This would also have the potential to bring the timescale for implementation in line with other proposals in the Ruthin area.
- 4.6 This modification will result in no change to the final outcome. However it will reduce the time that the new area school will operate over the 2 separate sites, which from an educational view can only benefit the children.
- 4.7 The modification, therefore, would be to close the 2 schools on the 31st August 2017, rather than 2016, with the Church in Wales establishing a new Area school on the existing sites on 1st September 2017, rather than 2016. This will allow further time for the 2 schools to work closely together before the amalgamation and could result in the Area school being on 2 separate sites for a shorter amount of time, i.e. should the new build be ready for January 2018 the period would only be 1 term.

Where modifications are being proposed Section 5.3 of the School Organisation Code states the following:

“Modifications can only include changes to matters related to implementation such as changes to admission numbers or to the timing of implementation. The local authority **must not** make modifications that would, in effect, substitute a new proposal for the proposal which was published. Before making any modification, the local authority **must** first consult with the proposer and obtain their consent to the modification.

They **must** also obtain the consent of the Welsh Ministers. If consent cannot be obtained, and the local authority believes that the proposals are not acceptable in their published state, they **must** reject the proposals.

The local authority **must** also consult with the governing body of any school to which the proposals relate (where the governing body is not the proposer).”

- 4.8 The modification would also provide more time for the new temporary Governing Body to establish and to develop the ethos of the new school and to develop its policies. We envisage that the temporary Governing Body will be made up of current members of both Ysgol Llanfair DC and Ysgol Pentrecelyn’s Governing Bodies and we envisage them having a major part to play in assisting with the design of the new school building.
- 4.9 In regards to recommendation (iv), this relates to the timescales regarding the determination of the proposal. It is necessary to go to Cabinet on the 27th October to determine the proposals, as the School Organisation Code states the following:

“Under section 53 of the 2013 Act, determination by the proposer **must** be made within 16 weeks (112 days) of the end of the objection period. Where the proposer fails to determine the proposal within the period of 16 weeks it is taken to have withdrawn the proposal and it is required to republish the proposals if it wishes to proceed.”

The objection period for the proposal ended on the 15th July 2015.

- 4.10 To comply with the School Organisation Code, in regards to any modifications made to a proposal, we must consult with both school’s governing bodies and get the consent of the Welsh minister, as detailed in section 4.6.
- 4.11 In recommending that this decision is implemented immediately, it will allow sufficient time to consult with the 2 governing bodies and seek to obtain the consent from the Welsh Minister. Should approval be granted Cabinet will consider the findings of this consultation, regarding the modification, at its meeting in October as part of the process of determining the proposal.

The Way Forward

- 4.12 It is recommended that the Council proceed to consult on modifying the proposal as detailed.
- 4.13 Following this the Cabinet in the meeting on the 27th October, will be asked to utilise its powers under the School Standards and Organisation (Wales) Act 2013 to consider any objections submitted to the Statutory Notice and to determine whether to implement the proposal.

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 workstream 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 There will be minimum costs to the Council.

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 An Equality Impact Assessment will be submitted to the October meeting in terms of the overall decision on the proposal.

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 are summarised in the Consultation Report which was published by Denbighshire County Council and the Church in Wales St.Asaph Diocese on the 11th August.

<https://www.denbighshire.gov.uk/en/your-council/consultations/closed-consultations.aspx#1>

9. Chief Finance Officer Statement

The recommendation will not result in any significant additional direct costs. The delay in the release of savings from the amalgamation of the schools and the delay in capital costs incurred will need to be factored into the capital financing budget but will not impact adversely on the affordability of the project.

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)