

**Report To:** Cabinet Report

**Date of Meeting:** 27<sup>th</sup> October 2015

**Lead Member / Officer:** Councillor Eryl Williams

**Report Author:** Head of Customers and Education Support

**Title:** Proposal to close Ysgol Llanfair DC and Ysgol Pentrecelyn as of the 31<sup>st</sup> of August 2017 and for the Diocese of St.Asaph to open a new dual-stream Category 2, Church in Wales Voluntary Controlled primary school from 1<sup>st</sup> September 2017.

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**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 Llanfair and Ysgol Pentrecelyn on the 31<sup>st</sup> of August 2016 and for the Diocese of St.Asaph to open a new dual-stream Category 2, Church in Wales Voluntary Controlled primary school from 1<sup>st</sup> September 2016, initially from the 2 current school sites of Ysgol Llanfair DC and Ysgol Pentrecelyn. The Second phase would see the area school consolidated on a new site in the Llanfair/ Pentreцейn area, subject to land availability and suitability.
- 2.2 At the Cabinet meeting in September, Cabinet agreed that we could consult with the Diocese, the 2 governing bodies of Ysgol Llanfair DC and Ysgol Pentrecelyn and the Welsh Government to look at modifying the proposal in regards to the date of implementation; both schools to close on the 31<sup>st</sup> August 2017, rather than 2016, and the new area school to open from 1<sup>st</sup> September 2017, rather than 2016.

**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 and the proposed modification to close Ysgol Llanfair and Ysgol

Pentrecelyn on the 31<sup>st</sup> August 2017 and the Diocese of St.Asaph to open a new dual-stream Category 2, Church in Wales Voluntary Controlled primary school from the 1<sup>st</sup> September 2017,

- (iii) That applications for discretionary transport to the nearest category 1 school, be considered on a case by case basis, from existing pupils and siblings of Ysgol Pentrecelyn for the remainder of their Primary education following the closure of the school( as of the 1<sup>st</sup> September 2017)

#### **4. Report details.**

- 4.1 The Council published a Statutory Notice on the 18<sup>th</sup> of June 2015 notifying stakeholders of the intention to close Ysgol Llanfair and Ysgol Pentrecelyn on the 31<sup>st</sup> of August 2016. The 28 day statutory notice period came to an end on the 15<sup>th</sup> 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 2 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 15<sup>th</sup> July 2015 the Council had received 30 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 where proposals have been approved or rejected by a local authority the following bodies may within 28 days refer the proposal to the Welsh Minister for consideration:
- 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 of a voluntary or foundation school subject to the proposals,
  - 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 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 3.

### **Proposed Modification**

- 4.10 At the Cabinet meeting in September, Cabinet agreed that we could consult with the Diocese, the 2 governing bodies of Ysgol Llanfair DC and Ysgol Pentrecelyn and the Welsh Government to look at modifying the proposal in regards to the date of implementation; both schools to close on the 31<sup>st</sup> August 2017, rather than 2016, and the new area school to open from 1<sup>st</sup> September 2017, rather than 2016. The Diocese of St.Asaph and the 2 governing bodies have all indicated their support for the proposed modification and this information has been submitted to the Welsh Government for their approval.
- 4.11 On the 15<sup>th</sup> October we received confirmation that the Welsh Government have agreed to the proposals being modified. See Appendix 8.

### **Recommendations of Scrutiny Committee**

- 4.12 The Performance Scrutiny Committee reviewed the decision of Cabinet to publish the statutory notices at its meeting on the 9<sup>th</sup> June. The Committee determined that there was not sufficient evidence to ask Cabinet to consider its decision of 2<sup>nd</sup> June to publish a statutory notice to close Ysgol Llanfair DC and Ysgol Pentrecelyn and to open a new area school,

“the Committee, having received assurances that the impact on pupils choosing to leave either school would be closely monitored and the impact of Ysgol Pentrecelyn’s closure on the other two Category 1 schools in the area was manageable, by a majority concluded that the matter did not merit being referred back to Cabinet for reconsideration. However, the Committee asked officers to explore the possibilities for the Council to designate schools a “bilingual” schools rather than be constrained by the WG guidelines on categorisation according to Welsh medium provision.”

## **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.
- 5.2 The Local Authority are committed to monitoring the standards and outcomes of the new Area School which will be reviewed regularly at School Standards Monitoring Group, Scrutiny and by the Welsh in Education Strategic group.

## **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 The potential gain to the new are school whilst amalgamated on two sites during the first phase, taking into account funding losses, gains and potential savings would be £22,683.
- 6.3 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 impact of this proposal will be neutral as very little will change during the first phase as the new area school will operate from the 2 current school’s site.
- 7.2 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 2<sup>nd</sup> of June 2015. Objections submitted during the statutory notice period are summarised in the objections report.

**9. Chief Finance Officer Statement**

- 9.1 The delay in the release of savings from the amalgamation of the schools will need to be factored into the capital financing budget but will not impact adversely on the affordability of the wider project. Any additional transport costs will be taken into account as part of the overall calculation of savings.

**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)