

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 19<sup>th</sup> October 2017

**Lead Member/Lead Officer:** Lead Member for Education, Children & Young People/Head of Education and Children Services

**Report Author:** Principal Education Support Manager

**Title:** Lessons from the Ruthin Primary Area Review

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**1. What is the report about?**

The report seeks to review the progress of the Ruthin Primary Area Review and to consider the lessons learnt to date from the work undertaken.

**2. What is the reason for making this report?**

This report has been requested by Scrutiny Chairs and Vice-Chairs Group.

**3. What are the Recommendations?**

3.1 That the Committee considers the findings arising and comments accordingly.

**4. Report details**

**4.1 Background**

4.2 Denbighshire's Cabinet agreed in November 2012 to commence informal consultation regarding a review of Primary Provision in the Ruthin area. It was agreed that the area review will focus on the following objectives:

- Ensuring the sustainability of high quality education provision;
- Improving the quality of school buildings and facilities;
- Providing the right number of places, of the right type in the right location;

4.3 It was agreed that the following 11 schools should be considered to be within the Ruthin area – Ysgol Borthyn, Ysgol Bro Fammau, Ysgol Clocaenog, Ysgol Cyffylliog, Ysgol Gellifor, Ysgol Llanbedr, Ysgol Llanfair D.C, Ysgol Pentrecelyn, Ysgol Pen Barras, Ysgol Rhewl and Rhos Street School.

**4.4 Proposals**

4.5 Following the informal review six recommendations were considered and approved by Cabinet on the 25<sup>th</sup> June 2013. These were as follows together with the progress made against the initial six proposals.

Proposal	Progress
1. Creation of new Area School to serve the communities of Clocaenog and Cyffylliog.	The proposal was approved on the 18th of February 2014. The new school was established as of the 1 <sup>st</sup> September 2014 operating on two sites. Progress has been made towards the building of a new school in Clocaenog, funding has been agreed with the Welsh Government, planning permission has been granted and the main contractor was appointed in October 2017. It is expected the new building will be open in the autumn of 2018.
2. Closure of Ysgol Llanbedr with the transfer of pupils to Ysgol Borthyn, Ruthin subject to parental preference.	The Cabinet agreed the proposal. The closure was referred to the Welsh Government in February 2014. In January 2015 the Welsh Government confirmed that the decision should not be supported due to “procedural flaws”. The Council after careful consideration agreed to undertake further consultation on the future of the school and a second decision to close the school was made in February 2016. The matter was referred to the Welsh Government in March 2016. A decision is awaited by the Welsh Government on the future of the school.
3. Ruthin Town Area - Further detailed feasibility works be undertaken prior to the confirmation of any formal recommendations for Rhos Street School, Ysgol Borthyn, Ysgol Penbarras and Ysgol Rhewl .	Agreed in 2014 to seek funding for replacement buildings for Rhos Street School and Ysgol Pen Barras, for the status quo to remain for Ysgol Borthyn and for Ysgol Rhewl to close. Funding was approved by DCC and WG as part of 21 <sup>st</sup> Century Schools for the new building in June 2016 and the new building will be completed in Spring 2018. The closure of Ysgol Rhewl was approved and the school will now close in August 2018.
4. To recommend to the Governing Bodies of Ysgol Pentrecelyn and Ysgol Llanfair DC that they form a federation to be in place no later than 1st January 2015*	Initial discussions with both Governing Bodies were progressed but a change in Welsh Government regulations prevented the Federation progressing. The focus switched to an amalgamation of the school. This was approved by Cabinet but referred to the High Court by a former pupil. The High Court quashed the decision on the grounds of “failure to take into account the language and community impact of the creation of a new single site school”. Cabinet subsequently agreed to seek a replacement building for Ysgol Llanfair and for the status quo to remain for Ysgol Pentrecelyn. The project for a new school for Ysgol Llanfair is progressing, a planning application has been submitted, the Outline Business Case has been considered by the Welsh Government and a Contractor is in the process of being appointed to progress the detailed design works. It is hoped that the new school will be completed by Easter 2019.
5. Support for retaining the Federation of Ysgol	The Education department have continued to work with both schools and investment has taken place through the corporate maintenance allocation at both sites. No significant progress

Bryn Clwyd & Ysgol Gellifor and in moving one or both schools along the language continuum.	has been made by the schools in progressing along the language continuum
6. Retention of Ysgol Bro Famau and review current capacity of the school.	Discussions regarding the current use of school space have taken place. As a consequence the school have reviewed how they operate and now undertake split site arrangements between Foundation Phase and Key Stage 2 to enable a greater focus on the respective areas of the curriculum. This has also enabled a review of the capacity with a small decrease in size.

## 5.0 Issues to consider in evaluating the review

- 5.1 In parallel with the commencement of the Ruthin Review the School Organisation process in Wales changed significantly with the introduction of the School Organisation Code in October 2013. This had major implications for the depth of information to be provided during the formal consultation stage. The progression of the Ruthin proposals involved 4 sets of School Organisation Proposals.
- 5.2 Amalgamation of Ysgol Clocaenog and Ysgol Cyffylliog to create a new Area School
- 5.3 This proposal was amongst the first to be published in Wales under the new procedures and subsequently determined. The Statutory Notice attracted 16 objections and the Cabinet determined to implement the proposal in February 2014. Since then the new school of Ysgol Carreg Emlyn has been considered a success; the new area school has successfully harnessed the communities served by the school and has seen a growth in pupil numbers. The proposal for a new school to be located in the village of Clocaenog has attracted support from parents in all areas of the community served by the school.
- 5.4 Proposal to close Ysgol Llanbedr
- 5.5 The initial decision regarding Ysgol Llanbedr was considered “procedurally flawed” by the Education Minister of the Welsh Government due to the absence of evaluation information within the Consultation document regarding Ysgol Llanbedr and alternative schools which it was considered could have impacted on the views of parents. It is important to recall that the initial decision by the Welsh Government was not a reflection on the merits or otherwise of the proposal.
- 5.6 To rectify this the Council in drafting School Organisation proposals have now adopted the methodology devised by the Welsh Government to review the document via a checklist to ensure that all items required within the code are included within the document. This considers whether all the required information is contained. However whether the information is considered to be sufficient is an issue which may be contested by opponents of a proposal and is difficult to be assessed in advance of the proposal in view of the volume of information now required.

- 5.7 A second proposal regarding Ysgol Llanbedr was referred to the Welsh Government in February 2016. As of October 2017 the Council is awaiting determination of the decision by the Welsh Government some 18 months after the referral.
- 5.8 Proposal to close Ysgol Rhewl
- 5.9 The Council published a proposal to close Ysgol Rhewl in June 2015 and a Statutory Notice was subsequently published in June 2016 to which 60 objections were received. The Cabinet subsequently agreed to implement the proposal. The implementation date was amended from August 2017 to August 2018 earlier on this year to allow for the completion of works at Glasdir and to minimise disruption to learners regarding transition. During this time full support has been provided to the school by GwE the North Wales Regional School Improvement Service in partnership with staff in various departments within Denbighshire. As of September 2017, 24 full time pupils remain at Ysgol Rhewl and over the next few months the focus will be on planning the transition to alternative provision for these pupils. To assist with transition, significant events regarding the Glasdir development have involved invitations to pupils from Ysgol Rhewl alongside those from Rhos Street and Pen Barras.
- 5.10 Proposals for Ysgol Llanfair and Ysgol Pentrecelyn
- 5.11 Amendments to the regulations for the Federation of Schools precluded this proposal from being taken forward. This was due to the different status of the 2 schools; Ysgol Llanfair is Church in Wales Voluntary Controlled and Ysgol Pentrecelyn is a community school.
- 5.12 For a period of 8 months the Council held regular discussions with Governors of both schools to seek a consensus on the way forward regarding the future of both schools. Whilst both parties supported an amalgamation as the best way forward educationally for provision in the area there was a difference in opinion on the language status for the new school. At the close of this period of discussions it was the view of officers that an agreement had been made to proceed to consultation, although reluctantly from one party.
- 5.13 The proposal emerged for an amalgamated Category 2 school which would be Voluntary Controlled initially on the two existing sites. At the same time the option of funding for a new school emerged and the concept of a new school on a single site was considered an option.
- 5.14 The proposal for an amalgamated school on two sites went through the School Organisation process. The issue of language designation of the new school, rather than the concept of an amalgamated school, was the main focus of debate during the process of consultation and then Statutory Notice.
- 5.15 Following the decision to implement the notice, a former pupil on behalf of a local pressure group sought dispensation for the decision to be reviewed by the High Court. The Council's decision was subsequently quashed by the High Court. The main element of the claim was the "failure to take into account the language and community impact of the creation of a new single site school" and questioned whether the consultation and the subsequent impact assessment should have taken place on the proposal for a single site school rather than the amalgamated school on

split sites. The findings of the review concluded that the “The Claimant and his supporters should, however, be under no misunderstanding. The effect of this judgment is limited. Although that decision of the Council is quashed, it has been quashed on procedural grounds and not of course on the merits. It is open to the Council to reconsider the matter, lawfully, in the light of the guidance in this judgment; and, of course, the decision the Council might reach on that reconsideration cannot be foretold.” It is important to acknowledge that the review was not based on elements of the debate regarding categorisation and the judgement did not pass comment on this.

## **6.0 Impact on Pupils**

- 6.1 It is difficult to judge the impact of the review on pupils to date as the review is yet to be completed. In the majority of instances the changes from the opening of new facilities will occur over the next 12-18 months. The main physical changes have been to the operation of Ysgol Bro Fammau and Ysgol Carreg Emlyn where changes in the way school operates has seen the consolidation of key stage provision on to single sites to improve the focus on those areas of provision to ensure age appropriate teaching.
- 6.2 As part of the revised evaluation process for the impact of 21<sup>st</sup> Century Schools Projects revised evaluation methods are to be employed which will provide structure to measuring the impact of change on pupils over the first five years of a new project.

## **7.0 Points for Learning**

- 7.1 The commencement of the Ruthin Review with challenging proposals coinciding with a significant change in legislation with the introduction of the new School Organisation Code cannot be understated. The introduction of the Code across Wales brought about more challenge of proposals and required a significant change in focus in the approach and information required. Many of these proposals were introduced during a learning curve for the new legislation for many parties across Wales.
- 7.2 In developing projects involving change such as new buildings an emerging issue has been around ownership of proposals and an understanding of roles and responsibilities of schools and Governing Bodies in this process. A flow chart has been developed to provide a better understanding of roles and accountabilities and provide clarity within future projects.
- 7.3 Within areas of learning it is also important the achievements which will be delivered following the conclusion of the review. The main driver for the review was to assist in ensuring the sustainability of high quality education provision; improving the quality of school buildings and facilities and providing the right number of places, of the right type in the right location. By 2019 the model for delivery could be considered more sustainable and of the 9 schools remaining, 4 will be delivering from state of the art facilities following nearly £21 million of investment in the school estate in the Primary Sector. Potentially nearly 60% of learners will be housed in new buildings with only temporary classroom remaining in use for learning. The importance of the growth in the demand for Welsh Language provision has been reflected in the future proofing for schools such as Ysgol Penbarras.

## **8.0 Issues to consider for future reviews**

### **8.1 School Organisation Issues**

8.2 Since the establishment of the 21<sup>st</sup> Century Schools Programme in 2010 there has been a gradual focus away from surplus places as a main driver for change. Indeed the Welsh Government have recently consulted on proposals for a presumption against the closure of rural schools in considering School Organisation Proposals. This definition identified three schools in Denbighshire as rural, namely, Ysgol Bro Dyfrdwy in Cynwyd; Ysgol Caer Drewyn in Corwen and Ysgol Betws Gwerful Goch.

8.3 A difficult balance is always required when considering proposals for change, particularly where it involves the closure of schools. The main driver for change in any proposals will always be the educational benefit for the individual learner. In instances where change has occurred anecdotal evidence from communities suggests that many parents acknowledge the educational benefits arising from change, particularly where pupils were educated in small schools where pupils across an entire key stage are educated in a single class of low numbers.

8.4 The number of small schools has reduced across Wales which together with a general rise in pupil numbers in the Primary sector may see a different focus in Band B towards condition of buildings and the need to meet the demand for education in areas where deficit places occur as a consequence of demographic change.

### **8.5 School Building Works**

8.6 The main lessons learnt around the Ruthin Primary Proposals have been a greater understanding associated with complexities of developing new sites. In the majority of sites proposals have occurred where land has not been previously allocated for educational provision. This is an issue that will need to be considered for the future review of the Local Development Plan to ensure a stronger link between school planning and future population growth.

8.7 Linked to this has been the requirement to consider infrastructure improvements for such sites to accommodate new school developments. This has had an impact on timescales and costs for delivery. Again where new sites may be required, advanced discussions with utility providers to ensure potential upgrades are included within their long term asset management plans are required.

## **9. How does the decision contribute to the Corporate Priorities?**

The proposals progressed for the Ruthin area contribute to the 2012 – 2017 Corporate Plan priority to improve performance in education and the quality of our school buildings. The recommendations reflect the success measures of the Corporate Plan as approved by Councillors, namely the significant improvement in the quality of school buildings and facilities; a significant reduction in the number of mobile classrooms used and a reduction in the number of empty spaces in schools, and fewer oversubscribed.

## **10. What will it cost and how will it affect other services?**

The overall capital costs of the Ruthin Review are currently forecast to be approximately £21m. This funding is a mixture of Welsh Government funding via

21<sup>st</sup> Century Schools Programme and funding from Denbighshire via the Corporate Plan priority funding.

Additional costs have been identified as projects have been progressed and these have been met by the savings associated with the progression of the review.

**11. What are the main conclusions of the Well-being Impact Assessment?**

The report has been produced for information. Individual projects are required to produce individual impact assessments.

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

This report has been requested by Scrutiny Chairs and Vice-Chairs Group.

**13. Chief Finance Officer Statement**

No decision sought within the report.

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

The progression of projects include the establishment of risk registers for individual projects. These are reported to the Project Sponsors on a regular basis.

**15. Power to make the Decision**

No decision is associated with this report.

Section 7.4.1(e) of the Council's Constitution specifies that Scrutiny can "consider the impact of policies to assess if they have made a difference."

**Contact Officer:**

Programme Manager – Modernising Education

Tel: 01824 706254