

Appendix - Lessons Learnt from Ruthin Review

Project Progress

Ysgol Carreg Emlyn, Clocaenog

New Welsh Medium School to be built in Clocaenog to replace the existing sites in Clocaenog and Cyffylliog

Scheduled to be completed in Autumn 2018 and will be funded in partnership between Denbighshire County Council and the Welsh Government as part of the 21st Century Schools Programme.

Current Stage – Main Contractor appointed to complete detailed design prior to commencing construction

Artists Impression as per Planning Documents



South/Front Elevation
1 : 100



West/Playground Elevation
1 : 100

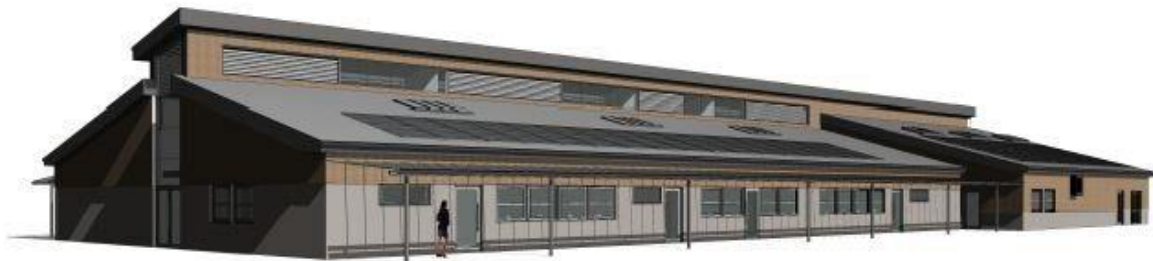
Ysgol Llanfair

New Dual Stream School to be built in Llanfair to replace the existing site.

Scheduled to be completed Spring 2019 and subject to approvals will be funded in partnership between Denbighshire County Council and the Welsh Government as part of the 21st Century Schools Programme.

Current Stage – Planning Application submitted for determination, Strategic Outline Case / Outline Business Case approved by Welsh Government and main contractor appointed to progress detailed design and subject to approvals commence construction

Artists Impression as per Planning Documents



3D View - From Playing Field



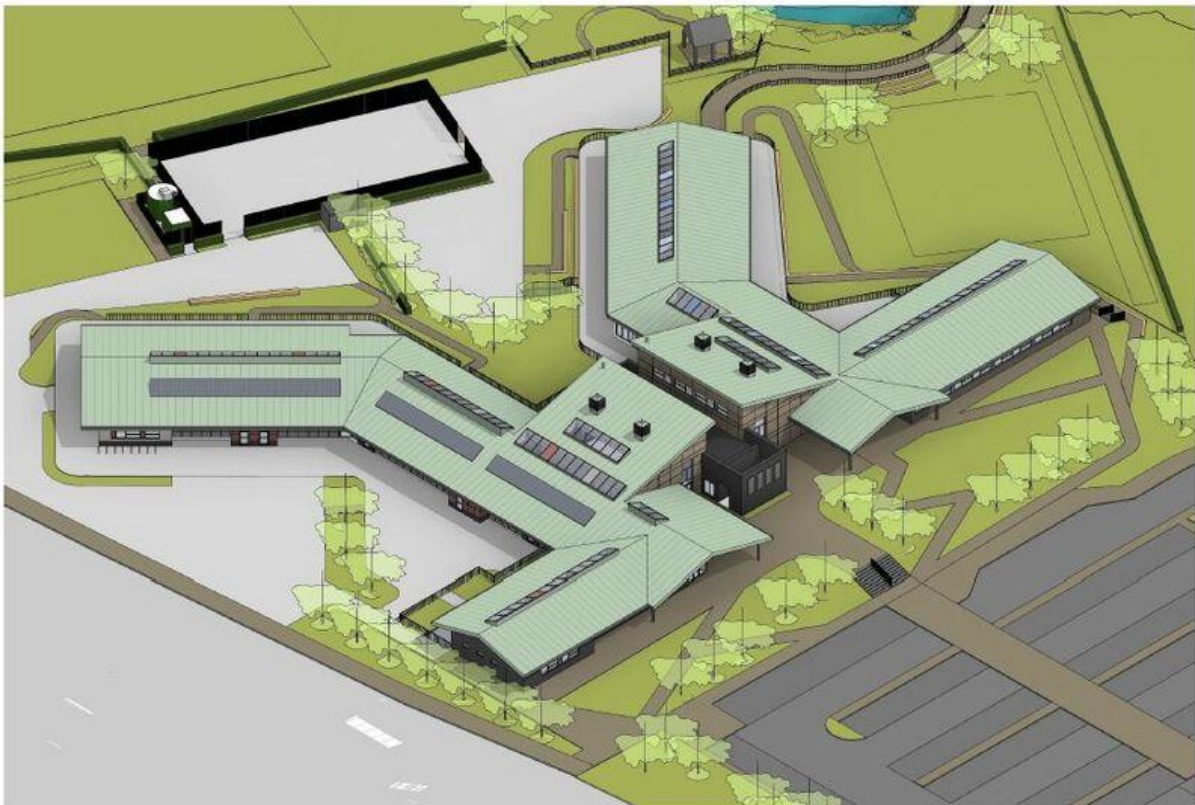
Glasdir Project – New School Buildings for Ysgol Penbarras and Rhos Street School

New School Buildings to be completed for Ysgol Penbarras, Welsh Medium community school and Rhos Street School, English Medium community schools in Ruthin.

Scheduled to be completed Spring 2018 and has been funded in partnership between Denbighshire County Council and the Welsh Government as part of the 21st Century Schools Programme.

Current Stage – Construction stage progressing according to Programme

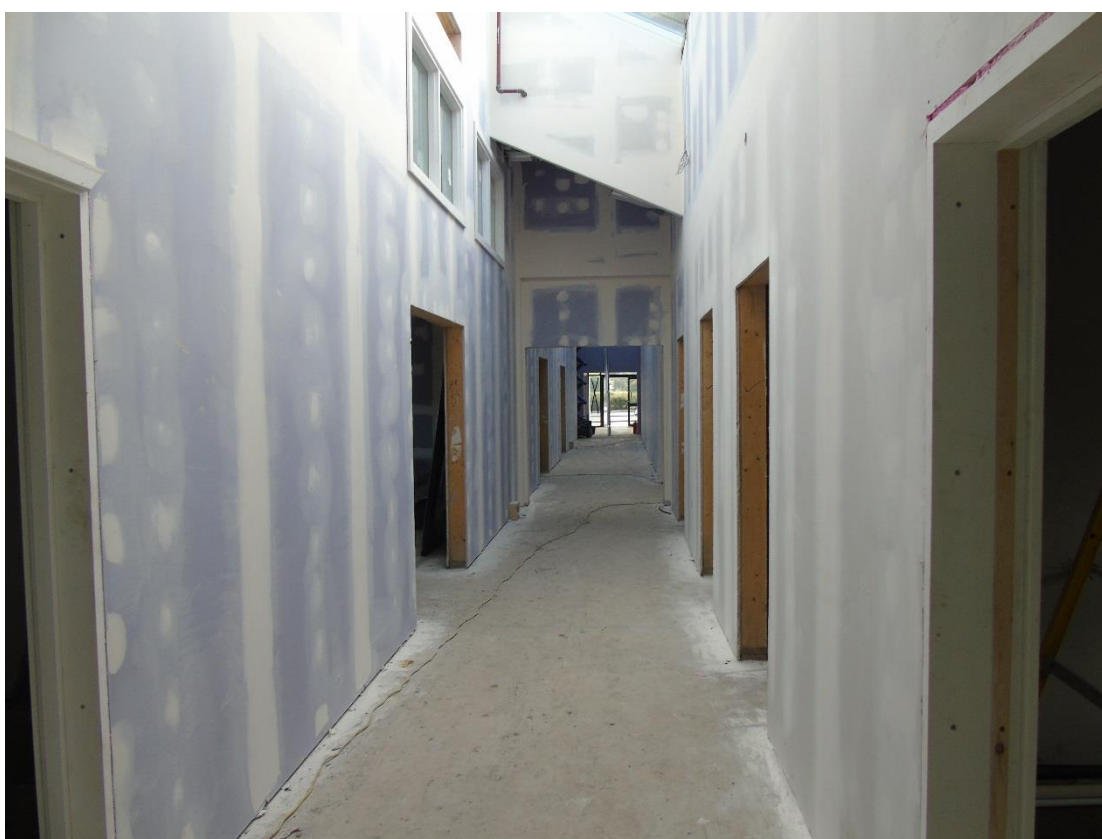
Artists Impression of Building



Aerial Photo of Progress on Site as of July 2017



Building Progress



Lessons Learnt

Extract from Minister for Education – January 2015

The Minister feels he has no alternative other than to reject this proposal, notwithstanding the educational merits of the proposal. The Minister has concluded that the consultation was flawed and the flaws were significant. The Minister considers that because of the limited coverage of standards and quality in the consultation document, he cannot satisfy himself to the requisite high degree that he would inevitably have approved the proposal as a more comprehensive document in this respect could have elicited a different response from that which ensued.

The Minister however recognises that there are a number of arguments in favour of his approving the proposal, and he is generally satisfied that it would:

- maintain the standard of education provision and ensure the delivery of a broad and balanced curriculum
- allow pupils who attend Ysgol Llanbedr access to education at an alternative English medium Church in Wales school which is within a reasonable distance and which is more sustainable for the future.
- provide a choice of other schools should parents prefer a smaller school
- deliver education more equitably and more cost effectively.
- make savings that will be retained in the education budget.
- reduce surplus places by 54 places

The Minister is concerned about the future of Ysgol Llanbedr in the light of the relatively low number of children on roll, and the temporary nature of current leadership. He expects the local authority to consider the future of the school carefully and if it decides that it should be retained, believes that it should be provided with support. If the local authority decides, on the other hand, that other arrangements would be in the educational interests of all pupils in the area, the Minister expects it to carefully comply with the mandatory requirements of the School Organisation Code in respect of any changes it proposes.

Lessons Learnt

Extract from High Court Ruling – August 2016

The Grounds of Claim: Introduction

Mr Lewis submits that the decision is unlawful on four grounds. One ground is that the Council failed to take into account a material consideration; the others contend that the consultation process was flawed in three distinct ways.

The grounds are as follows.

Ground 1: Contrary to the general public law requirement to take into account all relevant matters, and contrary to the Code, in making the decision to implement the Phase 1 proposal to close the two schools and open a new school on the same two sites, the Council failed to take into account a material consideration, namely the language and community impact of the Council's preferred option, i.e. the creation of a new school ultimately on a single site. This failure is reflected in the Council's deliberate exclusion of consideration of Phase 2 in the Impact Assessment used for the purposes of the consultation and decision in respect of implementing Phase 1.

Ground 2: The Consultation Document was inconsistent and unclear about the scope of the consultation exercise, so that consultees could not respond intelligently to it.

Ground 3: The Consultation Document failed properly to explain what was meant by a "dual stream Category 2 school", which, it was proposed, the new school would be. Again, this meant that consultees did not have the information to make a proper response.

Ground 4: Contrary to the requirement of the Code, the response form in the Consultation Document did not give the consultees an opportunity to suggest alternative options to that which was proposed.

Conclusion

For the reasons we have given, Grounds 1, 2 and 4 are made good. In the circumstances, although we shall consider submissions on the precise form of the order, we propose to allow the judicial review, and quash the decision of the Council through its Cabinet on 27 October 2015 to close Ysgol Pentrecelyn and Ysgol Llanfair DC, and establish a new school on the two sites of those schools, as from 1 September 2017.

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.