

## Report of the Cabinet Member for Learning & Skills

Cabinet – 6 May 2014

### AMALGAMATION OF BRYNHYFRYD INFANT AND JUNIOR SCHOOLS

<b>Purpose:</b>	To seek approval to consult on a proposal to amalgamate Brynhyfryd Infant and Junior Schools from September 2015. To amalgamate the schools, both the infant and junior schools will be closed and a new primary school established on existing sites.
<b>Policy Framework:</b>	QEd 2020 (strategic programme) Children & Young People Plan (priority 7)
<b>Reason for Decision:</b>	Approval is sought prior to statutory consultation on this proposal.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that: -  1) Approval is given to consult on a proposal to close Brynhyfryd Infant and Junior schools on 31 <sup>st</sup> August 2015 and establish a new all-through primary school from 1 <sup>st</sup> September 2015 on existing sites. 2) Cabinet consider responses following the consultation period.
<b>Report Author:</b>	Kelly Small
<b>Finance Officer:</b>	Sue Rees
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Sherill Hopkins

## **1. Introduction**

- 1.1 Swansea has followed a successful programme of amalgamation of previous infants and juniors into all-through primary provision. Brynhyfryd Infant and Junior schools are the only remaining infant and junior schools in Swansea. There are many advantages for all-through primary provision, including educational opportunities and operational efficiencies.
- 1.2 It is proposed to amalgamate Brynhyfryd Infant and Junior schools from September 2015 on existing sites, following a period of consultation and Statutory Notice. To amalgamate schools the legal procedure requires the closing of the existing Infant and Junior Schools on 31<sup>st</sup> August 2015 and the establishment of a new Primary school on 1<sup>st</sup> September 2015.

## **2. Amalgamation of Schools**

- 2.1 School organisation proposals must adhere to the School Organisation Code and the School Standards and Organisation (Wales) Act 2013. A period of consultation must be undertaken with interested parties and relevant information must be provided in a consultation document. The Welsh Government and Estyn must be consulted at this stage of proposal. All views received during the consultation period will be collated into a further report for Cabinet who will then decide if the proposal should move to the next stage – a period of Statutory Notice. Formal objections can be lodged during the Statutory Notice period. If any objections are received then a local determination will be needed on the outcome of the proposal. (Note that there is currently a separate report to Council on a change to the Executive Functions to decide where the determination of school organisation proposals will be made in this Authority).
- 2.2 The Authority has successfully amalgamated all but one of the infant and junior schools into all-through primary schools, with the majority using existing sites, as is proposed at Brynhyfryd. Amalgamation into primary provision has many advantages including:
- Continuity of the curriculum for pupils from the age of 3 to 11;
  - A single set of policies and code of behaviour;
  - A shared ethos and philosophy;
  - One programme of study and system development across the school;
  - Coherent continuity of education provision for pupils;
  - More effective transition from Foundation forwards to Key Stage 2 (infant to junior transition);
  - Parents only have to deal with one headteacher and one governing body;
  - Parents do not need to reapply for their child to be admitted into Year 3 (when they are accepted into Reception their place is secure for the remainder of their primary education);

- Greater opportunities for staff development ;
- There is greater flexibility for staff to cover all subjects in the curriculum and best use can be made of staff expertise;
- Greater opportunities for the whole school community e.g. older children can work with younger children; and
- Facilities that had been available to the two separate schools can be shared across the new primary school.

2.3 The amalgamation proposal is timely from a staffing perspective. A number of Leadership vacancies have arisen recently across both schools. Also, also one headteacher is currently working part-time as a phased retirement option.

### **3.0 Equality and Engagement Implications**

3.1 A full Equality Impact Assessment is needed for school organisation proposals. The full EIA report has been drafted with no major issues identified. The draft EIA report will be updated as and when the proposal progresses, including details of any consultation and engagement conducted.

## **4. Financial Implications**

4.1 Schools are funded from an overall delegated budget – The Individual Schools Budget (ISB). There is a funding formula that allocates a budget share to each individual school from the ISB. The amalgamation will lead to a reduced budget share for the Brynhyfyd Primary School over time (see Appendix A). Any savings will be reinvested into the ISB for the benefit of all pupils in Swansea.

4.2 Amalgamations of schools can lead to some initial increased costs, for example redundancy costs, as in legal terms both the infant and junior schools must be closed and a new primary school established. Although we would recommend to governors that all posts at the new school are ring-fenced to existing employees at Brynhyfyd Infants and Juniors, there could be some staff that are not successful in matching against a post at the newly established primary school, with redundancy costs charged to central budgets.

4.3 There can be some transitional and implementation costs with school organisation proposals. Further details are provided at Appendix A. These would be met from central Education budgets or the delegated ISB.

4.4 Any additional costs will be contained within existing budget provision.

4.5 There are no capital implications for this proposal as existing sites are to be used for the new primary school.

## **5. Legal Implications**

- 5.1 Reorganisation of school provision involving the establishment or discontinuance of community schools requires consultation and the publication of statutory notices in accordance with the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code.
- 5.2 Before publishing any proposals relating to the establishment of a school under s41 of the Act, or discontinuing a school under s43 of the Act, the Authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. Guidance has been issued by the Welsh Government in Circular 006/2013 entitled the “School Organisation Code” which must be followed:
- a) At the start of the consultation period Proposers must provide consultees with a consultation document and give them at least 42 days in which to respond, with at least 20 of these being school days.
  - b) Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
  - c) A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
  - d) If a decision is made to proceed, a Statutory notice is published providing a 28 day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
  - e) If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
  - f) The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
  - g) If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.

- 5.3 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

- 5.4 Should there be the risk of redundancies there will be a requirement to consult with affected staff individually and if the proposals affect in excess of 19 staff there will be a need to factor in a period for collective consultation. HR advice will need to be obtained throughout this process.

**Background Papers:**

- School Standards and Organisation (Wales) Act 2013; The Welsh Government's "School Organisation Code" Circular 006/2013; Community Impact Assessment.
- Equalities Impact Assessment.

**Appendices:** Appendix A – Financial Breakdown