



Report of the Cabinet Member for Education Improvement, Learning & Skills

Cabinet – 21 June 2018

Small School Review

Purpose:	To note the small schools in Swansea and to seek approval to consult on a proposal to close one of these schools, Craigeffnparc Primary School, with effect from 31 August 2019.
Policy Framework:	QEd 2020 Programme Corporate priorities: -- Improving education and skills
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Approval is given to consult on a proposal to close Craigeffnparc Primary School with effect from 31 August 2019. 2) Cabinet considers responses following the consultation period. 3) Cabinet continues to review small schools as outlined in this report.
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1. Small Schools

- 1.1 One of the main themes of the Audit Commission's report *Rationalising Primary School Provision* was the need for local authorities to consider the closure of those small primary schools that were not justified by local circumstances. Three arguments were put forward against small primary schools:

- Cost: small schools attract greater funding per pupil than larger ones;
- Expertise: the National Curriculum [and the new, emerging Curriculum for Wales] demands a breadth of expertise that is more difficult to provide in a school with only two or three teachers; and
- Resources: small schools are less likely to have basic facilities, such as halls and playing fields, without which such pupil activities as drama and team sports are likely to be curtailed.

Although there is no exact definition of what constitutes a small primary school, the Audit Commission analysed delegated budgets per pupil against numbers on roll and there was a marked increase in spending per pupil for schools of below about 90 pupils. The Audit Commission therefore recommended that local authorities keep under review primary schools with under 90 pupils on roll, to satisfy themselves that each is justified.

- 1.2 In January 2018 there were three schools with less than 90 pupils in the City and County of Swansea:
- Craigcefnparc Primary School – 55 FTE*/56 whole school
 - Pengelli Primary School – 89.5 FTE/97 whole school
 - YGG Felindre – 21 FTE/22 whole school
- *FTE = full-time equivalent, where part-time nursery pupils are counted as 0.5

- 1.3 The Welsh Government's School Organisation Code also states:
 "It is important that funding for education is cost effective. Relevant bodies should take into account the following factors in relation to the resourcing of education:

- Whether proposals will ensure a fairer and more equitable distribution of funding between mainstream schools within the local authority's area. Whilst some variation in the per capita funding provided to schools is to be expected, inefficient patterns of school organisation can result in uneven and unfair funding patterns where some schools receive a disproportionate share of funding at the expense of pupils attending other schools in the area. Proposals should not exacerbate such funding differences. Rather, wherever possible, they should contribute towards establishing a more equitable pattern of school funding".

For the three small schools in Swansea the revenue funding per pupil is as follows, by comparison with the average for primary schools in Swansea of £3,487 (FY2018-2019 Section 52 figures):

- Craigcefnparc Primary School - £4,742
- Pengelli Primary School - £4,289
- YGG Felindre - £8,815

2. Review of Small Schools in Swansea

- 2.1 Pengelli Primary School have a number on roll that is around the 90 level and pupil numbers are stable. Consequently, there is no proposal to close the school and the authority will continue to monitor the position each year,

as part of its statutory responsibility to oversee and effectively plan for the appropriate number and location of school places across the county as a whole.

- 2.2 YGG Felindre is considered in another report for Cabinet as part of a wider review of Welsh-medium educational provision as per the Welsh Education Strategic Plan (WESP), and the recommendation under that report is to consult on closure of this small school.
- 2.3 Appendix A shows the current pupil numbers at Craigeffnparc Primary School and catchment preferences. The recommendation of officers is that Craigeffnparc Primary School is unsustainable with falling numbers on roll and no realistic prospect of a future recovery in numbers. This inevitably results in inflated costs per pupil and continuing difficulty setting a balanced budget for FY2018-2019 and future years. Similar suitable education can be provided in existing available capacity at neighbouring Clydach Primary School.
- 2.4 There are two nearby schools less than 2 miles away. Moving pupils from Craigeffnparc Primary School to Clydach Primary School would establish a larger, more sustainable school with greater curriculum and resource access, as well as allowing enhanced social and sporting opportunities for the learners and preparing them for their move to a larger secondary school. Clydach Primary School has capacity for all the present pupils, so allowing the children to retain existing friendships. Of the total number of English-medium pupils within the Craigeffnparc catchment, 9% have currently opted for a place at Clydach Primary, whilst 12% of pupils at Craigeffnparc are from the Clydach catchment area. Some families may prefer a smaller setting than Clydach Primary School and would be able to use their parental choice to request admission at other schools, subject to places being available.
- 2.5 Alternatives to closure have been considered, including Federation where Craigeffnparc and another school could continue to exist but under one new governing body, and could then share staffing and resources; however this would make minimal savings and officers believe this is not sustainable longer term. To date, another school with which Craigeffnparc could federate has not been identified by the local authority or governors.
- 2.6 Approval is therefore being sought to consult on a proposal to close Craigeffnparc Primary School on 31 August 2019 with pupils moving to Clydach Primary School on 1 September 2019. 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. A detailed consultation paper will be prepared and circulated to those required under the School Organisation Code in September 2018 if Cabinet decide to progress the proposal to the consultation stage. 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.

- 2.7 The proposed timeline for the statutory process, following the requirements of the School Organisation Code, would be:

5 September 2018	Begin consultation
18 October 2018	End consultation
20 December 2018	Cabinet review consultation responses and decide if they want to move proposal to the next stage. If they proceed -
9 January 2019	Publish statutory notice inviting objections
6 February 2019	End of objection period
21 March 2019	Cabinet determine outcome of proposal
31 August 2019	School closes (if approved)

3. Financial Implications

Capital

- 3.1 A capital investment of £50,000 is being sought to reorganise the toilet facilities for the Foundation Phase at Clydach Primary School, to provide better access and improved location of provision for younger pupils. It is proposed to fund this cost from remaining uncommitted capital monies across Education schemes.
- 3.2 The future of the current site, including the feasibility of potential community transfer, will be considered should this proposal be approved.

Revenue

- 3.5 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 budget share for Clydach Primary School would increase to include the number of learners moving there from Craigeffnparc Primary School. Any additional savings from the closure of Craigeffnparc (after transport costs are funded) will be reinvested into the ISB for the benefit of all pupils in Swansea.
- 3.6 Closure of schools can lead to some initial increased costs, for example redundancy costs and transport costs. Although we would recommend to governors at Clydach Primary School that all new posts to support the additional learners are ring-fenced to existing employees at Craigeffnparc Primary School, there could be some staff that are not successful in matching against a post, with redundancy costs charged to central budgets. Home to School Transport would be required to Clydach for

learners where there is not an available walking route. Further details on financial implications are provided at Appendix B.

4. Legal Implications

4.1 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.

4.2 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.

4.3 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.

4.4 The School Organisation Code specifies the detail that the equality and community impact assessments must cover and full consideration needs to be given to these before any decision is made.

4.5 The proposal will necessitate the legal implications to be reviewed and updated on a regular basis. Education, and employment, legal advice will need to be obtained as the proposals progress and more detail is given.

5. **Equality and engagement implications**

5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Our Equality Impact Assessment (EIA) process ensures that we have paid to regard to the above. A full EIA report is underway on this proposal, and this will be progressed alongside the consultation and finalised after this period. It will form part of the papers presented to Cabinet for decision.

5.2 As part of this process we will also be considering the Well-being of Future Generations Act. The Act ensures that public bodies think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

5.3 A Community Impact Assessment has been undertaken, will form part of the consultation papers, and will be reviewed in the light of the consultation responses.

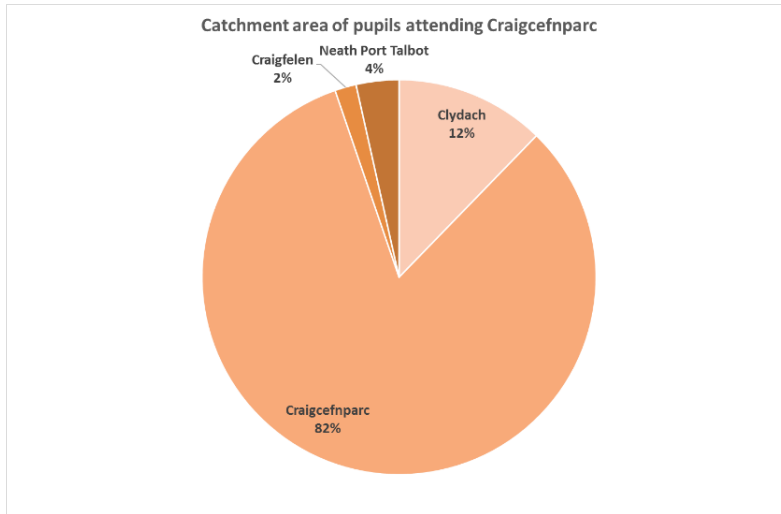
5.4 If this report is approved by Cabinet a statutory consultation will take place. This is detailed in 4.2 above.

Background papers: Welsh Government School Organisation Code (Circular 006/2013)

Appendices:

Appendix A Statistics for proposal

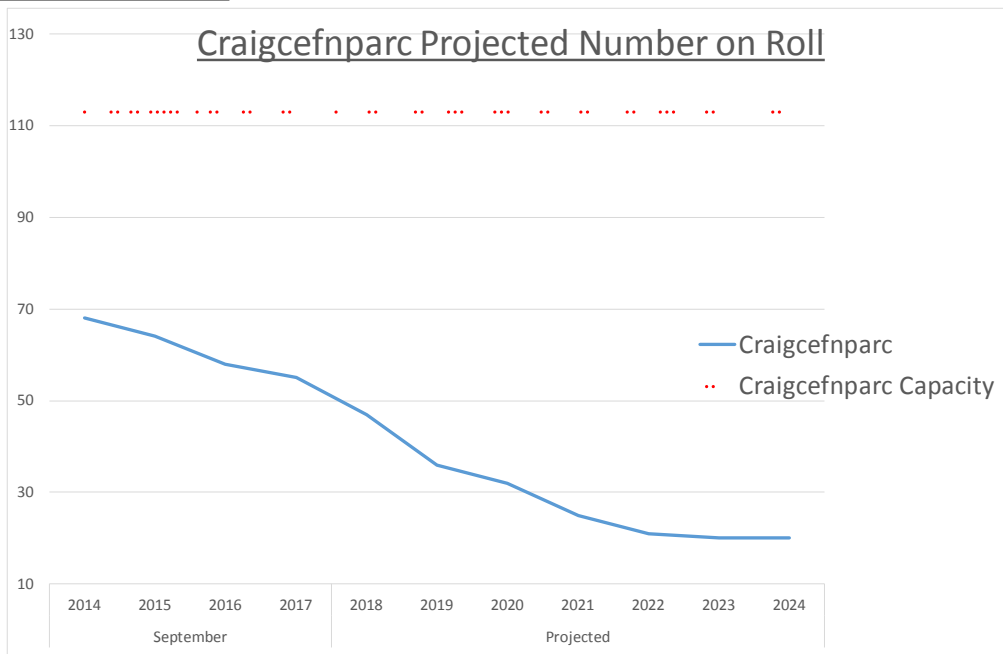
Appendix B Financial implications



Number of learners on roll (NOR):

	PLASC 16/01/18
Nursery 1	1
Nursery 2	1
Reception	3
Year 1	4
Year 2	7
Year 3	10
Year 4	8
Year 5	14
Year 6	8
Total	56
Full-time equivalent	55

The low number of entrants into the lower year groups are reflected in the projected pupil numbers in the chart below which is based on January 2018 pupil data.



Appendix B

Closure of Craigefernparc						
(Figures exclude any pupil roll change)						
Implement Proposal Sep-19						
Financial Year						
Revenue	2018/19	2019/20	2020/21	2021/22	2022/23	2022/24
Delegated School Budget Share:						
Craigefernparc Primary	£256,470	£109,056	£0	£0	£0	£0
Clydach Primary	£800,527	£889,690	£987,254	£987,254	£987,254	£987,254
Total	£1,056,997	£998,746	£987,254	£987,254	£987,254	£987,254
Transport: (1)						
Current	£0					
Estimated new costs		£32,436	£55,604	£55,604	£55,604	£55,604
Total Revenue	£1,056,997	£1,031,182	£1,042,858	£1,042,858	£1,042,858	£1,042,858
Difference from previous year		-£25,815	£11,676	£0	£0	£0
Cumulative Difference		-£25,815	-£14,139	-£14,139	-£14,139	-£14,139
Financial Year						
Capital	2018/19	2019/20	2020/21	2021/22	2018/19	2019/20
Clydach Primary	£0	£50,000	£0	£0	£0	£0
Total Capital	£0	£50,000	£0	£0	£0	£0
All at FY2018/2019 pay, prices and pupil numbers						
(1) estimated using current pupil numbers/home addresses						