



**Report of the Cabinet Member for Education Improvement, Learning and Skills
Cabinet – 21 March 2019**

**School Organisation linked to the Welsh Education
Strategic Plan - including proposed closure of
YGG Felindre and enhanced size and relocation of
YGG Tan-y-lan and YGG Tirdeunaw**

Purpose:	To consider objections received during the Statutory Notice period and to seek determination on the proposals to: (i) close YGG Felindre with effect from 31 August 2019 (ii) increase the size of YGG Tan-y-lan on a new site from January 2021 (iii) increase the size of YGG Tirdeunaw on a new site from January 2021 (iv) implement the catchment area changes associated with (ii) and (iii) from September 2021
Policy Framework:	QEd Programme Corporate Plan 2008/22
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	<ol style="list-style-type: none">1) To determine that YGG Felindre should close with effect from 31 August 20192) To approve the publication of the Objection Report for YGG Felindre (draft at Appendix A)3) To determine that the capacity of YGG Tan-y-lan increases to 420 plus nursery in a new build school at Beacons View Road, Clase from January 2021, with associated catchment area changes implemented from September 20214) To determine that the capacity of YGG Tirdeunaw increases to 525 plus nursery in a new build school at the YGG Bryn Tawe site, off Heol Gwrosydd from January 2021, with associated catchment area changes implemented from September 2021
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1. Introduction

1.1 A detailed report was presented to Cabinet on the 21 June 2018 which considered the next steps required to progress the approved commitments within the Welsh Education Strategic Plan (WESP), as reflected in the approved 21st Century Schools Band B programme, and approved the commencement of formal statutory consultation where this was appropriate.

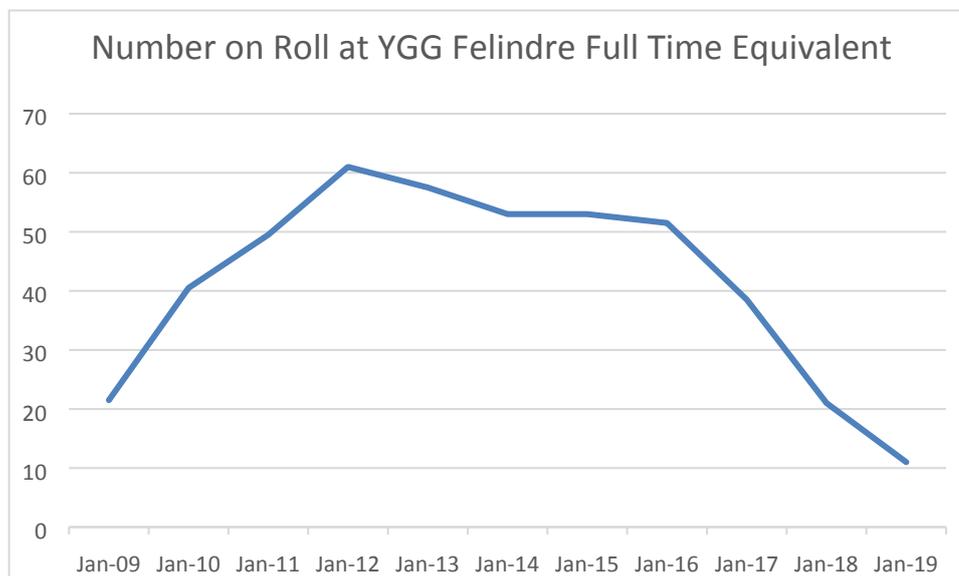
1.2 The approved WESP includes the following key points:

Our 21st Century Schools Programme Band B submission would support a further 750 to 850 Welsh-medium places and enable a further 1,000 to 1,200 pupils to be educated through the medium of Welsh.

An appropriate level of surplus places, consistent with national guidelines, would provide further flexibility to respond to even greater demand for places.

Where appropriate, opportunities will be taken to develop greater collaboration and more formal federated provision as part of a developing strategy to build leadership and management capacity within the Welsh-medium sector. This will also include consideration of options to ensure the future sustainability of the quality of provision currently at YGG Felindre.

1.3 The number of learners on roll at YGG Felindre has always been small (under 90) and under scrutiny as follows:



1.4 Appendix D outlines the consistent support provided by the local authority to maintain standards at YGG Felindre over the four-year period prior to the school closure proposal being made. During this time, alternatives to the closure of YGG Felindre had been considered by officers at a number of internal meetings prior to consultation, including federation (where YGG Felindre and another school could continue to exist but under one new governing body with the option to share resources and some of their staffing). The local authority has powers to direct the federation of schools but considered 'forced' federation

as an option that would not work and that closure would be the best option to address the challenges facing the learners at YGG Felindre. This was based on the following:

- YGG Felindre would have a part-time headteacher at the school site, with a risk of failure to maintain sustainability of appropriate educational provision due to the need to ensure appropriate management of each school site.
- Federation would not give YGG Felindre capacity to self-improve and to meet the demands of the new curriculum as quickly as moving learners to another school.
- The demands of the new curriculum will impact more on smaller schools. Existing staff in a federation are not required to work in another school unless they agree to move to a flexible contract but a flexible contract would put them at greater risk of redundancy should one of the schools in the federation be unable to set a balanced budget.
- Federation would not effectively address the projected number of pupils at the school as parental preference would have to be met and the number of applications to YGG Felindre is reducing each year. There is sufficient capacity at YGG Tan-y-lan to accommodate learners from YGG Felindre.
- Future liabilities in terms of building maintenance costs would remain and energy costs are increasing.
- Federations should not be seen as a financial saving and therefore YGG Felindre could, with financial predictions being poor for the coming years, be in a position where they could not set a balanced budget without reducing their staffing levels, impacting on the educational provision for learners.
- Pupils would remain in the same mixed age cohorts although there would be some opportunities to undertake activities with pupils on other sites but with staff/pupils travelling to provide the same breadth of curriculum support as would be available on a single site if YGG Felindre closed and pupils moved to YGG Tan-y-lan.
- Effective federation requires full ownership from all parties rather than council direction and, until recently, there has been no indication to date of such interest from another school. YGG Lon-las have only said that they would consider federation if Cabinet decide to keep YGG Felindre open and have not presented a business case for how the federation would work.
- The cost per pupil is £8,815 compared with a county average of £3,487 and this unbalanced distribution would remain.

However, local authority officers have offered to meet with the governing bodies of a number of schools to provide appropriate factual information about federation to enable them to consider, and if they so wish, propose federation.

- 1.5 Consultation took place as is required in the Welsh Government's School Organisation Code between 5 September and 18 October 2018. This involved the circulation of consultation papers to learners, parents, staff and governors at the affected school as well as to other interested parties. The consultation

paper and related documents can be found on the council's website <https://www.swansea.gov.uk/schoolconsultations2018>

- 1.6 A number of consultation meetings and drop-in sessions were also held.
- 1.7 On 20 December 2018, Cabinet considered the responses received and the Consultation Report that had been produced and approved the publication of statutory notices inviting any formal objections to the following proposals:
 - (i) The closure of YGG Felindre from the 31 August 2019, with pupils transferring to YGG Tan-y-lan
 - (ii) Increasing the pupil capacity of YGG Tan-y-lan to 420 plus nursery in a new build school at Beacons View Road, Clase from January 2021, with associated catchment area changes implemented from September 2021
 - (iii) Increasing the pupil capacity of YGG Tirdeunaw to 525 plus nursery in a new build school at the YGG Bryn Tawe site, off Heol Gwyrosydd from January 2021, with associated catchment area changes implemented from September 2021

2. Statutory Notice and Objections

- 2.1 The statutory notice period ran from 9 January 2019 to 6 February 2019.
- 2.2 There were no objections to the statutory notice to increase the pupil capacity of YGG Tan-y-lan to 420 plus nursery in a new build school at Beacons View Road, Clase from January 2021, with associated catchment area changes implemented from September 2021. Therefore, officers recommend that Cabinet determine to implement this proposal as per the statutory notice.
- 2.3 There were no objections to the statutory notice to increase the pupil capacity of YGG Tirdeunaw to 525 plus nursery in a new build school at the YGG Bryn Tawe site, off Heol Gwyrosydd from January 2021, with associated catchment area changes implemented from September 2021. Therefore, officers recommend that Cabinet determine to implement this proposal as per the statutory notice.
- 2.4 363 written objections were received to the YGG Felindre closure proposal (9 of these being after the end of the objection period). 337 of these objections were in the form of a standard letter, with 56 of these being from residents of Felindre, 111 being from residents of the wider Swansea area and 170 being from people living outside of the Swansea area. The vast majority of the standard letters were facilitated by Cymdeithas yr Iaith Gymraeg and were sent from the one email address with different names and addresses noted in each email/letter.
- 2.5 A petition was received stating "We need your help! The L.A. proposes to close our amazing, welsh medium school. We are fighting to keep it open. Felindre is one of the last villages in the Swansea area, where welsh is still spoken as a first or second language on a daily basis", signed by 195 people.

- 2.6 One objector had sent in an open letter to elected members in Swansea that had the names of 124 people listed as supporting the statement.
- 2.7 RhAG (Parents for Welsh-medium Education) is an organisation established in 1952 to encourage the development of Welsh-medium education. It is funded by the Welsh Government and represents the parents of pupils in Welsh-medium schools, and is in regular contact with Welsh-medium schools. RhAG made the following comments during the statutory notice period:
1. We are aware that the number of pupils at Ysgol Gymraeg Felindre has become too small to maintain viable education.
 2. We are also aware that the number of pupils living in the catchment area of Ysgol Gymraeg Felindre is very small. This reflects the demographic change in the area, and the mobility of parents in terms of work.
 3. There are plans to build a large number of houses near the M4, between Llangyfelach and Felindre. For this reason, and given the County's wider educational service, we would wish to see the County retaining the school at Felindre for the purposes Welsh medium education. This could include:
 - i. Pre-school provision
 - ii. A Pupil Referral Unit
 - iii. A Latecomers' Unitii. above might be very appropriate, offering pupils a rural and creative atmosphere, which is likely to differ from their home or urban circumstances.
 4. The above schemes might be linked to another Welsh medium school which will serve the area.

There is no plan for the future use of the Felindre school site but, should Cabinet agree to close the school, consideration will be given to alternative uses, subject to demand and other factors, before any disposal takes place.

RhAG's full response to support all three proposals can be found at Appendix C.

- 2.8 A draft Objection Report is attached at Appendix A for Cabinet to consider. This includes a summary of all objections received and the local authority response to those objections. It should be noted that Cabinet members have also had access to all written objections in full in advance of the meeting to support them in their determination of the proposal.
- 2.9 The main objections raised were:
- 2.10 Current School and Site:

Objection: Objectors feel that Felindre has plenty of open space, with access to a large playing field and multi-use games area, as well as unlimited access to the village hall. It is also within walking distance of the Lliw Reservoirs. The school is a valuable cultural asset to the community having been part of village life since 1877. It allows the wellbeing of pupils, allowing them to thrive in a vibrant and nurturing environment. Felindre school has become a hub for other

schools in the last few months, bringing in children from other Welsh schools to take part in activities such as sports, forest schooling and our local Eisteddfod, leaving them all the more richer for their experiences here. The loss of Felindre School will have a vast impact on these surrounding Welsh schools.

Council response: Externally, the site has some attractive features, as well as access to the nearby community hall and sports area, but the site falls short of the Building Bulletin minimum site area requirements. YGG Tan-y-lan and YGG Tirdeunaw could have their own new sites in January 2021 that will be designed to support a 21st century curriculum and will include sport and grassed areas as well as landscaped grounds. This is already the case at YGG Lon-las.

2.11 Size of School

Objection: Objectors feel that parents should have the option to choose a small school as they feel this can be beneficial for learners as they have small classes and more opportunity for children to take part in sports and social activities. Objectors suggest that pupil numbers have reduced because of the threat of closure.

Council response: This proposal is about the quality and sustainability of education at YGG Felindre. All children are currently taught in one classroom covering nursery to Year 6. Staff expertise is required for the six areas of learning proposed for September 2022, as well as literacy, numeracy and digital competency skills. Regional ERW School Improvement officers believe that these skills and expertise may not be shared sufficiently, and that teaching ten pupils would make it difficult to meet learners needs. In addition, meeting the needs of learners with additional learning needs, as well as the breadth of areas of learning and experience, would be difficult for a single teacher to address. ERW School Improvement officers also believe that the current statutory curriculum with twelve subjects and a range of ages and abilities would present a workload issue for a single teacher with such a broad range of age, development stage and ability in one class. The officers believe that the only educational argument to keep Felindre would be that pupils would benefit from a high pupil teacher ratio and this can lend itself to pupil well-being and a positive relationship with the teacher. However, well-being alone does not cater for the learning needs of children. For the reasons stated above, it would be challenging for teaching and learning to be satisfactory across all age ranges in a single classroom and this could negate the positives gained in a small class size. There will be a wider range of activities and team sports available in a larger school for children to choose from, so they have more options to find something they enjoy. Pupil numbers had fallen before the closure proposal was announced. There is no indication that numbers will increase. Future potential housing developments have been considered, however, the timescale and nature of any such developments remain uncertain and the future need for educational provision would be intrinsically linked and outside of the village itself.

2.12 Leadership

Objection: Objectors felt that there have been a number of headteachers over recent years and this has affected pupil numbers, and that the local authority must take some responsibility for this as it did not step in to stop this from happening and should support the governors in appointing a permanent headteacher. The view of some objectors was that a permanent headteacher should have been appointed before announcing the consultation to boost numbers.

Council response: Small schools can struggle to keep headteachers as larger schools can offer more attractive salaries and career progression. The council has supported Felindre by sourcing and funding deputy headteachers to act as headteacher but these quality staff have then been successful in gaining permanent headteacher posts in other schools. Adverts have been placed twice but the governors were unable to appoint in both instances. It would not be sensible to advertise for a headteacher while there is ongoing consultation on a closure proposal.

2.13 Education

Objection: In the consultation papers the council say that the closure proposal is for educational reasons but objectors state that the council does not appear to have carried out an assessment of the current quality of education at the school. As noted by Estyn in their consultation response, the council has not considered any educational advantages of keeping the school open.

Council response: All schools are constantly monitored by ERW, the regional school improvement service. This shows that the school requires much support and is not improving fast enough or showing the ability to self-improve. The consultation paper must include the latest Estyn inspection report, which it did. ERW School Improvement officers believe that the only educational argument to keep Felindre open would be that pupils would benefit from a high pupil teacher ratio and this can lend itself to pupil well-being and a positive relationship with the teacher. However, well-being alone does not cater for the learning needs of children. It would be challenging for teaching and learning to be satisfactory in a single classroom and this could negate the positives gained in a small class size. All children are currently taught in one classroom covering nursery to Year 6. Expertise is required for the six areas of learning proposed for September 2022, as well as literacy, numeracy and digital competency skills. The regional ERW School Improvement Service employs Challenge Advisers to monitor school provision, and the professional opinion of officers working with Swansea schools is that the required skills and expertise cannot be shared sufficiently in a school as small as YGG Felindre. The officers believe that teaching ten pupils would make it difficult to meet learners' needs. In addition, meeting the needs of learners with additional learning needs, as well as the breadth of areas of learning and experience, would be difficult for a single teacher to address. The current statutory curriculum with twelve subjects and a range of ages and abilities would present a workload issue for a single teacher with such a broad range of age, development stage and ability in one class.

2.14 Impact on the Welsh Language

Objection: By far the majority of objections were in relation to the Welsh language. As mentioned earlier, the bulk of standard response letters were facilitated by Cymdeithas yr Iaith Gymraeg. Objectors noted that the parish of Mawr is the second largest parish in Swansea, and has the largest Welsh speaking population. Felindre is one of only a few Welsh communities in which the Welsh language continues to thrive. The council have already closed the Welsh-medium primary school in Garnswllt and therefore closing Felindre will remove all Welsh-medium schools from the Mawr parish. Objectors expressed the view that the Welsh language needs to be nurtured in a suitable environment, and Felindre does this through the community (Eisteddfods, youth club and chapel) so that it is a living language and not just a language of the classroom. They feel that a Welsh-speaking school is vital for language survival in the village, with the school being the heartbeat of daily use of the Welsh language. Objectors believe that the proposal will be detrimental to the Welsh language.

Council response: There are only ten full time learners at the school and only three of these live in Felindre. Parents are choosing to send their children out of the village for their education. As above, we have been informed that recently other schools have attended the Eisteddfod etc. and there is no reason why these trips cannot continue to the Mawr ward. This proposal is one part of a wider plan to increase Welsh-medium provision, with the two new build schools for Tan-y-lan and Tirdeunaw providing a vastly increased number of Welsh-medium places in buildings that are fit for the 21st Century.

2.15 Community Impact

Objection: Many objectors noted in their standard letter that community members support the prosperity and success of the pupils at Felindre and that this is noted in Estyn inspections. They feel that closing the school will change the nature and character of this Welsh-speaking village forever and it will become an isolated community.

Council response: There are only 10 full time learners at the school and less than half of these live in Felindre. Parents are choosing to send their children out of the village for their education.

2.16 Alternatives to Closure

1. Federation with another school: *Objectors felt that the local authority had not fully explored or encouraged federation of YGG Felindre with another school. The governors at YGG Lon-las agreed at their meeting on 31 January 2019 that they would federate with YGG Felindre.*

Council response: No other school had been identified that would federate with Felindre when the closure proposal went out for consultation; therefore there was no business case to make the school sustainable. Lon-las have agreed to consider federation if Cabinet decide to keep the school open at

their meeting on 21 March 2019 but they have not produced a business case on how they would make the school sustainable. Officers continue to believe that federation will not address the reasons that closure has been proposed. Federation should not be seen as a way to address financial difficulties as savings are limited, as has been seen in federations across Wales. Some savings can be made if the federation decides to appoint a shared headteacher and deputy headteacher(s) but their pay range usually increases to reflect the increased number of learners across the federation and backfill is needed for deputy headteacher non-contact time when the headteacher is at the other site. Two premises would need to be maintained. The reality of sharing resources across two sites a distance apart is limited. Existing staff cannot be made to work at the other school unless they agree to change the terms of their contract. Federation could mean no guarantee of increase in pupil numbers, making it difficult to provide a curriculum in a single class for a broader range of skill levels than you would normally find in a classroom. As federation does not guarantee movement of teachers between schools, any expertise for the six areas of learning proposed for September 2022, as well as literacy, numeracy and digital competence, may not be shared sufficiently. Regional ERW School Improvement officers believe that teaching ten pupils would make it difficult to meet learners' needs. In addition, meeting the needs of learners with additional learning needs as well as the breadth of areas of learning and experience would be difficult for a single teacher to address. The current statutory curriculum with twelve subjects and a range of ages and abilities would present a workload issue for a single teacher with such a broad range of age, development stage and ability in one class. ERW School Improvement officers believe that the only educational argument to keep Felindre would be that pupils would benefit from a high pupil teacher ratio and this can lend itself to pupil well-being and a positive relationship with the teacher. However, well-being alone does not cater for the learning needs of children. For the reasons stated above, it would be challenging for teaching and learning to be satisfactory in a single classroom and this could negate the positives gained in a small class size.

2. *Catchment Review: A large number of objectors, mainly through the standard letters, suggest that the catchment area of Felindre could be expanded so increase the number on roll.*

Council response: Extending the catchment area will not increase the size of the school as parents have a choice over where they send their children to school. Parents that live in Felindre are currently sending their pupils elsewhere but could choose to send them to Felindre if they wished as there is space. Similarly if parents outside of Felindre wished to send their children to Felindre now they could. There have been separate proposals to increase the size of neighbouring schools with a review of catchment area to better suit demand. Changing the catchment area for Felindre would mean that children may have to be bussed into the village when there is already space for them much closer and potentially in new buildings designed for education in the 21st Century.

3. Delay closure until the new Tan-y-lan building is ready for occupation: *Objectors felt that moving some learners twice in two years would be stressful.*

Council response: Not all learners will move twice. It would only be those currently in Nursery to Year 4. The first move would be into YGG Tan-y-lan where they would integrate into their new classes, and then for the second move they would move with their classmates and their teacher to a new build school. Although any move could be stressful for a child, they will be supported throughout the process, and moving to a new site with better facilities might equally be an exciting prospect. Officers also believe that YGG Felindre would not be sustainable until the new build is ready in January 2021, as the budget available to the school will become tighter and the school only has £10k in reserve, which will inevitably lead to staffing reductions and an impact on the educational offer to learners.

4. Increase community use of the building: *One objector suggested that this could keep the school viable.*

Council response: The local authority notes that there is already a well-used community hall in the village so this extra space is not needed.

2.17 Process

Challenge has been made on the following areas of the process:

1. *The council did not carry out a survey on the impact of their decision on the Welsh language, contrary to the 2011 Welsh Language Measure, and the school should not be closed until the complaint made to the Welsh Language Commissioner has concluded.*

Council response: A Welsh Medium Impact Assessment was produced as is required by the School Organisation Code and this has been updated throughout the different stages of the process. The most recent version is attached at Appendix B. The council has responded to the Commissioner.

2. *The impact on children with Special Educational Needs has not been considered.*

Council response: All schools must appropriately support their learners with additional learning needs. All pupils, including those with SEN would be appropriately supported by the local authority and the school throughout transition to their new school, including support from Education Psychologists and visits to the new school to meet new classmates and get familiar with the new school building. The required level of intervention would be provided by that new school, and staff training would be provided if required to prepare for individual learners.

3. *Stats used are challenged; the most current educational provision has not been assessed/included; documents are biased/decision already made.*

Council response: The local authority is satisfied that all of the statistics used comply with the requirements of the School Organisation Code and there has been no bias or predetermination.

4. *Not following the new School Organisation Code which includes Felindre as a small and rural school and therefore requiring additional steps to be taken in the closure process.*

Council response: The new School Organisation Code had not been published when this proposal commenced, and the Welsh Government confirmed that it would not apply to any proposals that were already out to consultation, as was the case with Felindre. Nevertheless, the council acted within the spirit of the new Code regardless.

5. *Not following the Wellbeing of Future Generations Act.*

Council response: Swansea Council acts in accordance with the Well-being of Future Generations (Wales) in all it does. Sustainable development has been a central organising principle since 2012 and each year the Council aims to further embed and build on sustainable practice. The focus is on integrating behaviour change so that the five ways of working and maximisation of each of the national well-being goals is implicit in how services operate as a whole Council.

- Integration - Our Corporate Plan 'Delivering a Sustainable and Successful Swansea' sets out how the organisation applies the five ways of working and maximises contribution to each of the national well-being goals. We believe this decision aligns with not only the Well-being Objective 'Improving Education and Skills' but other well-being objectives.
- Swansea's Local Well-being Plan prioritises Local Well-being Objectives for collective action. The achievement of Local Well-being Objectives are not threatened by this decision.
- As this body of evidence demonstrates wide ranging impacts across the well-being goals have been documented. Swansea Council considers these issues not only individually by addressing specific concerns in isolation but by considering informally the collective impact on well-being and how issues raised can impact on wider well-being. This indirectly considers the collective impact on the seven well-being goals as a set.
- Long term - The decision takes account not only of the well-being of learners currently at Felindre but the well-being of all Swansea's learners today and in the future. This includes taking account of long-term trends that inform the development of the Council's policies and strategies.
- Prevention - The Council has acted having identified adverse impacts on future learning and sustainability. This decision aims to stop or prevent problems getting worse.
- Collaboration - The consideration of impacts on social, economic, environmental and cultural well-being has been informed both by the expertise of services across our organisation and from external organisations such as the Audit Commission.

- Involvement- The consultation document demonstrates considerable involvement activities with those with an interest or who were affected by the proposal in a way that reflects the diversity of the population.

3. Financial Implications

Capital

- 3.1 The new build schools for YGG Tan-y-lan and YGG Tirdeunaw will be funded from two sources:
- (i) The traditional capital stream of the Welsh Government funding for Band B of the 21st Century Schools Programme, with an overall grant rate of 65%. The total estimated cost of the new build for YGG Tan-y-lan and YGG Tirdeunaw for this funding stream is £20.631m, with £18.342m against the overall Band B programme's envelope of £141.6m (excluding the potential aided sector project, which is assumed to require no Council contribution).
 - (ii) The estimated cost of the additional 0.5 form entry (105 full-time pupil places plus nursery) for both schools is £2.289m, which is from the approved Welsh Government's Welsh Language Capital Grant
- 3.2 The Welsh Government have approved in principle the overall Band B funding envelope subject to the specific approval of each individual scheme business case. As such there is no specific approved budget for any individual scheme. The funding mechanism and timescale for delivery is still to be confirmed with the Welsh Government, and the delivery of all the schemes is dependent on final approval of Band B funding and the specific additional Welsh Government capital grant.
- 3.3 Cost estimates are on a current-cost basis, with no allowance for construction inflationary pressures, where there is uncertainty regarding the timing of projects. However, optimism bias has been applied to each project in accordance with the lessons learned from delivery of Band A, and based on assessment of outstanding programme risks/unknowns.
- 3.4 The approval in principle of the Strategic Outline Programme for Band B does not commit the council to the indicative funding contributions set out above since the final approval of any capital allocation from the Welsh Government is subject to the submission of further detailed business cases in respect of each specific project. Further reports will come to Cabinet for each project within the approved programme, which will include developed cost plans for each project following the further development of options appraisals and detailed design.
- 3.5 The future of the current YGG Felindre site would be considered should this proposal be approved. In accordance with current policy, any capital receipt generated from a future disposal of the Felindre site will contribute towards the council's overall capital receipt target to fund the capital programme and will not be allocated for any other specific purpose.

Revenue

- 3.6 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 the school receiving the learners from YGG Felindre would increase to include the number of learners moving there. Any additional delegated revenue savings from the closure of YGG Felindre will be reinvested into the ISB for the benefit of all pupils in Swansea. The FY2018-2019 revenue funding per pupil for YGG Felindre of £8,815 compares with an average for primary schools in Swansea of £3,487.
- 3.7 Closure of schools can lead to some initial increased costs, for example redundancy costs and transport costs. Although we would recommend to governors at the school receiving the learners from YGG Felindre that all new posts to support the additional learners are ring-fenced to existing employees at YGG Felindre, there could be some staff that are not successful in matching against a post. If these staff were not successfully redeployed elsewhere, or did not wish to take up voluntary redundancy or early retirement options, there could be redundancy costs that are currently charged to central budgets.
- 3.8 There will be additional transitional transport costs whilst existing pupils are protected from the impact of catchment changes but in the longer term modest overall savings would be anticipated overall as a greater proportion of pupils have access to places nearer to home. Pupils living in the Felindre catchment area will incur ongoing transport costs of approximately an additional £4k per year due to distance to their new school and there being no available walking route (note that there is currently a cost of £11k to transport pupils to Felindre).

4. Legal Implications

- 4.1 The establishment, alteration or discontinuance of maintained schools requires consultation and the publication of statutory notices in accordance with Chapter 2 and Schedule 2, of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (Circular 006/2013) (the Code). The Code provides statutory guidance a Local Authority must follow when seeking to making school organisation proposals to education provision within a Local Authority area. Because these proposals were published before 1st November 2018 when the new Code was published, it is specified that the 2013 Code must be followed.
- 4.2 Part 1 of the Education Act 1996 (“the 1996 Act”) imposes a number of general duties on all local authorities in Wales. The general duty in section 13 of the 1996 Act is to contribute (so far as the Council’s powers enable them to do so) towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area.
- 4.3 Section 13A(3) of the 1996 Act states that a local authority in Wales must ensure that their relevant education functions and their relevant training functions are exercised by the authority with a view to promoting high

standards, and promoting the fulfilment of learning potential by every person to whom the subsection applies, including those who are of compulsory school age or are below school age and are registered as pupils at schools maintained by the authority.

- 4.4 Section 14 of the 1996 Act then provides that the Council shall secure that sufficient schools for providing primary education and secondary education are available in the Council's area. Schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity for appropriate education. Appropriate education means education which offers such variety of instruction and training as may be desirable in view of:
- (a) the pupils' different ages, abilities and aptitudes; and
 - (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.
- 4.5 Before publishing any proposals relating to the discontinuing a school under s43 of the Act, or making a Regulated Alteration under s42 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 011/2013 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.

- 4.6 The proposer must publish a report on the consultation it has carried out in accordance with the Code. The consultation report must summarise each of the issues raised by consultees, responding to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons; and setting out Estyn's view (as provided in its consultation response) of the overall merits of the proposal.
- 4.7 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.
- 4.8 The Code includes statutory guidance to which the Council must have due regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. Where guidance is given by the Code, it is stated that relevant bodies should follow this guidance unless they can demonstrate that they are justified in not doing so.
- 4.9 Paragraph 1.1 of the Code sets out the key background principles and policies, which should be taken into account by the Council in developing school organisation proposals. These include:
- United Nations Convention on the Rights of the Child;
 - A living language: a language for living – Welsh Language Strategy 2012-2017
 - Welsh- medium Education Strategy;
 - One Wales: One planet, a new sustainable development scheme for Wales May 2009 or any successor strategy;
 - Child Poverty Strategy for Wales (issued February 2011 Information document number 95/2011), or any successor strategy;
 - Faith in Education.
- 4.10 In addition, when developing school organisation proposals, the local plans to which Council should have regard include the following:
- Local plans for economic or housing development
 - Welsh in Education Strategic Plans (made under part 4 of the 2013 Act)
 - Children and Young People's Plans (or successor plans)
 - 21st Century Schools – Capital Investment Programme and the relevant wave of investment
- 4.11 Finally, the Council should have regard to the following Welsh Government Guidance on related matters:
- Learner Travel Operational Guidance
 - Measuring the capacity of schools in Wales, Circular
- 4.12 Chapter 1 then lists a number of factors which should be taken into account by relevant bodies, including the Council, when exercising their functions of preparing and publishing school organisation proposals or approving/determining them. These factors include:

- Quality and standards in education (looking at outcomes, provision, leadership and management) at the school which is the subject of the proposals, and at any other school or educational institution which is likely to be affected. The Code states that local authorities should place the interests of learners above all others. Where proposals involve the transfer of learners to alternative provision, there should normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners.
- The need for places and the impact on accessibility of Schools (whether alternative school based provision will have suitable capacity and provide accommodation of at least equivalent quality and is sufficient to meet existing demand and projected demand and the nature of journeys to alternative provision and resulting journey times for pupils, including SEN pupils. In particular, whether primary school pupils will have one way journeys in excess of 45 minutes or secondary school pupils one way journeys of over an hour.
- Resources of education and other financial implications. This involves a consideration of a number of factors set out in the Code, including whether proposals ensure a fairer and more equitable distribution of funding between mainstream schools, what effect proposals will have on surplus provision, the costs of proposals (including additional transport costs), any projected net savings, any budget deficits of schools affected and whether the proceeds of sales of redundant sites remain in the education budget.

4.13 The Code also lists other general factors which should be taken into account, namely educational attainment, equality issues, charitable interests (paragraph 1.6). A list of specific factors in the consideration of school closures is at paragraph 1.7. This states that there is no presumption in favour or against the closure of any type of school. The case for closure should be robust and in the best interests of educational provision in the area. A Community Impact Assessment should be obtained. When considering whether closure is appropriate, special attention should be given to the matters set out on page 12 of the Code, including:

- considerations of alternatives to closure, including multi-site schools, clustering/collaboration/federation with other schools
- the overall effect of closure on the local community
- how parent's and pupil's encouragement with the alternative school and any facilities it may offer could be supported.

4.14 In addition to the usual considerations in relation to standards of provision, the Council should also consider whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;

- how proposals will address any health, safety and welfare issues;
- how proposals, where appropriate, will support increased inclusion; and
- the impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.

- whether there is a need for a particular type of SEN provision within the area;
- whether there is surplus SEN provision within the area;
- whether SEN provision would be more effective or efficient if regional provision were made; and
- the impact of proposals on the transportation of learners with SEN.

4.15 The list of factors to be taken into account in approving/determining school organisation proposals is listed at paragraph 1.14.

4.16 Paragraph 5.1 of the Code makes provision for the publication of objection reports. Proposers must publish a summary of the statutory objections and the proposer's response to those objections. Where a local authority is required to determine its own proposals, the Objection Report must be published before the end of 7 days beginning with the day of its determination. The Objection Report must be published by being posted on the local authority's website. Hard copies must be made available on request. Parents, carers and guardians and staff members of schools which are the subject of the proposals must be advised of the availability of the Objection Report. The Code contains a list of individuals or bodies which must receive either a hard copy of the Objection Report or be emailed a link to the local authority's website.

4.17 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.18 The 'well-being goals' are:

- (i) a prosperous Wales, meaning an innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work;
- (ii) a resilient Wales, meaning a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change);
- (iii) a healthier Wales, meaning a society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood;
- (iv) a more equal Wales, meaning a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances);
- (v) a Wales of cohesive communities, meaning attractive, viable, safe and well-connected communities;

- (vi) a Wales of vibrant culture and thriving Welsh language, meaning a society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation; and
- (vii) a globally responsible Wales, meaning a nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

4.19 Any reference to a public body doing something in accordance with the 'sustainable development principle' means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.20 In order to act in a sustainable manner a public body must take account of:

- (1) the importance of balancing short-term needs with the need to safeguard the ability to meet long-term needs, especially where things done to meet short-term needs may have detrimental long-term effect;
- (2) the need to take an integrated approach, by considering how
 - (a) the body's well-being objectives may impact on each of the well-being goals); and
 - (b) the body's well-being objectives impact on each other or on other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
- (3) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of
 - (a) Wales (where the body exercises functions in relation to the whole of Wales); or
 - (b) the part of Wales in relation to which the body exercises functions;
- (4) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;
- (5) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives

4.21 Swansea Council applies the Well-being of Future Generations Act (Wales) 2015 as the core principle guiding how the local authority operates.

4.22 The action a public body takes in carrying out sustainable development must include:-

- Setting and publishing objectives ('well-being objectives') that are designed to maximise its contribution to achieving each of the well-being goals; and
- Taking all reasonable steps (in exercising its functions) to meet those objectives

Swansea Council's well-being objectives and steps are set out within the Corporate Plan:

<https://www.swansea.gov.uk/?articleid=6901&articleaction=language>

Local Well-being Objectives are set out within Swansea Public Services Board's Local Well-being Plan (of which the Council is a statutory member).

- 4.23 Report writers and decision makers take due regard to these Plans in order to consider how the proposal impacts upon the Council's 'wellbeing objectives', Swansea's Local Well-being Objectives and the national well-being goals'.
<https://www.swansea.gov.uk/localwellbeingplan>

Contracts

- 4.24 Any offer of grant funding from the Welsh Government will be subject to terms and conditions which will be binding upon the local authority.

Impact Assessments

- 4.25 The School Organisation Code specifies the detail that the equality and community impact assessments must cover in a proposed school closure and full consideration needs to be given to these before any decision is made. In addition, a Welsh language impact assessment has been completed for each proposal. Full consideration should be given to these also.

Legal Property Implications

- 4.26 Section 122 (1) of the Local Government Act 1972 provides that 'a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation'.

- 4.27 The key procedural points are;

The land must already belong to the Council;

The land must be no longer required for the purpose for which it is currently appropriated; and

The purpose for which the Council is appropriating must be authorised by Statute.

- 4.28 The case of *Dowty Boulton Paul v Wolverhampton Corporation* (1973) established that the local authority is the sole judge of whether or not the land in question is not required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith.

- 4.29 The Council must be able to demonstrate the purpose for the appropriation and that it has taken all the relevant considerations into account and not taken any irrelevant considerations into account.
- 4.30 The Council's decision must be based on the available evidence and be rational in the sense that it cannot be said that no reasonable local authority could, on the evidence before it, have arrived at that decision: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223).
- 4.31 Any decision to appropriate land must be the subject of a recorded minute, which should evidence that the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972.
- 4.32 The Chief Legal Officer has carried out a report on title on the land and has confirmed that there are no constraints that would affect the proposals.

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.

- 5.2 Equality Impact Assessments were commenced as a background paper to the consultations. The EIAs were revised to take full account of the consultation outcomes and the views of the range of stakeholders that were gathered. A further revision has been made to take account of objections made during the statutory notice period. These can be found in Appendix B.
- 5.3 The proposals were found to be relevant to children and young people, older people, other age groups, disability, sex, Welsh language, poverty/social exclusion and community cohesion. The impact on each of these areas is explored further for each proposal as follows.

5.4 YGG Tan-y-lan

0-18 – YGG Tan-y-lan is a Welsh-medium primary school. This project will have a very positive impact on the Education of all the children who attend the school in the future. As we are looking to build the school on a new site this should avoid any disruption to those currently attending the school.

Older People 50+/Any other age group – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver

education to all pupils and increase the opportunities for the wider school community to experience and use the Welsh language.

Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.

Welsh – YGG Tan-y-lan is a Welsh medium primary school and as a result this project will have a positive impact on the Welsh language. The project is part of the wider Welsh in Education Strategic Plan that is looking to increase the number of places available in Swansea’s Welsh-medium schools.

Poverty/social exclusion – There are high levels of deprivation in this area and providing the children and the community with this improved facility could give access to courses for adults and access to additional extra-curricular activities. Due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. The extra distance to travel to the new site was mentioned by a couple of individuals during the consultation process. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are only 0.6 miles apart by available walking route and any pupils more than 2 miles away, or where there is no available walking route, would be offered home to school transport.

Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school’s facilities. However, due to the possible changes in catchment areas it is important to consider the impact this could have on community cohesion as the schools moves (0.6 miles) from one community to another. If the proposal goes ahead the school will work with all communities to ensure that the schools continue with its inclusive ethos that brings communities together for the benefit of all.

5.5 YGG Tirdeunaw

0-18 – YGG Tirdeunaw is a Welsh-medium primary school. This project will have a very positive impact on the education of all the children who attend the school in the future. As we are looking to build the school on a new site this should avoid any disruption to those currently attending the school.

Older People 50+/Any other age group – The staff, parents, carers and wider school community will benefit greatly from improved facilities to deliver education to all pupils and increase the opportunities for the wider school community to experience and use the Welsh language.

Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of any new building, the re-modelling and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their improved environment.

Welsh – YGG Tirdeunaw is a Welsh medium primary school and as a result this project will have a positive impact on the Welsh language. The project is part of the wider Welsh in Education Strategic Plan that is looking to increase the number of places available in Swansea's Welsh-medium schools.

Poverty/social exclusion – There are high levels of deprivation in this area and providing the children and the community with this improved facility could give access to courses for adults and access to additional extra-curricular activities. Due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. Some pupils will inevitably live further away from the new site and this would increase their travel time, however, the sites are less than a mile apart by available walking route and any pupils more than 2 miles away or where there is no available walking route would be offered home to school transport.

Community Cohesion – It is possible that the improved facilities will provide increased opportunities for the community to make the most of the school's facilities. Due to the possible changes in catchment areas it is important to consider the impact this could have on community cohesion as the schools moves (less than 1 mile) from one community to another. If the proposal goes ahead the school will work with all communities to ensure that the schools continue with its inclusive ethos that brings communities together for the benefit of all.

5.6 YGG Felindre

0-18 – YGG Felindre is a Welsh-medium primary school. This proposal looks to close the school and move the pupils to a neighbouring Welsh-medium primary school. Although the change can be seen as negative in the first instance, we believe that the children will receive a similar, if not better, education at the designated neighbouring Welsh-medium primary school.

Older People 50+/Any other age group –there is the chance of some redundancies because of this proposal. We would hope for these staff to get work at neighbouring schools; however, this would be a decision for individual governing bodies.

Disability – The design, delivery and implementation of this proposal will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. If the proposal were to be approved, and other proposals

for new Welsh-medium school buildings were approved this would be hugely beneficial to any learner that has a disability. The modern learning environment would be designed and built whilst taking full notice of all the needs of current and future learners, staff and the wider community.

Welsh – YGG Felindre is a Welsh-medium primary school and although the proposal is to close a Welsh-medium primary school the proposal is part of the wider Welsh in Education Strategic Plan that is looking to increase the number of places available in Swansea's Welsh-medium schools. During the consultation it has been raised that the proposal doesn't take into account Standards 91-93 of Swansea Council's Compliance Notice under the Welsh Language Measure whereas the proposal could impact on opportunities for persons to use the Welsh language, and that we could be treating the Welsh language no less favourably than the English language.

The Council's wider Welsh in Education Strategic Plan seeks to increase the number of Welsh-medium places in Swansea significantly. As a result of proposals to reach our targets we believe that this would increase opportunities for more people to use the Welsh language and ensure that the Welsh language is treated no less favourably than the English language. The increase in Welsh-medium places will see Swansea playing its part in the Welsh Government's target of having one million Welsh speakers in Wales by 2050.

If the proposal were to go ahead we would expect the Mawr ward to become part of the designated school's community and play an active role in the life of the school. The village hall and local church could still have a large part to play in this.

Poverty/social exclusion – There are low levels of deprivation in this area and therefore the impact on poverty/social exclusion is expected to be low. However, due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. The large majority of current pupils at the school live outside of the YGG Felindre catchment area and therefore would likely be living closer to the designated school meaning a shorter distance to travel. Those who live more than 2-miles from the designated school would be offered transport as per the Council's Home to School Transport Policy.

Community Cohesion – It is possible that the proposed closure could have a negative impact on the local community. However, we would expect the designated school to ensure that the community becomes part of the school's community. There is no reason why the local church and village hall cannot be used for such partnerships to flourish.

Sex – Given that most of the staff at the school are female, it is clear that this proposal would have a disproportionate effect on this group.

- 5.7 The remaining protected characteristics (namely Race, Asylum Seekers, Gypsies and travellers, Religion, Sexual Orientation, Gender reassignment, Carers, Marriage and civil partnership, Pregnancy and maternity) have all been identified as 'neutral' as we do not believe the proposal will have either a negative or a positive impact on them. However, this will continue to be monitored and reconsidered throughout the process.
- 5.8 To ensure that we understood how these proposals affected all stakeholders we consulted widely to allow us to shape this proposal and agree the way forward.
- 5.9 As stated earlier in this report, a full consultation was conducted with all interested stakeholders from 5 September 2018 to 18 October 2018.
- 5.10 All initiatives must be designed/planned in the best interests of children and young people.
- 5.11 The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.
- 5.12 The proposals will directly affect children and all future arrangements will aim to ensure that these children and young people achieve the best possible outcomes. The proposal relates to the following articles of the United Nations Convention on the Rights of the Child:
- Article 3 - All organisations concerned with children should work towards what is best for each child.
- Article 12 - Respect for the views of the child
- Article 18 - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.
- Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity.
- Article 29 - Education should develop each child's personality and talents to the full.
- Article 30 - Children have a right to learn and use the language and customs of their families.
- 5.13 A Community Impact Assessment and Welsh Impact Assessment was produced for each proposal and has been available throughout the consultation period on the Council's website <https://www.swansea.gov.uk/schoolconsultations2018>. Where necessary these have been amended following the consultation and objection periods. The assessments for YGG Felindre still recognises that there is very limited use of the school by the community and that there is a well-used community hall in Felindre.

- 5.14 Swansea Council acts in accordance with the Well-being of Future Generations (Wales) Act in all it does. Sustainable development has been a central organising principle since 2012 and each year the council aims to further embed and build on sustainable practice.

The focus is on integrating behaviour change so that the five ways of working and maximisation of each of the national well-being goals are implicit in how services operate as a whole council.

Long term - The proposals ensure the long term sustainability of education in the wider communities and sufficient school places to meet the needs both now and in the future across the county.

Prevention - The proposal for YGG Felindre seeks to prevent the escalation of issues in relation to the sustainability of appropriate standards of educational provision for pupils, particularly with the demographic profile of the area, an anticipated continuing decline in pupil numbers, and the implications of the new curriculum, so continuing to offer children the best start in life. The proposals are an integral part of a wider WESP strategy, approved by Swansea Council and the Welsh Government, which will deliver significant additional Welsh-medium places to meet continuing growth in demand.

Integration - The decision making process has taken into account the wider Swansea context by being aware of the local wellbeing objectives set out in Swansea's Local Wellbeing Plan. The impact on integration is neutral because we are ensuring that all school learners have a place and therefore it is not anticipated that it will impact on other agencies such as social services and health. The proposals also support the Welsh Government in delivering their wellbeing objectives and are in line with the WESP strategy to support a vibrant and thriving Welsh language.

Collaboration - The proposals have been developed across the council and consultation with stakeholders has been wide, as per the School Organisation Code. The proposals also support the Welsh Government in delivering their wellbeing objectives and are in line with the WESP strategy to support a vibrant and thriving Welsh language.

Involvement - Rigorous consultation processes have been followed and there was also significant early engagement of stakeholders prior to any Cabinet reports being considered.

6. Conclusion

- 6.1 In approving and determining school organisation proposals, Cabinet needs to take into account a number of factors:

6.1.1 Quality and Standards of Education

That they are satisfied that the proposals would deliver outcomes and offer provision at least equivalent to that which is currently available to learners, including those with special educational needs.

YGG Tan-y-lan and YGG Tirdeunaw – As the proposals are to move the schools to new sites, officers are satisfied that the proposals will deliver outcomes and offer provision at least equivalent to that which is currently available to learners, including those with special educational needs

YGG Felindre - Officers are satisfied that YGG Tan-y-lan will provide at least equivalent outcomes and provision to that which is currently available to learners, including those with special educational needs.

6.1.2 Need for Places and the Impact on Accessibility of Schools

For school closure, they must be satisfied that the alternative school has sufficient capacity and provides accommodation of at least equivalent quality for existing and projected pupil numbers. The alternative provision should be of the same nature with regard to language category. Travel time for primary aged learners should not exceed 45 minutes and sustainable transport should be encouraged.

For increasing a school's size, there should be evidence of future demand.

Officers are satisfied that there is sufficient capacity at YGG Tan-y-lan, initially at the Morriston Site in September 2019 and in particular when the school moves to the new increased size building in January 2021. There is increasing demand for Welsh-medium places and the Welsh Capital Grant has been provided by the Welsh Government to create demand by enhancing capacity. YGG Tan-y-lan has the same language category and learners will not travel for more than 45 minutes. The wider catchment area changes will reduce transport requirements for many learners and will provide a better spread of pupils into available places across the county.

6.1.3 Resourcing of Education and Other Financial Implications

It is important that funding for education is cost effective. Proposals should ensure a fairer and more equitable distribution of funding between schools. They should also address surplus capacity in schools, particularly if they have "significant" levels, defined as 25% or more of a school's capacity and at least 30 places. Proposals that are part of the 21st Century Schools Investment Programme contribute to the delivery of sustainable schools and the school estate but removing maintenance backlogs and school buildings that are inefficient or in poor condition. The comparative cost of proposals should also be considered, as well as if the affected schools would face budget deficits.

Officers are satisfied that the proposal for YGG Felindre will ensure a fairer distribution of funding between schools. YGG Felindre had 87.1% (81) surplus places at September 2018. YGG Tan-y-lan and YGG Tirdeunaw are part of the 21st Century Schools Programme and the proposals will remove backlog maintenance at these schools as well as at YGG Felindre.

6.1.4 Community Impact

Cabinet should consider how any community facilities provided by the school could be maintained. They should also pay attention to whether alternatives to closure have been considered.

Officers have identified that only a parent and toddler group use the school building at YGG Felindre in the Community Impact Assessment. Officers do not consider there to be any alternative to closure.

6.1.5 General Factors

Cabinet should also consider the impact the proposals will have on children from economically deprived backgrounds and equality issues.

Officers have not raised any concerns through the Equality Impact Assessments.

6.2 When approving or determining proposals, relevant bodies:

- must consider whether there are any other related proposals
- must ensure that the statutory consultation has been conducted in accordance with the School Organisation Code
- must ensure that the proposal has been published in accordance with the 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

6.3 Officers are satisfied that the proposals meet all of the requirements above and recommend that Cabinet approve all three proposals.

Background Papers:

- Report to Cabinet 21 June 2018
- Report to Cabinet 20 December 2018
- School Standards and Organisation (Wales) Act 2013
- Welsh Government School Organisation Code (Circular 006/2013)
- School Standards and Framework Act 1998
- The Education (Determination of Admission Arrangements) (Wales) Regulations 2006
- Welsh Government's Admissions Code (Circular 005/2013)

Appendices:

Appendix A	Draft Objection Report for YGG Felindre
Appendix B	Equality Impact Assessments and Welsh Medium Impact Assessments
Appendix C	RhAG full response during the statutory notice period
Appendix D	Evidence of leadership support given to YGG Felindre