



## Report of the Cabinet Member for Education Improvement, Learning and Skills

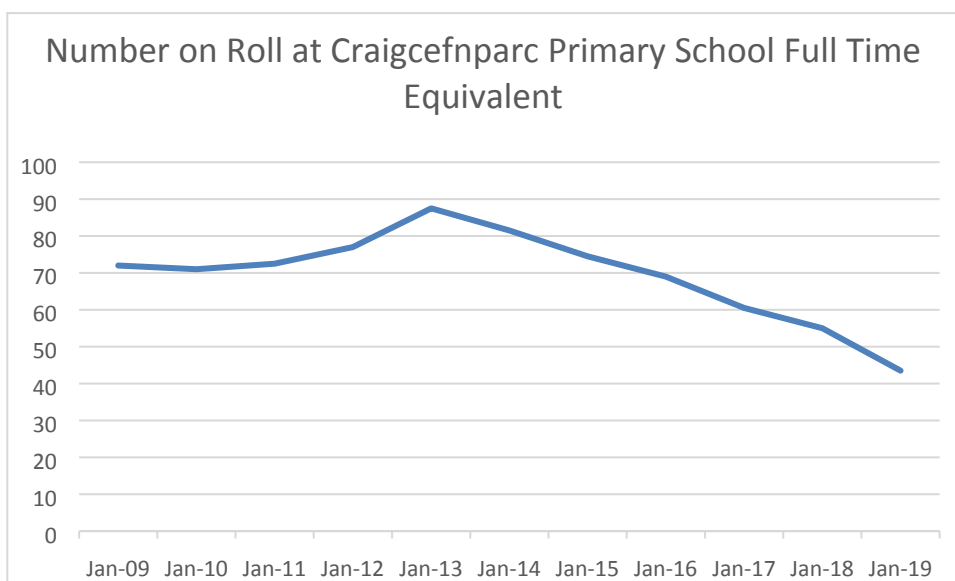
Cabinet – 21 March 2019

### Small School Review – Proposal to Close Craigcefnparc Primary School

<b>Purpose:</b>	To consider objections received during the Statutory Notice period and to seek determination on the proposal to close Craigcefnparc Primary School with effect from 31 August 2019.
<b>Policy Framework:</b>	QEd Programme Corporate Plan 2018/22
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1) Cabinet consider the draft objection report (draft at Appendix A)</li><li>2) Cabinet approve the proposal to close Craigcefnparc Primary School with effect from 31 August 2019</li><li>3) Cabinet approve the publication of the Objection Report</li></ol>
<b>Report Author:</b>	Kelly Small
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Small School Review

- 1.1 Cabinet agreed at their meeting on 21 June 2018 that consultation should take place on the proposed closure of Craigcefnparc Primary School. This reflected the need to provide sustainable quality education for learners, falling pupil numbers and additional demands of the emerging new curriculum on schools.
- 1.2 The number of pupils on roll at Craigcefnparc Primary School has been reducing as follows:



- 1.3 During the last five years, the overall quality of education and capacity to improve at Craigcefnparc Primary School is poor in comparison to neighbouring schools. Challenge Advisers from regional consortia evaluate the school’s capacity to improve, taking account of evidence about the standards achieved and the quality of leadership and learning and teaching, judged against a national categorisation model. Schools are placed in one of four groups, A to D. Schools where the judgement is an A show the greatest capacity to improve along with the ability to support other schools. Those where the judgement is D need the most support.

<b>Self-improvement capacity rating (A – D)</b>						<b>Total Support Days</b>
<b>School</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	
Clydach	B	B	B	B	B	50 days
Craigcefnparc	C	D	C	B	C	80 days**
Craigfelen	A	B	B	A	A	32 days
Glais	B	A	A	A	A	26 days
Gellionnen	B	B	C	B	B	55 days
St. Joseph’s	B	B	B	B	B	50 days
Cwmrhydyceirw	A	A	A	A	A	20 days

- 1.4 The local authority has always been careful to ensure that the school gets their entitled support and has worked with governors and leaders to this over the years. The support a school receives comes in a variety of formats, including Challenge Adviser support days, subject support days, local authority officer advice and guidance, and support brokered by the Challenge Adviser from other schools. A summary of the support provided to Craigcefnparc Primary School in the years leading up to the proposal to consult on closure is attached at Appendix C. Note that the FOI from objectors only sought part of the picture of the support provided to the school. The full picture of the comparative entitlement to support days, linked to capacity to self-improve, is shown in the table above. It should

be noted that the governing body has not always been receptive to their entitlement of support.

- 1.5 The school was inspected and went into an informal category of Estyn follow-up called “Estyn Monitoring”. At that time, the school had an acting headteacher and considerable support was provided before, during and after the inspection to help the school plan for improvements. A school in Estyn Monitoring is not a strong school and the effort of the acting headteacher to work with the local authority was substantial. Although the school came out of Estyn Monitoring, annual monitoring by the local authority using nationally agreed criteria indicates, in agreement with the current acting headteacher, that the correct support package is currently in place. No governor attended the Autumn 2018 categorisation meeting and no formal objection was received as per the national disagreement pathway.
- 1.6 Although sound progress has been made in addressing specific recommendations in relation to teaching and learning, the school has insufficient capacity to improve itself because of inconsistent leadership. Due to budget constraints, the only option available to the school has been to act-up their deputy headteacher to cover the headship for three days a week, making her the only headteacher in Swansea to have a teaching commitment. The budget position will not improve and therefore this is likely to be the long-term leadership position at the school.
- 1.7 As demonstrated above, the school has been a cause for concern to the school improvement service for some time and proportionate support has been provided. Despite best efforts to sustain improvements, the school does not demonstrate enough self-improvement over a sustained period of time and in line with nationally agreed criteria for capacity to improve. The option of transferring children to be educated at Clydach Primary School helps meets pupils' entitlement to the best education possible.
- 1.8 Alternatives to the closure of Craigcefnparc Primary School had been considered by officers at internal meetings prior to consultation, including Federation (where Craigcefnparc and another school could continue to exist but under one new governing body with the option to share resources and some of their staffing). Meetings were also held with Craigcefnparc governors as follows:
  - 5 March 2018 – the Chief Education Officer (CEO) and other local authority officers met with the acting headteacher of Craigcefnparc and vice-chair of the governing body to discuss budget concerns, particularly the apparent inability of the governing body to set a balanced budget for the financial year 2018/19. The school budget is inevitably impacted by falling pupil numbers as the vast majority of funding must follows pupils. At this meeting it was agreed to provide an additional £15k to support administration at the school (on top of additional support through the school improvement service) – a figure that was subsequently increased to £25k. However, the school were unwilling to implement a new staffing

structure which would have resulted in the loss of a full-time teacher. The governors were willing to work with the local authority and recognised that federation or closure must be options. The CEO advised that federation proposals would usually come from governing bodies with support from the local authority.

- 16 March 2018 – the CEO and Head of School Support Unit (HSSU) met with the governing body and discussed the falling pupil numbers at the school, the educational and financial challenges which this presents, and the need to review the future sustainability of the school. Alternatives were also discussed, particularly federation as well as the potential June Cabinet report to seek approval to move to statutory consultation. This is confirmed in the minutes of the meeting.
- 1 May 2018 – the CEO and HSSU met with the school working party/governors to consider further the nature and process involved to proceed with any federation proposal.
- 11 July 2018 – the CEO and HSSU met with the governing body to discuss federation options

1.9 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 educational challenges facing the learners at Craigcefnparc Primary School. This was based on the following:

- Craigcefnparc Primary School would continue to have a part-time headteacher leading the school, with a continued 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 improve Craigcefnparc's 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 Craigcefnparc Primary School is reducing each year, with higher year groups in Key Stage 2 than in the Foundation Phase. There is sufficient capacity at Clydach Primary School to accommodate learners from Craigcefnparc.
- Future liabilities in terms of building maintenance costs would remain and energy costs are increasing (the school operates on an oil system).
- Federations should not be seen as a financial saving and therefore Craigcefnparc would continue to 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 Craigcefnparc closed and pupils moved to Clydach.
- The likelihood of successful outcomes from federation is greatly improved with the full ownership of both schools, and there has been no indication to date of such interest from another school.
- The cost per pupil is £4,742 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. No other schools have proposed to federate with Craigcefnparc Primary School. The following school governing bodies have discussed federation and confirmed at their meetings that they did not wish to federate with Craigcefnparc Primary School:

- Craigfelen Primary School – 10 September 2018
- Glais Primary School – 12 September 2018
- Clydach Primary School – 31 January 2019

1.10 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/craigcefnparcconsultation>

1.11 A number of consultation meetings and drop-in sessions were also held.

1.12 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 proposal.

## **2. Statutory Notice and Objections**

2.1 The statutory notice period ran from 9 January 2019 to 6 February 2019.

2.2 39 written objections were received (one of these being after the end of the objection period). 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.

The main objections raised were:

### **Education, Standards and Leadership**

- 2.3 *Objectors feel that the authority has not given as much relative support to Craigeffnparc as to other schools. The acting headteachers are bringing about change to improve the school and should be given time to continue that work. The school should be kept open for another year to prove that it has recovered and improved.*

Council response: As in section 1.3, Challenge Advisers from regional consortia evaluate a school's capacity to improve, taking account of evidence about the standards achieved and the quality of leadership and learning and teaching. They also use information from the Welsh Government to inform this evaluation and discussions with schools. They use this information to decide on each school's final support category. The final categorisation is a colour code that shows the level of support a school needs – green, yellow, amber or red, with the schools in the green category needing the least support and those in the red category needing the most intensive support. Each school will receive a tailored programme of support, challenge and intervention based on this category. Craigeffnparc Primary School has been categorised by ERW, the regional consortia, as a school causing concern for most (80%) of the intervening years between December 2013 and December 2018. In December 2013, the Lead Director for ERW categorised the school as one causing concern and listed the areas for development as: a) Continue to challenge all pupils to raise attainment both at the expected level and the expected level +1 b) Continue to develop the governing body to enable them to establish a clear link between strategic planning and improved pupil outcomes c) Continue to work with the Education Welfare Service to improve pupil attendance. In 2014, the school disagreed with the areas that required improvement, including the role of the governing body. As a result, there was a period between 2013-2015 where the school was unreceptive to their entitlement for support because of a refusal to accept the categorisation of a school causing concern. During the last five years, school improvement officers have worked intensively to support progress on areas for development identified by the local authority, parents and external regulators, and this high level of support stands out in comparison to other schools (see Appendix C for support given to Craigeffnparc Primary School). The council has also successfully bid for Small and Rural School Grant in the current financial year to provide supply cover for staff members to attend training courses for their professional development.

- 2.4 *Objectors feel the council were too slow to provide support and bring about leadership changes in the past, which have contributed to a drop in pupil numbers. The council has not allowed governors to advertise for a new headteacher, adding to their case that the school is not sustainable.*

Council response: The local authority must follow proper due processes with regard to staffing and HR issues, which inevitably take time,

particularly where complex issues involve extensive union involvement. As previously mentioned, the local authority has supported Craigcefnparc Primary School while their substantive headteacher was absent from school by identifying a quality acting headteacher from another school and funding this post for some time. That person then independently applied for a permanent headteacher post in a larger school and was successful in getting the job. The budget position at the school has led to the substantive deputy headteacher acting up as headteacher but working for at least two days a week in the classroom, having the least non-contact time of any headteacher in Swansea. The budget projections for coming years highlight increased pressures on schools. It is unlikely that a headteacher will be attracted to a school with under 50 learners and that is in an 'amber' support category.

- 2.5 *The school is a good school with improving standards/categorisation and should be given a chance to recover to normal pupil levels. Stating that the overall quality of education at Craigcefnparc is poor in comparison to neighbouring schools is damning yet results for Foundation Phase and Key Stage 2 are the same as at Clydach Primary School. The 'amber' regional categorisation has been quoted out of context and the previous yellow categorisation has been ignored. Clydach Primary School were also yellow.*

Council response: The school has improved with a great deal of support from the local authority (both officer time and financial support), through the dedication of the acting headteacher (provided by the local authority) and the focusing of school staff and governors to address issues that have been identified. However the local authority's view is that this is not sustainable with reducing pupils on roll, increasing budget pressure and a new curriculum to embrace and, although the school had progressed from a 'red' to 'yellow' support category it has now dropped back to 'amber'. The school is unable to sufficiently fund the supply staff costs needed to release staff for training and this will be vital to prepare for the new curriculum. The acting headteacher is also restricted to the school site in the main due to teaching commitments and leadership requirements and therefore is unable to attend professional development opportunities. As is mentioned above, the school is unlikely to recruit a headteacher for a school with under 50 learners that is in an 'amber' support category. The school has shown evidence of improvement when the local authority intervened to place a temporary headteacher in post, at a time when the school was a high-risk school. However, the current acting headteacher accepts that the school requires more support than it did previously, hence the amber categorisation in autumn 2018.

### **Travel and Transport**

- 2.6 *The streets around Clydach Primary School are already narrow and congested. There will be additional traffic/buses. The council's own traffic assessment does not recommend the relocation of Craigcefnparc children to Clydach. No consultation has taken place with residents on proposed*

*increased traffic and calming measures, which may not be feasible. Concern from residents in Clydach that traffic at the start and end of the school day is already an issue, and emergency vehicles would not get through the narrow and busy streets.*

Council response: Areas around schools are usually busy at the start and end of a school day. The council had identified the need for some additional traffic measures at the Clydach site in the consultation paper (following on from a school safety assessment provided to the Welsh Government a few years ago). These will progress for 1 September 2019 regardless of the outcome of the school closure consultation, and at a cost of approximately £67k which includes an estimate for road resurfacing that could be required. There would be three additional minibuses required if the Craigeffnparc learners were transported to site, plus some additional cars if learners did not use the bus. Clydach school have introduced a different end to the school day for the junior site and they now finish 10 minutes earlier than the infant site, easing congestion. It should be noted that there are traffic concerns at the Craigeffnparc school site as well, including issues with parental parking, and the safety assessment report to the Welsh Government identified the need for traffic calming (narrowing) and the creation of a footway at a cost of approximately £40k.

- 2.7 *There is no safe walking route to Clydach from Craigeffnparc. More information is needed on transport logistics. The proposal denies children the opportunity for exercise/fresh air walking to school. Increasing the traffic on the road into Craigeffnparc is dangerous.*

Council response: All statutory aged pupils in the Craigeffnparc catchment area would have free transport to Clydach Primary School. The proposal is to provide three minibuses to take the learners from Craigeffnparc, with each minibus having a transport assistant as well as the driver. Bus pick up is not necessarily from home and suitable pick-up points would be arranged, with learners still having to walk to get to these points. Traffic assessments note that many children are taken to Craigeffnparc Primary School by car and do not walk.

- 2.8 *Buses will not be able to stop outside the school and pupils will have to walk from the bus stop/on the busy high street. Children would have to wait at bus stops on their own. Who is responsible for the children while on the bus? My child is being assessed for special needs so would need extra support on a bus or a taxi to school whereas we currently walk. Will a bus always be provided?*

Council response: Each of the three proposed minibuses would have a passenger assistant. As well as looking after the children on each bus, he or she would be responsible for walking their group of children between the bus and the school entrance in the morning and between the school entrance and the bus in the afternoon. The passenger assistant would be responsible for the children but ultimately the local authority is responsible for the safety of all children. Parents would be responsible for taking their children to the pick-up points, as they are now to take them to school. Any



child with a Statement of Special Educational Needs will have their transport requirements assessed and needs met appropriately. The council has a duty to meet the ongoing requirements of their transport policy.

- 2.9 *As the bus will only be provided for the start and end of the school day for statutory school age learners, children will be unable to access nursery, breakfast club or after school club/sports (unless parents arrange their own transport, adding to congestion). It is not practical for those not getting the bus to walk as the roads are dangerous. Parents wanting to go back to work will not be able to use the wraparound provision.*

Council response: The council is responsible for transporting pupils for statutory education in accordance with approved transport policy. Parents are responsible for getting their learners to and from any out-of-school activities such as breakfast club and after school club. However, if the consistent demand is there, it is possible for some of the minibuses to leave Craigeffnparc earlier to allow children to attend breakfast club.

### **Community Impact**

- 2.10 *Major impact on village and local businesses. The village will be a less attractive place for families to live and will lead to the death of a vibrant, living community. Social isolation for villagers (elderly etc. Parents and pupils socially interact on the walk to school and at the school gates. The school takes part in community activities such as carol concerts in the chapel. Will impact on the mental wellbeing of the community).*

Council response: There are many villages in Swansea without a school. This proposal has been made for educational reasons and these must be paramount over a perceived impact on the community. There will still be a large and well used community hall in the village. The school facilities are not used for the wider community.

- 2.11 *No visit or consultation with the community took place to produce the Community Impact Assessment. The Community Impact Assessment only considers use of the school buildings. There was no Community Impact Assessment for Clydach. Cabinet members should have visited Craigeffnparc and Clydach before voting. Cabinet members should have met with the community.*

Council response: The required content of the Community Impact Assessment is laid out in the School Organisation Code. The assessment needs to consider what the school offers to the community in respect of community access (Craigeffnparc school does not offer community access other than the parent and toddler group) and out-of-hours provision for learners. There is a well-used community centre that services the village of Craigeffnparc. The assessment also covered community use of the Clydach school building. Site visits by Cabinet members is not required by the School Organisation Code; however Cabinet members are

familiar with the area and the schools. Educational and other statistics have been presented in the Cabinet reports and consultation paper.

### **3. Financial Implications**

#### Capital

- 3.1 Approximately £67k will need to be identified for road traffic calming measures outside Clydach Primary School, including required road resurfacing, as was highlighted in the traffic assessment that was presented to Cabinet on 20 December 2018. This funding will come from the existing highways capital scheme envelope and the works will progress regardless of the outcome of this statutory process.
- 3.2 A capital investment of around £50k will be provided from uncommitted capital budgets across education schemes to reorganise the toilet facilities for the Foundation Phase at Clydach Primary School and provide better access and improved location of provision for younger pupils.

#### Revenue

- 3.3 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 Craigcefnparc Primary School.
- 3.4 There will be ongoing transport costs of approximately £56k per year to provide three minibuses/small coaches for the learners from Craigcefnparc as there is no available walking route.
- 3.5 Closure of schools can lead to some initial increased costs, for example redundancy costs. Although we would recommend to governors at Clydach Primary School that any new posts to support the additional learners are ring-fenced to existing employees at Craigcefnparc Primary School, there could be some staff that are unsuccessful 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.

### **4. Legal Implications**

- 4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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>



## 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 regard to the above.

- 5.2 An Equality Impact Assessment was commenced as a background paper to the consultations. The EIA was 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. This can be found in Appendix B.

- 5.3 The proposal was 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 as follows.

- 5.3.1 (0-18) – Craigcefnparc is an English-medium primary school. This proposal looks to close the school and move the pupils to Clydach Primary School. Although the change can be seen as negative in the first instance, we believe that based on favourable Estyn inspection results, and the increased flexibility in delivering the curriculum that Clydach Primary could offer, that pupils would receive at least a similar, if not an improved education should this proposal go ahead. If the proposal was approved officers would work with both schools to ensure that the transition for learners and their families was planned and delivered with the best interests of the learner a main priority.

- 5.3.2 (Older People 50+/Any other age group) –there is the chance of some redundancies because of this proposal. The Council would recommend that any new staff posts required at Clydach Primary, or other neighbouring schools due to increase in pupil numbers, be 'ring-fenced' to the staff of Craigcefnparc Primary School. However, this would be a decision for individual governing bodies.

- 5.3.3 (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. Any proposal will be designed with this in mind. Craigcefnparc and Clydach currently have a similar level of children who have special educational needs with both schools offering the right

level of support for these pupils. There are currently no pupils from Craigcefnparc with a Statement of Educational Need, however should there be a need for a Statement of Educational Need for any learner in the future that statement would set out the required support for that child and what the school needs to provide. Clydach Primary School currently delivers on such Statements for some of its current learners.

5.3.4 (Welsh) – Craigcefnparc is an English-medium primary school but the Welsh language plays a key role throughout the curriculum. This would continue to be the case at Clydach Primary School.

5.3.5 (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. Due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. During the consultation concerns were raised about the requirement to travel further to access the educational provision at Clydach Primary School with the home to school transport only providing a service for the beginning and end of the school day and not factoring in the desire to access wrap-around services as they currently do at Craigcefnparc. The Council is responsible for transporting pupils for education. Parents/carers of our learners are responsible for getting their learners to and from any out of school activities such as breakfast club and after school club; however, if the consistent demand is there, it is possible for some of the minibuses to leave Craigcefnparc earlier to allow children to attend breakfast club.

5.3.6 (Community Cohesion) – It is possible that the proposed closure could have a negative impact on the local community and due to the possible changes in catchment areas it is important to consider the impact this could have on learners and their families. The Council's Local Well-being Plan has an objective 'To build strong communities with a sense of pride and belonging'. The definition of communities is not restricted to specific physical communities of any particular size but includes communities of interest too. The council's plans support the development of a new community which will be created at Clydach Primary School. Arguably, this is an opportunity to be part of a more diverse community with potential benefits in terms of experiencing a wider range of cultures, languages and communities that can enrich pupils' experience. The most relevant of the 3 steps under the objective is 'individuals are connected and feel a sense of belonging' and, while this is true of a small school community, it is also true of larger school communities which tend to benefit from greater intercultural opportunities.

5.3.7 (Sex) – Given that the majority of staff at the school are female it is clear that this proposal would have a disproportionate effect on this group. 8 of the 9 members of staff employed at the school are female.

5.3.8 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.

- 5.4 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.
- 5.5 As stated earlier in this report, a full consultation was conducted with all interested stakeholders from 5 September 2018 to 18 October 2018.
- 5.6 All initiatives must be designed/planned in the best interests of children and young people.
- 5.7 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.
- 5.8 The proposal 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.
- 5.9 A Community Impact Assessment was produced and has been available throughout the consultation period on the Council's website <https://www.swansea.gov.uk/craigcefnparcconsultation>. This assessment has been reviewed following the consultation and objection periods and still recognises that there is very limited use of the school by the community and that there is a well-used community hall in Craigcefnparc.
- 5.10 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 proposal ensures the long term sustainability of education in the wider community and sufficient school places to meet the needs both now and in the future across the county.

Prevention – The proposal 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.

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.

Collaboration - The proposal has been developed across the council and consultation with stakeholders has been wide, as per the School Organisation Code.

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.

*Officers are satisfied that Clydach Primary School will provide at least equivalent outcomes and provision.*

### 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.

*Officers are satisfied that there is sufficient capacity at Clydach Primary School for the 40 full-time pupils and nursery children at Craigcefnparc Primary School. Clydach Primary School has the same language category and learners will not travel for more than 45 minutes.*

#### 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 21<sup>st</sup> 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 Craigcefnparc Primary School will ensure a fairer distribution of funding between schools. Craigcefnparc Primary School had 52.13% (49) surplus places at September 2018. The proposal will remove backlog maintenance at Craigcefnparc Primary School.*

#### 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 Craigcefnparc Primary School in the Community Impact Assessment. Officers have not considered there to be any alternative to closure; however objectors are determined that the school can be sustainable and standards can improve if the threat of closure is removed.*

#### 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

**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                                      |
| Appendix B | Equality Impact Assessment                                  |
| Appendix C | Summary of support provided to Craigeffnparc Primary School |