

## **EDUCATION AND YOUTH OVERVIEW & SCRUTINY COMMITTEE**

**28 APRIL 2016**

Minutes of the meeting of the Education and Youth Overview & Scrutiny Committee of Flintshire County Council held at County Hall, Mold on Thursday, 28th April, 2016

**PRESENT: Councillor David Hytch (Vice-Chairman in the Chair)**

Councillors: Marion Bateman, Paul Cunningham, Peter Curtis, David Healey, Dave Mackie, Vicky Perfect and Nigel Steele-Mortimer

**SUBSTITUTIONS:**

Councillor: Ian Smith for Ian Roberts, Hilary Isherwood for Adele Davies-Cooke, Paul Shotton for Andy Dunbobbin and Gareth Roberts for Nancy Matthews

**CO-OPTED MEMBERS:**

Janine Beggan and Rev. John Thelwell

**APOLOGIES:**

Councillors Ray Hughes and Phil Lightfoot  
Rebecca Stark and Bernard Stuart

**CONTRIBUTORS:**

Councillor Aaron Shotton - Leader of the Council, Councillor Bernie Attridge - Deputy Leader, Councillor Chris Bithell - Cabinet Member for Education, Chief Officer (Education and Youth), Senior Manager – School Planning & Provision

**IN ATTENDANCE:**

Education and Youth Overview & Scrutiny Facilitator and Committee Officer

**68. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

The Vice-Chairman invited Members of the Committee to make a declaration if they were school governors and all of the Committee Members present, except Mrs. Beggan and Rev. Thelwell so indicated.

Councillor Marion Bateman declared a personal interest as she was a school governor at Ysgol Owen Jones and Sychdyn school and she felt that those schools would benefit if Ysgol Maes Edwin closed.

Councillor Hilary Isherwood declared a personal interest as she was a school governor at Ysgol Llanfynydd.

**69. CONSIDERATION OF A MATTER REFERRED TO THE COMMITTEE PURSUANT TO THE CALL IN ARRANGEMENTS**

The Education and Youth Overview & Scrutiny Facilitator explained the procedure for the Call-in of a Cabinet decision and detailed the four options available to the Committee.

**70. SCHOOL MODERNISATION - SCHOOL STANDARDS AND REORGANISATION ACT 2013 - YSGOL MAES EDWIN**

The Education and Youth Overview & Scrutiny Facilitator referred to the Call-in to the decision of the Cabinet from its meeting held on 19 April 2016 relating to School Modernisation – School Standards and Organisation Act 2013 – Ysgol Maes Edwin. The Call-in notice had been signed by five Members of the Council. To assist Members, the following documents had been circulated with the agenda:-

- (a) A copy of the procedure for dealing with a called-in item.
- (b) A copy of the report of the Chief Officer (Education and Youth) – School Modernisation – School Standards and Organisation Act 2013 – Ysgol Maes Edwin
- (c) A copy of the Record of Decision No. 3255
- (d) A copy of the Call-in notice signed by Councillors: Nigel Steele-Mortimer, Dave Mackie, Hilary Isherwood, Paul Cunningham and Vicky Perfect

The Vice-Chairman invited the Call-in signatories to address the Committee.

Councillor Nigel Steele-Mortimer expressed his disappointment at the decision to continue with the closure of Ysgol Maes Edwin. He explained that in 2008 when he had been Executive Member for Education there were 17 pupils at the school, which was extremely unsatisfactory. He had held meetings with the Head Teacher and School Governors and had advised them that if the figures did not improve, then the options for the Council would be limited. In June 2015 the numbers of pupils attending the school had increased to 73 which was slightly below the figure specified when considering the sustainability of a school; he felt that this showed the extent of the improvement in numbers. On the issue of local usage of the school, Councillor Steele-Mortimer said that since June 2015, a number of children had left the school due to the concern of the parents because of the threat of closure. He felt that whether a child attending the school lived locally or not was not important. In referring to a federation, he felt that this would save the school and expressed surprise and concern at the reaction of governors in neighbouring schools in not being more proactive and coming forward to help, which he would encourage if a school nearby to schools where he was governor required assistance. He commented on powers that the Council had been able to use (which came into effect in 2014) where a federation could be forced and Councillor Steele-Mortimer felt that the Council could have taken a more proactive approach to this. He commented on the issue of finance for schools and said that education was a statutory duty and should therefore be funded before any non-statutory requirements. He suggested that there were a number of options that could be considered before it could be said that there was insufficient funding for education.

On the issue of finance, Councillor Paul Cunningham indicated that £93,000 had been spent on the school in the summer of 2015, which he felt had

been unnecessary. He said that 30 pupils had left the school since June 2015 and 74% of those now travelled further to get to school than when they attended Ysgol Maes Edwin. He commented on future developments of 170 houses in Flint, 70 dwellings in Northop Hall and 115 properties in Northop and suggested that the numbers of pupils that would come from these developments would make the school sustainable. Councillor Cunningham commented on the children who attended the school and their achievements during the time at the school and suggested that they should be considered as children not just numbers. He concurred with the comments of Councillor Steele-Mortimer.

Councillor Dave Mackie spoke of the criteria from the Council's School Modernisation Strategy which was detailed in paragraph 1.02 and suggested that the issue of a federation should also be included in the criteria for future cases. He commented on examples of a child who lived in Cardiff who had to travel by car for 25 minutes to get to school because there were no local places available and of a child who lived in Flintshire five minutes away from a school but was unable to gain a place at that school. He had carried out analysis of admissions figures and had concluded that in Flint there were 1221 school places and in the four primary schools in Flint, there were 1120 pupils and therefore the vacancy rate was 8%. Councillor Mackie added that if Ysgol Maes Edwin was to close then the number of places would drop to 1146 and would have a vacancy rate of 2%; the Welsh Government website advised that there should be no more than 10%. He felt that this was an important issue to consider and that the school should not be closed if there was future need for the places.

Councillor Cunningham sought clarification on the pupil to teacher ratio if Ysgol Maes Edwin closed and the children had to attend other schools and queried whether extra teaching staff and extensions to buildings would be required. He also commented that the school was used in the evening for a variety of evening classes and other activities and events.

Councillor Peter Curtis asked if the Council had a 'Plan B' if the school did not close.

Councillor Aaron Shotton spoke of the process and said that many questions had been raised and answered and indicated that these had been included in the Objection report that had been submitted to Cabinet. He welcomed the opportunity to broaden the discussion because of the general nature and non-specific reasons for the call-in. He referred to the comments of Councillor Steele-Mortimer that it had been recognised in 2008 that there were concerns about the low numbers of pupils attending the school and he added that since 2010 there had been numerous cuts to Local Authority funding which had resulted in Councils having to make difficult decisions on school and library closures. He said that if he was still Leader of the Council following the Annual Council meeting in May 2016, then he would continue to fight against the austerity cuts to public sector funding and a low Gross Domestic Product (GDP) spend.

Councillor A. Shotton spoke of the £52m cuts faced by the Authority in the Medium Term Financial Strategy and the increasing demand and pressure on Councils with reduced funding available and spoke of a 'tipping point' that was fast approaching. He commented on Alternative Delivery Models (ADMs) which

for education was a federation but no such proposals had been submitted. If Ysgol Maes Edwin was kept open, this would have consequences for other schools and he explained that Buckley Mountain school received £1000 per pupil less than Ysgol Maes Edwin received per pupil which was not sustainable. The overall budget for education had been increased by £1.4m through a combination of Council funds and the additional pupil deprivation grant but demand and pressures outstripped this funding. Councillor A. Shotton expressed significant concern about some of the comments made by Councillor Steele-Mortimer. He spoke of the difficult decisions that needed to be made to protect the quality of education in the classroom and he felt that the issue of data had been addressed.

The Cabinet Member, Councillor Chris Bithell, felt that different reasons had been raised than had been given as the reason for the call-in. He had previously spoken of the difficult decisions that the Council was facing and the anxiety that it caused to all those concerned. The process had been followed because it was essential to do so and he indicated that Councillor Steele-Mortimer could have taken the decision to close schools when he was Executive Member for Education. Flintshire County Council had been under considerable pressure from Welsh Government (WG), Wales Audit Office (WAO) and Estyn to tackle the issues and there was an expectation that value for money would be achieved. The funding from national government to local government to local authorities had reduced significantly and Councillor Bithell explained that the money followed the pupils but added that funds could not be taken from other schools to protect some schools without impacting on teacher to pupil ratios and classroom sizes. He said that to some the status quo may be the best option but there was a need to consider the impact on all children, parents and teachers.

Councillor Bithell spoke of the comments made by governors and headteachers in the Schools Budget Forum querying why something was not being done about the inconsistent funding for some schools compared to others. On the issue of cutting funding from other services to protect schools which had been suggested by Councillor Steele-Mortimer, Councillor Bithell said that this was already being done and services such as libraries and community centres were being closed because of lack of funding and alternative proposals of which services could be cut had not been provided. The issue of the impact on the local area had been raised but Councillor Bithell highlighted the issue of pupils who attended Ysgol Maes Edwin but came from areas other than Flint Mountain and raised concern about the impact of schools in their home area. The developments in Flint that had been referred to were not in the same ward as Ysgol Maes Edwin and there were nearer schools to those sites. He spoke of the difficult decisions made by parents who moved their child from schools under the threat of closure and the decision made by Cabinet to continue the process of closing the school.

The Chief Officer (Education and Youth) commented on the sensitive and challenging issue faced by the decision makers but spoke of the support available for all those affected by the decision. It was a statutory responsibility of the local authority to manage the supply of school places and WAO, WG and Estyn continued to monitor the progress made by the Local Authority and the Committee was aware that it was a priority in the Council's Improvement Plan. He also spoke of the self-evaluation and concurred with the comments made by Councillor Bithell of the requests by Headteachers on the Schools Budget Forum

seeking action by the Local Authority to ensure teacher/pupil ratios and staffing levels were appropriate. Schools were having to manage significant grant reductions and some were in a situation where staffing costs outstripped the funding available to the schools and therefore reductions in staffing needed to be made. He spoke of the significant amount of time that had been spent on the issues raised in connection with Ysgol Maes Edwin and the responses that had been considered and he spoke of the meeting held on 6<sup>th</sup> January 2016 where the issues raised by the school community had been considered along with the responses provided by the local authority.

A thorough discussion had taken place and the recommendation to Cabinet was that the process be suspended for 2 months for a federation to be reviewed. Cabinet made such a decision on 19<sup>th</sup> January 2016 following consideration of responses from statutory consultees and the comments of the Education and Youth Overview & Scrutiny meeting had also carefully been considered. Cabinet then decided to proceed to a formal statutory consultation on the closure and issued a statutory notice but reflected on the Overview & Scrutiny discussion and confirmed that if a detailed business case for a federation proposal was put forward before the end of February 2016, then it would be considered. In the following period, no federation proposals were received and therefore Cabinet had to make a determination of statutory proposals in accordance with the statutory school organisation code. In doing so, Cabinet had to decide whether to approve or reject the statutory proposal and no modifications could be made at that point and legally Cabinet had to make a decision in 112 days or 16 weeks. Cabinet did not approach the decision with a closed mind and all arguments were considered but they focussed on the impact on the quality of the education of the pupils, the need for places and the resources of education and discussions on all areas were considered before determination was made. The Chief Officer (Education and Youth) said that he was respectful of the place of the call-in but recognised that at this stage, Cabinet could only make determination of whether to implement the proposals or not. He said that the concerns had been recognised and addressed and he reminded the Committee that assurance had been provided that every step would be taken to ease the transition arrangements that would be put in place once the determination was made.

The Chief Officer said that another area of concern was that the decision to close Ysgol Maes Edwin was not in the best interests of the pupils but this issue had been raised in an earlier Education and Youth Overview & Scrutiny meeting and had been reported to Cabinet so the concerns had therefore been addressed. On the issue of the diminishing resource criteria, he reminded Members that as of April 2016 84.2% of pupils attending Ysgol Maes Edwin were not attending their local school which would mean that the distance travelled to school would increase but it was well within the guidelines and could mean that the pupils were eligible for school transport. The third issue raised was the impact on the community. Members were advised to refer to the appraisal to Overview & Scrutiny and Cabinet which addressed the issue. A Community Impact Assessment had been undertaken which measured the impact and provided advice on how to minimise the impact and the Council would work with the school and the community to mitigate issues where possible. However, he added that there were many villages across the county that did not have a village school but still had a vibrant community. He also advised that there were many

areas of the county where small schools needed to be maintained but said that Ysgol Maes Edwin did not fall into this category. On the issue of a federation, he spoke of the support that would be provided to a federation if a proposal had come forward, but no willing partner had been prepared to work with Ysgol Maes Edwin. There were sufficient school places in the area and a statutory determination would not have been issued if there was insufficient provision. If and when the determination was confirmed, work would be carried out with staff, pupils and the community to identify alternative school provision and a transition plan would be negotiated with each child and their family. He reminded the Committee that any transition would have to be handled sensitively. He concluded by saying that any decision to close a school became more difficult to put into practice the closer it got to the summer term in order to comply with the school organisation code.

Councillor Marion Bateman sought clarification on what the £93,000 spend had been on and why it had been spent at a time when closure was being considered. She also asked how much had been spent on Ysgol Owen Jones to accommodate pupils from Ysgol Maes Edwin. The Senior Manager – School Planning & Provision advised that £93,000 had been spent on a repair to the roof and to make adaptations to accommodate a child with particular needs. Nothing had been spent on Ysgol Owen Jones as a result of the proposal to close Ysgol Maes Edwin and the spend on Ysgol Maes Edwin was a requirement to comply with the Equalities Act and because of the urgent roof repairs required; both spending on Ysgol Owen Jones and not spending on Ysgol Maes Edwin would be seen as a predetermination of the decision to close Ysgol Maes Edwin. Councillor Bithell felt that this demonstrated that no decision had been made before hand and the needs of the school had been considered and dealt with appropriately. In response to a question from Councillor Bateman about whether it was felt that the spend was a waste of money, Councillor Bithell confirmed that it was not and that the monies had been spent when necessary to repair the roof and adapt the school to meet particular needs of one child.

Councillor Paul Shotton said that this was an emotive issue but due to the severe austerity cuts, this was a different decision than was reached in 2008. He asked how many pupils at Ysgol Maes Edwin lived in Flint Mountain and whether there had been an increase or decrease, and sought clarification on where Ysgol Maes Edwin sat in the categorisation scale. In response, Councillor Bithell said that the number of pupils living in Flint Mountain was less than 10. As at July 2015, the school was in Welsh Government categorisation 4, on a scale of 1 to 4, with 4 being the lowest for educational standards and had remained in the same category when WG conducted their annual review in January 2016. He added that the number of pupils at the school had decreased as parents had moved their children to alternative schools because of the threat of closure. Councillor Paul Shotton also asked if standards at alternative schools would be maintained under these proposals. Councillor Bithell indicated that in Estyn's opinion, the proposal was likely to at least maintain the current standards of education in the area so the standards of other schools would be equivalent or higher than those currently in Ysgol Maes Edwin.

The Chief Officer (Education and Youth) commented on the School Organisation Code and of the need to provide clear information on the quality of education being provided; this data had been provided for Ysgol Maes Edwin and

for other schools in the area. Estyn's report had been considered as they were statutory consultees in proposals for schools and he reiterated the earlier comments that the view of Estyn was that the proposal would at least maintain the standards of education in the area.

Councillor Gareth Roberts referred to the WG Categorisation 4 but said that it had recently been reported in the local press that the school was in categorisation 3/amber. He also spoke of proposed developments in Flint and of the Croes Atti development for near 700 houses and suggested that as 2/3 of the children at Ysgol Maes Edwin already came from Flint, Ysgol Maes Edwin could take pupils who would be unable to get into Flint schools. In response, the Chief Officer (Education and Youth) said that it was a matter of record that the publicly available description for categorisation for the number and colour were available and that amber reflected that a school required a significant amount of extra support to make progress. He spoke of schools that had been in red and amber categories that were involved in the school monitoring system and of work that was undertaken with the chair of governors to arrange a rapid improvement plan. On the issue of developments, he said that evidence had been shared with Cabinet that there were sufficient places for Ysgol Maes Edwin pupils and for pupils from known developments without keeping Ysgol Maes Edwin open. The Senior Manager, School Planning & Provision confirmed that this had been fully reported in the consultation document and provided a detailed explanation of how the figures had been calculated; this was detailed in paragraphs 1.15 to 1.17. He explained that this did not take account of parental choice or the pace of housing but all evidence base had been debated and there was capacity to accommodate pupils from Ysgol Maes Edwin.

Councillor Cunningham accepted the authority had to spend money on the roof and to make adaptations for a disabled child but queried whether spend on an office move and a high tech entry system could be justified. On the issue of federation, he asked if any schools were persuaded against a federation. The Chief Officer (Education & Youth) confirmed that this was not the case and that it was an inappropriate suggestion. Councillor Bithell confirmed that it had been necessary to spend the monies on the school and that it was not the Council's policy to only spend on schools that were not under review. The Senior Manager, School Planning & Provision explained that there was no spare space to accommodate a new toilet for the disabled child so some rationalisation of space was needed which included having to move the office to accommodate the required adaptations. On the issue of federation, Councillor Bithell said that this would have been the best option instead of closure but no schools had come forward with an offer of a federation. He said that Councillor Steele-Mortimer had suggested that a federation could be forced, but it had not been considered that this was appropriate.

Councillor Bateman sought assurance that parents would be given preferential treatment in their choice of a new school as she had been told that some parents had contacted Ysgol Sychdyn and had not been given any help from the Council to move there. The Chief Officer (Education & Youth) said that as a decision to close the school had not yet been confirmed, the current allocations policy still applied and as Ysgol Sychdyn was not the local school then advice was being given in line with current policy. If a determination was made,

then work would be carried out with individual families on options and to negotiate on securing a place for the children.

In summing up, Councillor Steel-Mortimer expressed concern about the political comments of Councillor Aaron Shotton and said that he had tried not to make it a political matter. He felt that it was important to keep the school open and said that if the threat of closure was lifted, it had been suggested that the number of pupils would increase to the rate in the school in June 2015. He said that it did not matter where the child lived and that Flintshire children needed educating even if this was not in their local school. On the issue of educational status, he said that a number of children went to this school as a result of bullying elsewhere and said that the school provided an improvement in the children. On the issue of finance, he said that it was WG's aim that schools should be delegated 85% of funding to each school but Flintshire was one of the Councils that did not do this. It was proposed that WG would increase this figure to 90% which was further out of reach of Flintshire County Council. He suggested that until the target was met, the decision was not making the correct use of funding recommendations. He proposed that the committee should consider option 4.

Councillor Aaron Shotton said that the decision to close the school had not been made lightly. He spoke of the ongoing work with headteachers to increase the delegation of funding to schools but added that this was not always popular with schools. It had been suggested that the school should remain open but Councillor Aaron Shotton said that this would mean that funding would need to be shared unequally and that it would be seen as a dereliction of duty. He reminded the Committee of the increase in education funding by 1% that had been included in the Council's budget.

The Chief Officer (Education & Youth) reiterated earlier comments about discussions with Schools Budget Forum representatives about school budgets and added that progress had been made on the introduction of a funding model to ensure equality amongst Flintshire schools.

The Education and Youth Overview & Scrutiny Facilitator detailed the four options available. Councillor Steele-Mortimer proposed option 4 which was duly seconded by Councillor Hilary Isherwood. The Vice-Chairman and Facilitator advised that if the Committee voted in favour of option 4, then the Full Council meeting would make a recommendation to refer the decision back to Cabinet as the decision makers.

On being put to the vote, the proposal to refer the decision to Council was carried. Councillor Bateman indicated that she had abstained from voting as the schools that she was a governor at would benefit from the closure of Ysgol Maes Edwin. The Vice-chairman stated that he had also abstained from voting.

The Facilitator confirmed that the matter would now be referred to Full Council.

**RESOLVED:**

That having considered the decision, the Overview & Scrutiny Committee is still concerned about it and therefore refers the matter to Full Council.



71. **MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 12 members of the public and 2 members of the press in attendance.

(The meeting started at 10.00 am and ended at 11.37 am)

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**Chairman**