

## **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 in the Council Chamber, County Hall, Mold at 11.40am on Thursday, 28 April 2016

**PRESENT: Councillor Ian Roberts (Chairman)**

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

**CO-OPTED MEMBER:** David Hÿtch

**SUBSTITUTES:** Councillors: Hilary Isherwood (for Adele Davies-Cooke), Gareth Roberts (for Nancy Matthews) and Paul Shotton (for Andy Dunbobbin)

**APOLOGIES:** Councillors: Ray Hughes and Phil Lightfoot

Co-opted members: Janine Beggan, Rebecca Stark and Bernard Stuart

**CONTRIBUTORS:** Councillor Aaron Shotton, Leader and Cabinet Member for Finance; Councillor Bernie Attridge, Deputy Leader and Cabinet Member for Environment; Councillor Chris Bithell, Cabinet Member for Education; Chief Officer, Education & Youth; and Senior Manager, School Planning & Provision

**IN ATTENDANCE:** Education and Youth Overview & Scrutiny Facilitator and Committee Officer

### **72. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

The following declared a personal interest on Agenda Item 4 'School Modernisation - School Standards and Reorganisation Act 2013 - Ysgol Llanfynydd' as they were governors of schools within the network:

The Chairman and Councillors Paul Cunningham, Peter Curtis, Hilary Isherwood, Dave Mackie, Vicky Perfect, Gareth Roberts, Paul Shotton and Nigel Steele-Mortimer. Mr. David Hÿtch also declared a personal interest.

### **73. 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.

### **74. SCHOOL MODERNISATION - SCHOOL STANDARDS AND REORGANISATION ACT 2013 - YSGOL LLANFYNYDD**

The Call-in related to the decision of the Cabinet from its meeting held on 19 April 2016 relating to School Modernisation - School Standards and Reorganisation Act 2013 - Ysgol Llanfynydd. The Call-in notice had been signed by four 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 considered by Cabinet on 19 April 2016.
- (c) A copy of the Cabinet Record of Decision No. 3254.
- (d) A copy of the Call-in notice signed by Councillors Hilary Isherwood, Dave Mackie, Nigel Steele-Mortimer and Alison Halford.

Whilst Councillor Chris Bithell understood the concerns of those affected by the proposal to close the school, he spoke about the difficulty in reaching decisions such as this, in light of the reduced funding from central Government.

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

Councillor Hilary Isherwood read out the reasons for the Call-in as set out in the notice. She spoke about the consequences of school closure upon the community and pointed out that the range of adaptations to the school benefited children with special medical needs and were not available at other schools in the vicinity. She said that incorrect data had been used to report the capacity for the school, as identified in the Objection Report and did not reflect the reduction in capacity arising from changes to the school in 2011. She referred to page 21 of the School Organisation Statutory Code on determining the capacity of enlarged school premises, and questioned the reasons for the statutory proposals given the criteria set out. She went on to state that at 66, Ysgol Llanfynydd had the 7<sup>th</sup> highest capacity in Flintshire and should therefore not have been included in the first round of proposed closures, which would have allowed time to work on increasing school numbers. Other sections of the Code were also highlighted, including the duties on local authorities in determining proposals where objections had been made.

In respect of costs, Councillor Isherwood pointed out that the efficiency stated would be a one-off and she questioned the need for a roof replacement on the school building, adding that future maintenance costs had not been taken into consideration for other schools. In addition, she said that there had been no response to the issue on income generated from solar panels and that a viable business case for a reduced budget for the school had allegedly not been appropriately considered. In terms of process, she pointed out that the statutory notice should have been issued to the school's governing body despite regular contact by the Chair of Governors with the 21<sup>st</sup> Century Schools' team. She stated that the school had been given a Category 2 'yellow' rating by GwE with capacity for improvement and that the comments made by Estyn in the consultation report were out-of-date as the school had last been inspected in 2009. She also advised that options for a federation were still being pursued, particularly in view of the increase in local housing developments.

Councillor Dave Mackie referred to comments made at the Cabinet meeting and questioned whether there would be sufficient capacity at Ysgol Parc y Llan if Ysgol Llanfynydd was to close.

It was pointed out by Councillor Chris Bithell that statutory proposals for Ysgol Llanfynydd could have been made at an earlier stage under the School Modernisation Strategy, however this was now necessary due to the number of surplus places at the school which impacted on the school budget and in turn,

affected capacity to run the school effectively. He disagreed with the comments about the business case and gave assurance that that these views had not been shared by the School Budget Forum when discussing funding for smaller schools. He explained that subsidising the funding gap for the school to meet the requirements of delivering the national curriculum could not be sustained as this created pressures on other schools, and that Ysgol Llanfynydd was ranked the highest funded per pupil in Flintshire. He reminded the Committee that School Modernisation was a challenging issue across the whole of the UK, not just in Flintshire. On the concerns raised, he stated that the data on capacity had been carefully analysed, mostly based on school returns, and gave assurances that the process had been followed in accordance with the checklist using up-to-date information and no issues raised by Estyn. He felt that closure of the school would not greatly impact on the village as a large proportion of pupils were from adjoining villages and others from Wrexham, and that these were amongst a range of factors taken into consideration. He also reminded the Committee that there were communities in other areas of Flintshire which had either lost schools or had no provision at all.

The Chief Officer (Education & Youth) expressed his appreciation for the opportunity to share information in response to the contributions and strong views which had been put forward. He explained that if the statutory determination to close the school was confirmed, the Council would provide support for the pupils to transfer as a group, subject to parental preference, adding that unused building capacity at Ysgol Parc y Llan could be brought back into use to accommodate pupils. Whilst he respected the position of Councillor Isherwood as local Member, he stressed the importance of acknowledging that the requirements of the School Organisation Code and local policy were followed, together with recognising the impact of a prolonged process on all those affected. He said that the detailed debate by the Committee on the proposals in January 2016 had been reported to Cabinet to inform their consideration and that the decision-making timeline had allowed for consideration of any proposals for a federation. In the absence of a viable expression of interest for a federation, Cabinet had taken the decision to pursue statutory proposals with full and open-minded consideration of the views of stakeholders. In respect of the call-in of the Cabinet decision, the Chief Officer gave clear assurance that the statutory proposals had been served in accordance with the requirements of the School Organisation Statutory Code and that the consultation and objection reports had both exceeded the requirements of the Code. As part of the process, a Community Impact Assessment had been undertaken which identified alternative facilities in the community and there was potential to build on the links already established from the Acting Head Teacher sharing arrangement.

Responding to other comments raised, the Chief Officer provided explanation on the annual contributions generated by the school's solar panels. He stated that officers had not been inappropriate in responding to the school's suggestions for lower funding and that it was a collective view that education delivery could not be sustained with a lower level of funding than the formula offered. In relation to adaptations, he said that the school had no record of any pupils requiring specialist facilities, however neighbouring schools were able to accommodate pupils with a range of special medical needs. He went on to speak about the unprecedented pressures on school funding, despite the level of

protection given by the Council, and that prolonged uncertainty was difficult for all concerned and would reduce time needed to work through transition plans.

Councillor Aaron Shotton also understood the concerns of the local Member, but said there was a need to take a balanced view on the current period of austerity, the significant repairs and maintenance issues of the school network and the expectations from Welsh Government to address school surplus places. He explained that the school funding formula was an issue that the Council was seeking to tackle and referred to the level of differential on spend per pupil at Ysgol Llanfynydd which could not be sustained. The impact and sensitivity around school closure was recognised, along with the need to improve and protect the school network, however with no federation proposal, the Cabinet had no other reasonable option but to pursue the statutory proposals. Councillor Shotton also commented on the creation of new schools in Shotton, Connah's Quay and Holywell, and said that the Council was continually seeking to increase education budgets despite cuts elsewhere.

Councillor David Healey said that he had concerns about the closure of the school, particularly in recognition of the high standard of education. However, he felt there was a need to understand the context behind the decision including factors outside the control of the Council such as changes in demography and family sizes. Whilst it was unfortunate that the school was now in this position and noting the potential impact on the network of schools in the south of the county, he was reassured by the Chief Officer's comments about support for a collective move to Ysgol Parc y Llan. In response to earlier remarks, he sought clarity on whether the school capacity was 80 or 66 as this affected the percentage of surplus places.

The Chief Officer stated that the school capacity had been well documented in both the consultation and objection reports, however that alone did not determine the outcome of the review which was assessed on educational standards, accessibility and resources. The Senior Manager, School Planning & Provision stated his confidence that all the requirements of the Statutory Code had been met and confirmed that the school capacity was 80, as ratified by the Head Teacher.

Councillor Paul Shotton thanked officers for the comprehensive answers to the questions raised on this emotive subject. He spoke about the need to maintain standards and to make schools more resilient in the face of continued cuts to funding, as funding was linked to the number of pupils.

Councillor Gareth Roberts referred to the reasons given for the proposals which differed from that previously considered for Ysgol Maes Edwin. Whilst he did not wish for Ysgol Llanfynydd to close, he felt there was no other solution having heard the evidence.

The initiators of the Call-in were then given an opportunity to sum up.

Councillor Isherwood spoke about the quality of education and good attendance levels at the school. She referred to comments made as part of the consultation and felt that the Council should take steps to explore the option of a forced federation.

Councillor Nigel Steele-Mortimer praised the way in which Councillor Isherwood had represented the school and stated that his objection to the proposal was in relation to pupil numbers. He noted that the Council was not meeting the aim to delegate 85-90% of funding to schools and felt that this approach would ensure the continuation of this excellent school and increase pupil numbers.

In response to Councillor Isherwood's comment that there were other schools with more surplus places, Councillor Bithell said that this was correct but was not the sole factor as it was important to ensure there was alternative provision locally. He spoke about the process for federation based on identifying a willing partner school and made reference to the proposed closure of Ysgol Mornant which had been reversed following consideration of the outcome of the consultation, demonstrating that the matter had not been pre-determined. He went on to say that the decision of Ysgol Parc y Llan to decline the option for federation should be respected, and said that forced federations could present difficulties. He went on to refer to the process for evaluating maintenance costs involving tendering for the work, and to consider the ongoing costs of running the building. He said it was recognised that Ysgol Llanfynydd was not a failing school and that the criteria set out in the School Organisation Code had been followed.

The Chief Officer referred to detailed discussions and information previously shared with the Committee. He reiterated his assurance that if the decision remained to close the school, the Council was able to work directly on approaches to the transition plan to support pupils in their future education, and to secure the futures and transitions of members of staff in schools.

The Facilitator gave a reminder of the options available to the Committee. Councillor Isherwood proposed Option 4 which was seconded by Councillor Steele-Mortimer. On being put to the vote, this was lost.

Councillor Paul Shotton's proposal for Option 1 was duly seconded by Councillor Peter Curtis. On being put to the vote, this was carried. The decision could therefore be implemented.

**RESOLVED:**

That, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, and it is in order for the decision to be implemented.

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

There were three members of the press and four members of the public in attendance.

(The meeting started at 11.40am and ended at 1.05pm)

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**Chairman**