

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	Cabinet
<b>Date of meeting:</b>	2 May 2023
<b>Title:</b>	Principles for Ensuring Sustainable Education Infrastructure
<b>Purpose of the report:</b>	To present the 'Principles for Ensuring Sustainable Education Infrastructure' document which will replace the 'Developing Education Provision to 2020'
<b>For:</b>	Decision
<b>Cabinet Portfolio and Cabinet Member:</b>	Councillor Wyn Thomas, Cabinet Member for Schools, Lifelong Learning & Skills

### Background

In November 2018, the Welsh Government updated its statutory code in terms of school organisation and introduced a presumption against closure clause for rural schools.

The definition of a rural school has been determined by the Welsh Government using the rural and urban categories of the Office for National Statistics, and as a result, 28 schools in Ceredigion have been defined as rural schools.

Due to the introduction of the new statutory guidance by Welsh Government, the School Review Policy was replaced by a School Reorganisation Handbook which provides a summary of the procedures that need to be followed when undertaking a school review and adopted by Cabinet on the 15 June 2021.

### Current Situation

The statutory code requires Local Authorities to follow a series of more detailed procedures and requirements when drawing up a proposal to close a rural school, when consulting on that proposal, and when deciding whether the proposal to close a rural school should be implemented.

Before deciding whether to proceed with a consultation, a proposal paper must be prepared and submitted to the Learning Communities Work Stream. Following the meeting of the Scrutiny Work Stream, the proposal paper is submitted to the Cabinet to consider whether to:

- a) Approve the proposal and proceed to conduct a statutory consultation
- b) Reject the proposal
- c) Offer an alternative option

The proposal paper will then be presented to the Learning Communities Scrutiny Committee before undertaking a Statutory Consultation.

The 'Planning Education Provision to 2020' document is now out of date, and it is therefore timely to present a document that outlines the principles for maintaining a sustainable education infrastructure for the future.

The Principles for Ensuring Sustainable Education Infrastructure' document is attached (**Appendix A**). This replaces the 'Planning Education Provision to 2020' document.

The principles noted in Section 1.2 of the 'Principles for Ensuring Sustainable Education Infrastructure' document (Appendix A) will form the basis for any decision on future school re-organisation proposals.

The Welsh Government statutory guidance details the procedures to be followed when undertaking any school re-organisation proposal and have been summarised in the 'School Organisation Handbook' (Appendix C).

<p><b>Wellbeing of Future Generations:</b></p>	<p><b>Has an Integrated Impact Assessment been completed? If, not, please state why –</b>  <b>Summary:</b>  <b>Long term:</b>  <b>Collaboration:</b>  <b>Involvement:</b>  <b>Prevention:</b>  <b>Integration:</b></p>
<p><b>Recommendation(s):</b></p>	<p>Cabinet to approve the 'Principles for Ensuring Sustainable Education Infrastructure' document (Appendix A)</p>
<p><b>Reasons for decision:</b></p>	<p>Any future re-organisation proposal will be based on one or more of the principles noted in Section 1.2 of the Principles for Ensuring Sustainable Education Infrastructure document and in accordance with the Welsh Government's School Organisation Code 2018.</p>
<p><b>Overview and Scrutiny:</b></p>	<p>Presented to Learning Communities Overview and Scrutiny Committee on the 30 March 2023</p>
<p><b>Policy Framework:</b></p>	
<p><b>Corporate Well-being Objectives:</b></p>	<p>Providing the Best Start in Life and Enabling Learning at All Ages</p>
<p><b>Finance and Procurement implications:</b></p>	<p>N/A</p>
<p><b>Legal Implications:</b></p>	<p>N/A</p>

**Staffing implications:** N/A

**Property / asset implications:** N/A

**Risk(s):**

**Statutory Powers:** School Standards and Organisation (Wales) Act 2013  
School Organisation Code – Welsh Government  
Statutory Code – 011/2018

**Background Papers:** N/A

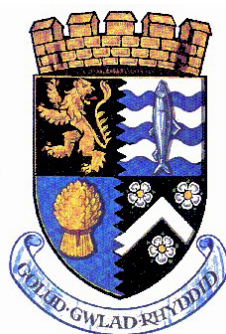
**Appendices:** Appendix A- Principles for Ensuring Sustainable  
Education Infrastructure  
Appendix B- School Organisation Code 011/2018  
Appendix C- School Re-organisation Handbook 2021  
Appendix D- Developing Education Provision to 2020

**Corporate Lead Officer:** Meinir Ebbsworth, Corporate Lead Officer: Schools and  
Culture

**Reporting Officer:** Nia James, Corporate Manager- Learning Resources

**Date:** 31 March 2023

# Ceredigion County Council



## **Principles for Ensuring Sustainable Education Infrastructure**



Version: Draft V8 03.04.23

Approved:

# SECTION 1: Introduction and Principles

## 1.1 Introduction

The purpose is to outline the principles of Ceredigion County Council in developing the school provision and infrastructure.

The **aims and objectives** of this strategy are to provide the children and young people of Ceredigion with the best possible opportunities:

1. to learn and thrive in a school/setting that offers the best possible learning experiences in a fit for purpose learning environment
2. to promote and support well-being, and an integrated childcare model for families
3. to ensure that our children and young people are well equipped to meet the future needs of employers and communities
4. to ensure that our children and young people continue to develop their Welsh language skills and are proud to contribute to a bilingual society

The aims and objectives of this strategy are aligned to other key documents and ways of working as outlined below:

- Future Generations and Well-being Act
- United Nations Rights of the Child
- Curriculum for Wales
- Additional Learning Needs Bill and Code
- Cymraeg 2050
- Local Well-being plan 2023-2028
- Ceredigion Corporate Strategy 2022-2027
- Local Development Plan 2007-2022
- Welsh in Education Strategic Plan 2021-2031
- Childcare Sufficiency Assessment
- Ceredigion Economic Strategy 2020-
- Growing Mid Wales
- Through age and Wellbeing Strategy

## 1.2 Core principles

1. Continue to ensure excellent provision, leadership and standards in schools/settings for all groups of pupils, which reflects the requirements of Curriculum for Wales and the Additional Learning Needs Code
2. Continue to build capacity to ensure that School Leaders have the appropriate time to lead and manage their schools
3. Continue to develop Welsh language provision to ensure the bilingual competencies of our children and young people
4. Continue to develop education provision for 3 year olds in schools as is appropriate
5. Provide excellent learning environments for children, young people, staff and the wider community
6. Make effective and efficient use of resources to ensure a sustainable infrastructure
7. Ensure parity and equity of access to a broad range of learning opportunities post 14 and 16 courses to prepare highly skilled and well-qualified children and young people for their next steps in education, training or the workplace

**Any future re-organisation proposal will be based on one or more of the principles noted above in accordance with the Welsh Government's School Organisation Code 2018.**

## 2.1 How Education Infrastructure has changed since the turn of the 21<sup>st</sup> Century

- Built 3 new Welsh medium 3-11 area primary schools – Bro Sion Cwilt, T. Llew Jones and Dyffryn Cledlyn
- Developed 3 new all-through schools – Ysgol Bro Pedr, Ysgol Henry Richard and Ysgol Bro Teifi
- Established a variety of formal and informal federations between schools
- Established 5 Additional Learning Needs Specialist Resource Centres within the Primary sector and 4 within the Secondary sector
- Increased the number of schools providing education for 3 year olds
- Changed the language category of 2 primary schools
- Reduced the number of primary schools from 70 to 36
- Developed 3 immersion centres for latecomers to the Welsh language
- Developed a PRU Centre in order to support pupils with social, emotional and behavioural problems and reintegrate them back into mainstream school.
- Delivered the Welsh Government's 21<sup>st</sup> Century Band A programme at a cost of £40.1m. This included:
  - a new 3-19 school at Llandysul, Ysgol Bro Teifi;
  - a new 3-11 area school at Drefach, Ysgol Dyffryn Cledlyn
  - a new primary wing and refurbishment of secondary school at Tregaron in order to create a 3-16 school, Ysgol Henry Richard
  - Comins Coch Primary – extension and removal of demountable classroom
  - Llanilar Primary School – extension and removal of demountable classroom

## 2.2 Band B 21<sup>st</sup> Century School Programme and other capital Grants

### Band B

The Local Authority is committed to providing the following as part of the Welsh Government's 21<sup>st</sup> Century Band B programme:

- Ysgol Uwchradd Aberteifi – refurbishment and extension to the existing school
- Ysgol Gynradd Aberteifi – refurbishment and extension
- Dyffryn Aeron 3-11 School – new 3-11 area school in the Aeron Valley
- Canolfan y Môr – extension to the current provision at Aberaeron Secondary School

### 100% Capital Grants

- Extension to Ysgol Gynradd Pontrhydfendigaid
- A contribution to the works at Ysgol Gynradd Aberteifi project
- Extension to Ysgol Gynradd Cenarth
- Remodelling to Ysgol Henry Richard

### Sustainable Communities for Learning

- The Welsh Government's Sustainable Communities for Learning is a 9 year rolling programme that Local Authorities can access when they are 60% through Band B subject to the approval of the Strategic Outline Programme.

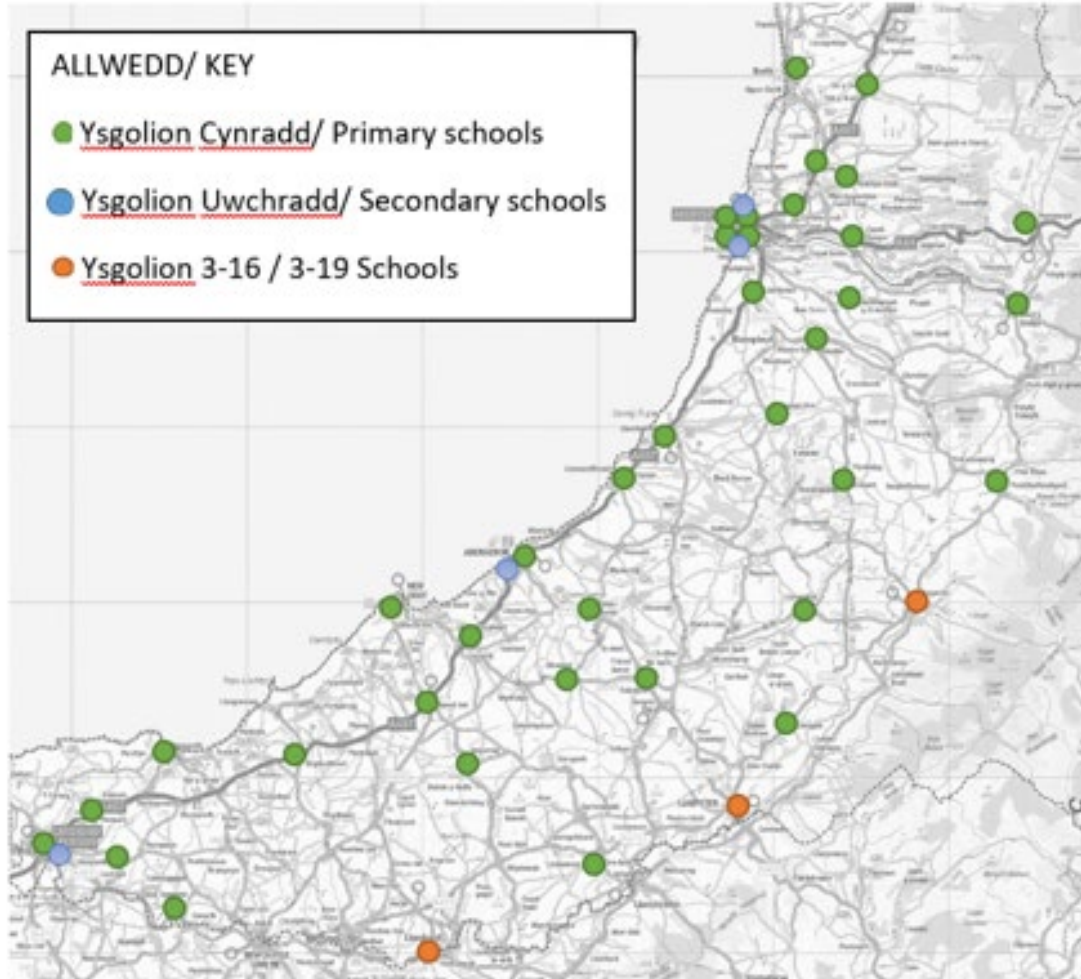
Years	Expectation
1, 2 and 3	Projects expected to reach Full Business Case within the 3 years
4, 5 and 6	Projects being developed and going through Statutory consultation
7, 8 and 9	Pipeline projects

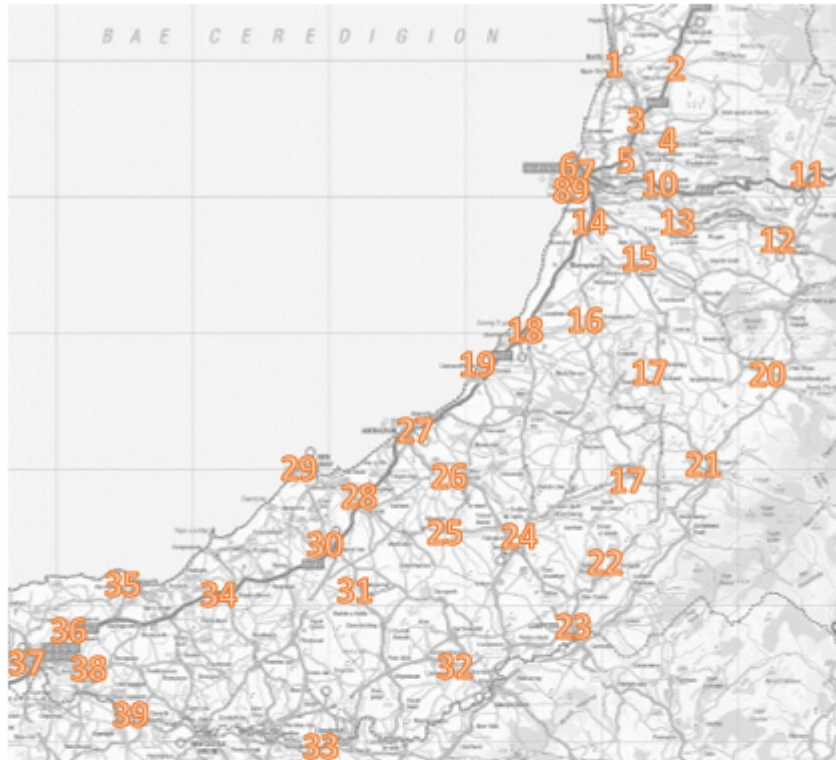
- The expectation is that the SOP, subject to Cabinet approval is presented to Welsh Government by March 2024 which will include the Local Authority's plans for education infrastructure for the next 9 years (2024 – 2033).
- Match funding will need to be identified for any projects included in the SOP



### 3. Maps of Education Provision

*Map showing location of Primary, Secondary and middle schools within Ceredigion*

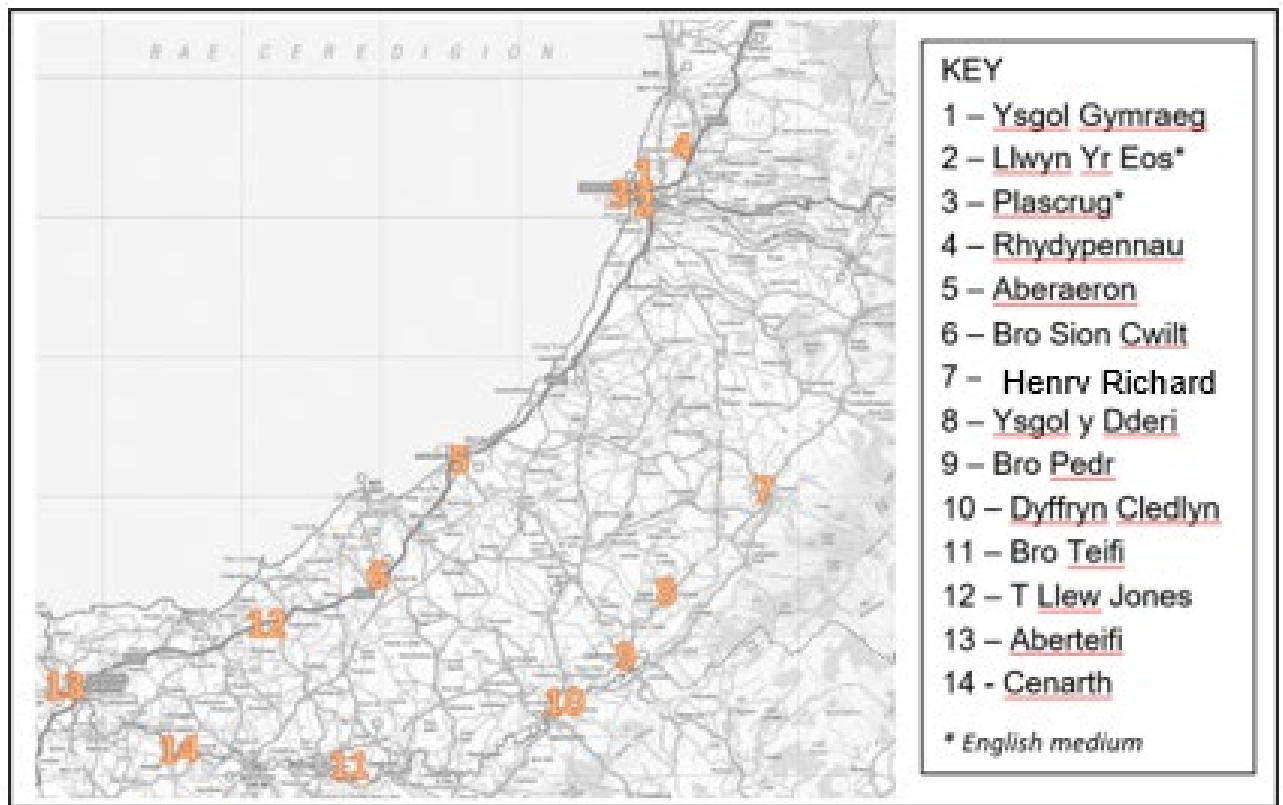




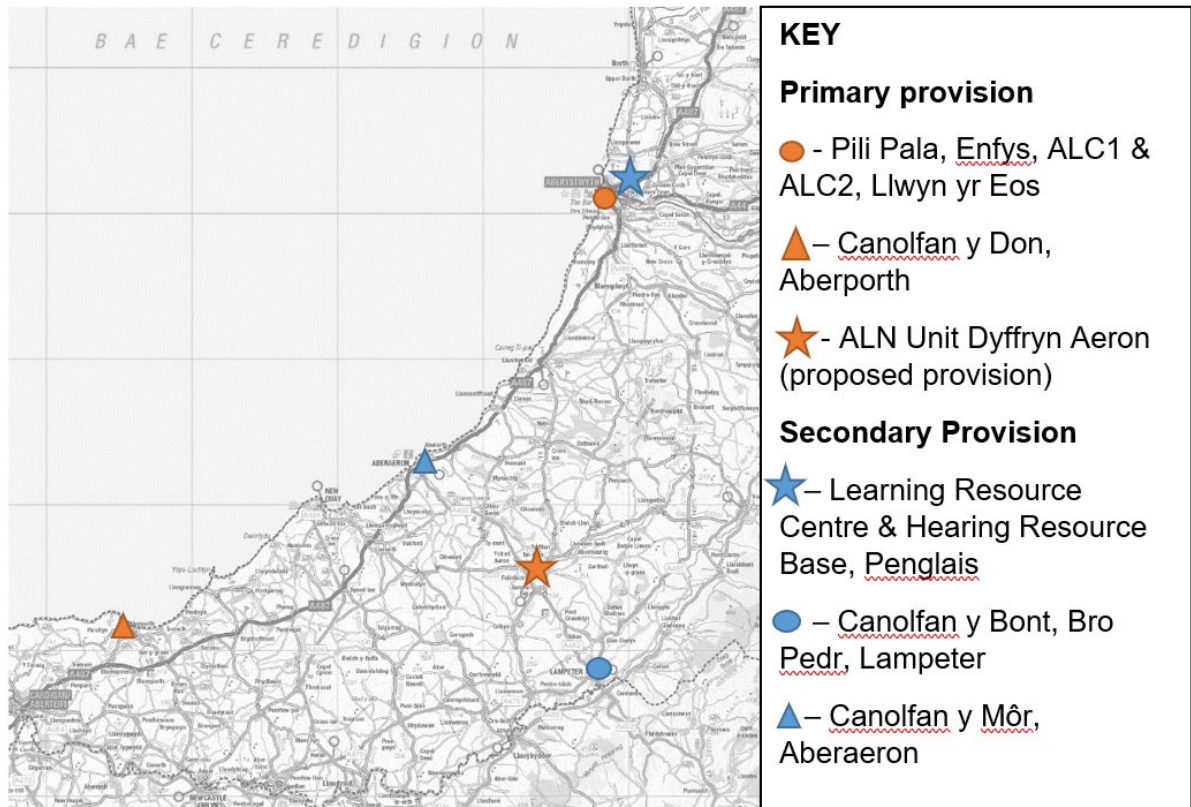
**ALLWEDD/ KEY**

- |                              |                      |
|------------------------------|----------------------|
| 1 – Craig yr Wylfa           | 21 – Henry Richard   |
| 2 – Talybont                 | 22 – Y Dderi         |
| 3 – Rhydypennau              | 23 – Bro Pedr        |
| 4 – Penrhyncoch              | 24 – Felinfach       |
| 5 – Comins Coch              | 25 – Dihewyd         |
| 6 – Padarn Sant              | 26 – Ciliau Parc     |
| 7 – Ysgol Gymraeg            | 27 – Aberaeron       |
| 8 - Plascrug                 | 28 – Llanarth        |
| 9 – Llwyn yr Eos             | 29 – Ceinewydd       |
| 10 – Penllwyn                | 30 – Bro Sion Cwilt  |
| 11 – Syr John Rhys           | 31 – Talgarreg       |
| 12 – Mynach                  | 32 – Dyffryn Cledlyn |
| 13 – Llanfihangel y Creuddyn | 33 – Bro Teifi       |
| 14 - Llanfarian              | 34 – T. Llew Jones   |
| 15 – Llanilar                | 35 - Aberporth       |
| 16 - Llangwryfon             | 36 - Penparc         |
| 17 – Rhos Helyg              | 37 - Aberteifi       |
| 18 - Myfennydd               | 38 - Llechryd        |
| 19 - Llanon                  | 39 - Cenarth         |
| 20 - Pontrhydfendigaid       |                      |

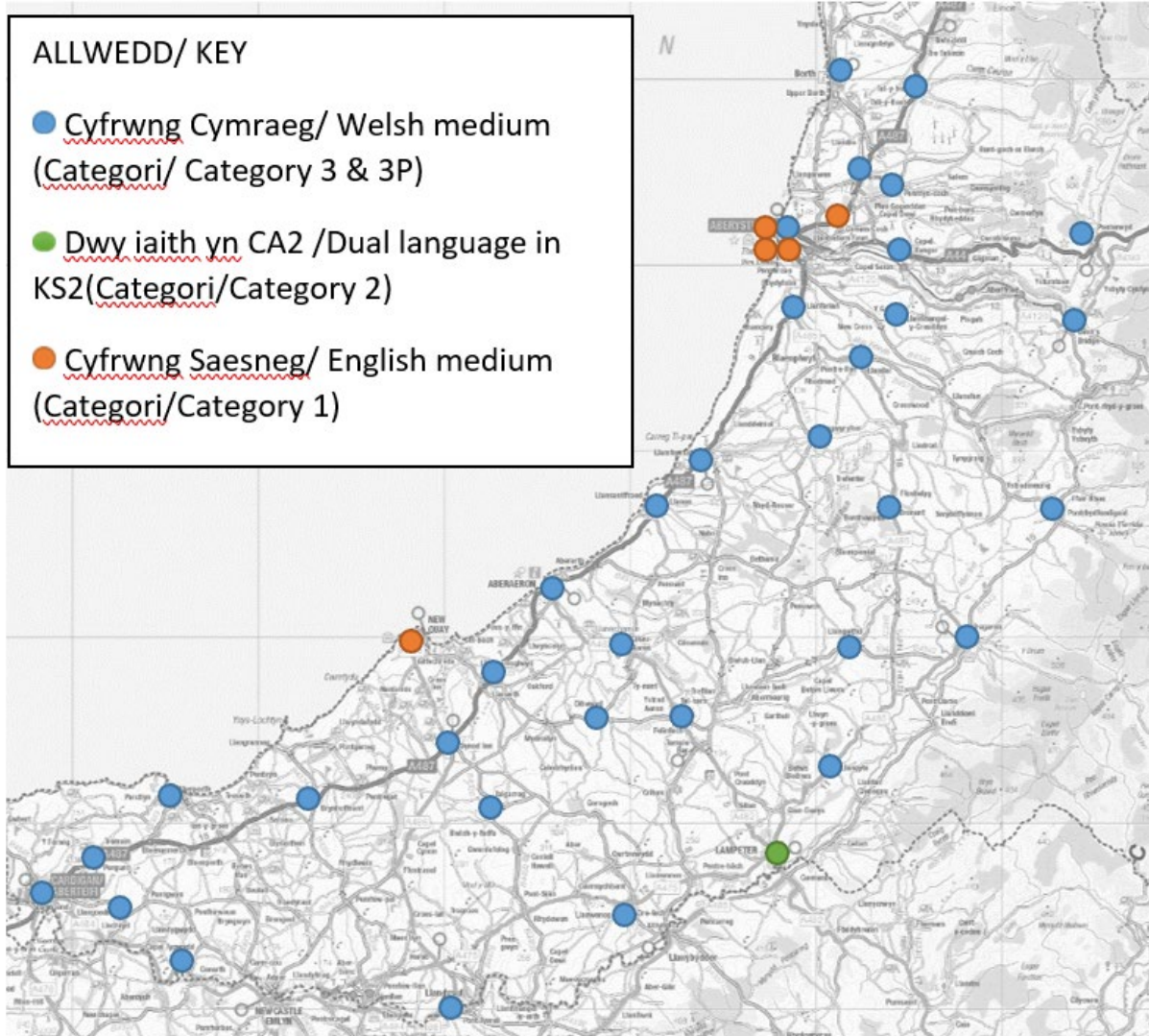
**Map showing location of schools with nursery provision**



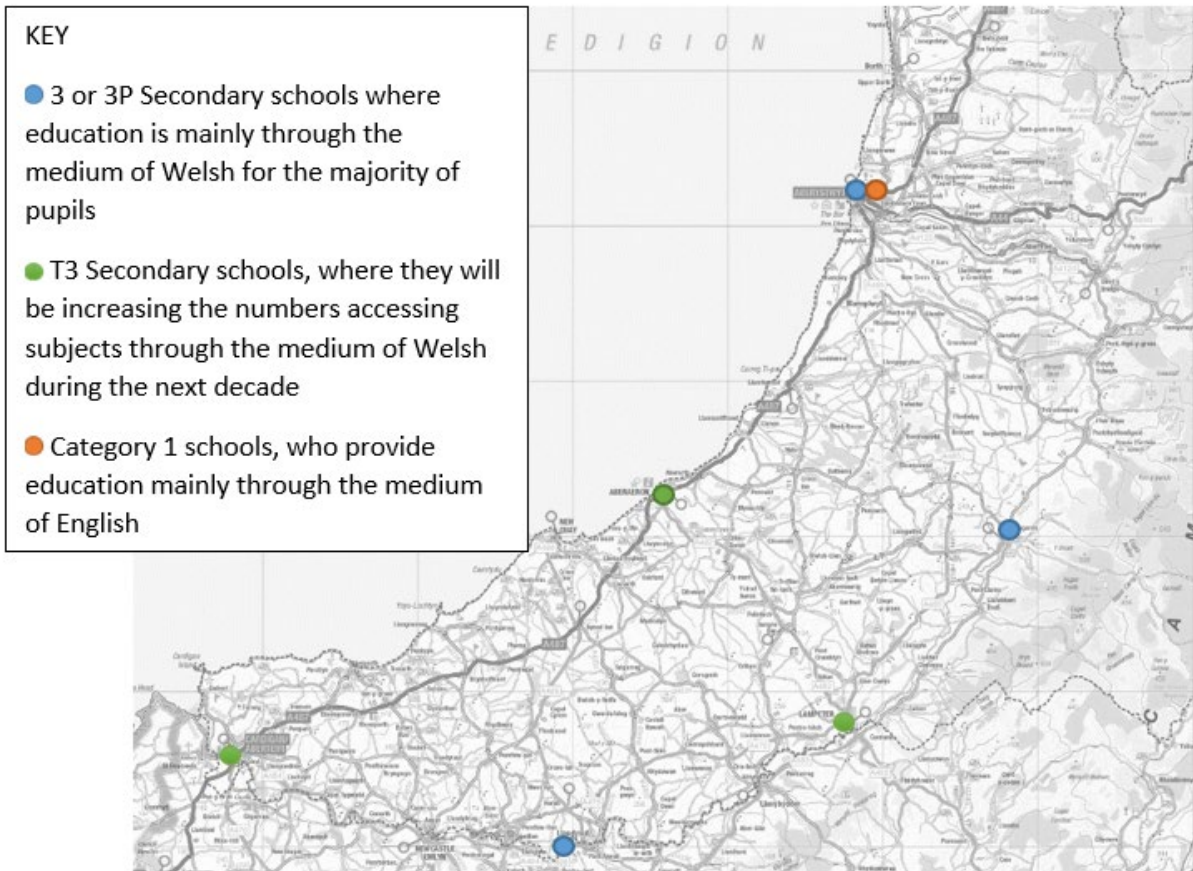
**Map showing location of specialist resource centres within mainstream schools**



**Map showing location of Welsh/English/Dual stream Schools within the Primary sector**



**Map showing location and language provision of schools within the Secondary sector**



### 3.5 Pupil numbers

#### current situation

*Table showing pupil numbers, capacity and surplus places within Ceredigion schools for the past 3 years*

#### Primary

	<b>Pupil no.</b>	<b>Capacity</b>
<b>PLASC 2021</b>	4,696	5,516
<b>PLASC 2022</b>	4,582	5,516
<b>PLASC 2023*</b>	4,568	5,538

#### Secondary

	<b>Pupil no.</b>	<b>Capacity</b>
<b>PLASC 2021</b>	4,220	5,873
<b>PLASC 2022</b>	4,299	5,873
<b>PLASC 2023*</b>	4,309	5,873

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\* PLASC data submitted January 2023 - Data yet to be verified

## Primary pupil numbers per school – PLASC data

	2021	2022	2023*	Capacity
Aberaeron (Cynradd)	197	196	197	201
Aberporth	146	157	161	181
Aberteifi (Cynradd)	378	374	367	421
Bro Pedr	321	321	322	376
Bro Sion Cwilt	99	100	93	147
Bro Teifi	306	309	300	360
Cei Newydd	77	82	83	98
Cenarth	61	75	75	73
Ciliau Parc	76	62	71	68
Comins Coch	174	153	144	185
Craig Yr Wylfa	35	27	24	74
Dihewyd	34	30	28	35
Dyffryn Cledlyn	103	103	101	120
Felinfach	48	50	54	60
Henry Richard	112	115	119	120
Llanarth	52	52	61	86
Llanfarian	47	42	38	56
Llanfihangel-y-Creuddyn	26	24	22	37
Llangwryfon	39	30	26	55
Llanilar	113	115	105	129
Llanon	32	36	41	59
Llechryd	62	67	62	99
Llwynyres	210	195	189	219
Myfenydd	70	71	70	91
Mynach	38	35	35	51
Padarn Sant	135	122	138	134
Penllwyn	42	38	35	55
Penparc	102	93	90	146
Penrhyncoch	94	89	94	110
Plascrug	395	395	396	409
Pontrhydfendigaid	71	67	67	74
Rhos Helyg	62	59	61	104
Rhydypennau	162	162	165	193
Syr John Rhys	23	22	21	39
T. Llew Jones	163	153	145	180
Talgarreg	45	38	37	63
Talybont	74	70	78	127
Y Dderi	106	101	98	133
Yr Ysgol Gymraeg	366	352	355	370
<b>TOTAL</b>	<b>4,696</b>	<b>4,582</b>	<b>4,568</b>	<b>5,516</b>

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\* PLASC data submitted January 2023 - Data yet to be verified

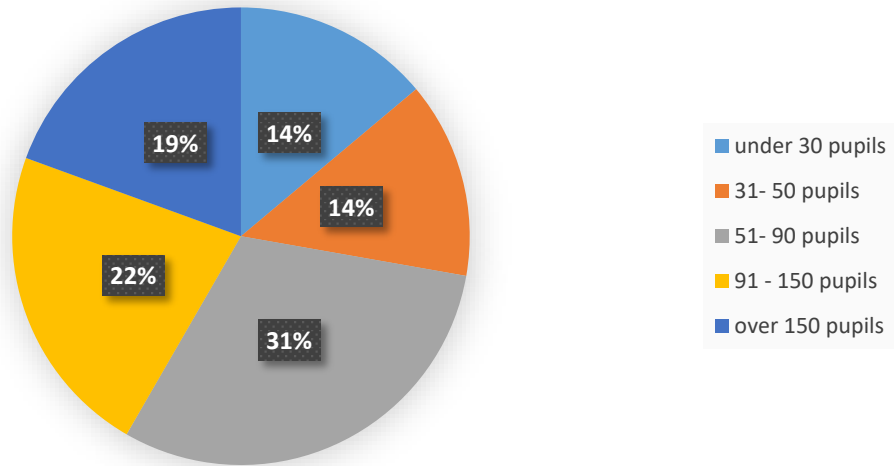


## PLASC Data 2023\* - Primary Sector per school year

School	R	1	2	3	4	5	6	R-6	Cap
Aberaeron (Cynradd)	32	28	29	28	27	22	31	197	201
Aberporth	23	25	21	23	27	17	25	161	181
Aberteifi (Cynradd)	50	48	48	52	54	58	57	367	421
Bro Pedr	34	37	44	45	49	50	63	322	376
Bro Sion Cwilt	15	14	16	5	12	17	14	93	147
Bro Teifi	44	50	41	54	39	38	34	300	360
Cei Newydd	13	7	12	9	15	12	15	83	98
Cenarth	14	16	11	9	8	10	7	75	73
Ciliau Parc	11	6	8	11	9	13	13	71	68
Comins Coch	12	12	18	21	24	26	31	144	185
Craig Yr Wylfa	3	2	6	3	2	4	4	24	74
Dihewyd	3	3	4	4	4	5	5	28	35
Dyffryn Cledlyn	13	13	19	21	10	15	10	101	120
Felinfach	9	11	8	10	6	4	6	54	60
Henry Richard	17	15	14	22	8	20	23	119	120
Llanarth	17	9	9	9	4	3	10	61	86
Llanfarian	6	4	7	8	8	2	3	38	56
Llanfihangel-Y-Creuddyn	5	2	-	2	3	4	6	22	37
Llangwryfon	3	4	4	4	2	6	3	26	55
Llanilar	11	17	14	14	15	20	14	105	129
Llannon	8	6	4	6	5	6	6	41	59
Llechryd	8	7	11	9	10	11	6	62	99
Llwyn yr Eos	22	23	27	31	28	31	27	189	219
Myfenydd	11	12	10	12	10	10	5	70	91
Mynach	6	2	7	7	5	4	4	35	51
Padarn Sant	12	18	20	22	23	20	23	138	134
Penllwyn	3	6	2	7	5	6	6	35	55
Penparc	12	15	16	13	12	12	10	90	146
Penrhyncoch	12	10	19	15	17	12	9	94	110
Plascrug	45	56	59	60	58	60	58	396	409
Pontrhydfendigaid	13	6	9	14	3	12	10	67	74
Rhos Helyg – (Llangeitho)	4	3	5	8	2	3	8	33	61
Rhos Helyg – (Rhos y Wlad)	6	3	4	2	5	3	5	28	43
Rhydypennau	17	25	31	21	17	25	29	165	193
Syr John Rhys	2	1	1	6	4	2	5	21	39
T Llew Jones	19	10	21	26	27	16	26	145	180
Talgarreg	5	4	7	5	3	8	5	37	63
Tal-y-bont	10	7	9	12	9	13	18	78	127
Y Dderi	11	8	15	21	11	11	21	98	133
Yr Ysgol Gymraeg	52	42	52	44	51	54	60	355	370
<b>Ceredigion</b>	<b>613</b>	<b>587</b>	<b>662</b>	<b>695</b>	<b>631</b>	<b>665</b>	<b>715</b>	<b>4,568</b>	<b>5,538</b>

\* PLASC data submitted January 2023 - Data yet to be verified

## Primary School pupil numbers: PLASC 2023\*



## Secondary

	2021	2022	2023*	Capacity
Aberaeron	557	570	573	933
Aberteifi	623	608	604	691
Penglais	1073	1092	1085	1287
Penweddig	592	621	619	1070
Bro Pedr	625	632	643	841
Henry Richard	193	212	231	373
Bro Teifi	557	564	554	678
<b>Total</b>	<b>4,220</b>	<b>4,299</b>	<b>4,309</b>	<b>5,873</b>

## PLASC Data 2023\* - Secondary Sector per school year

School	7	8	9	10	11	12	13	7-13	Capacity
Aberaeron	101	115	83	90	103	37	44	573	933
Aberteifi	106	106	103	113	110	37	29	604	691
Penglais	166	188	153	165	192	106	115	1085	1287
Penweddig	105	124	97	81	106	55	51	619	1070
Bro Pedr	111	114	85	114	92	73	54	643	841
Henry Richard	40	46	52	44	49	-	-	231	373
Bro Teifi	100	90	80	99	84	48	53	554	678
<b>TOTAL</b>	<b>729</b>	<b>783</b>	<b>653</b>	<b>706</b>	<b>736</b>	<b>356</b>	<b>346</b>	<b>4,309</b>	<b>5,873</b>

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\* PLASC data submitted January 2023 - Data yet to be verified

# School Organisation Code



## Statutory Code

Statutory Code document no: 011/2018

Date of issue: November 2018

Replaces statutory code document no: 006/2013

# School Organisation Code

## Audience

Local authorities, governing bodies of maintained schools, diocesan authorities and Estyn.

## Overview

The School Standards and Organisation (Wales) Act 2013 requires that the Welsh Ministers issue a School Organisation Code.

The Code imposes requirements in accordance with which relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) must act. It also includes practical guidance to which relevant bodies 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.

## Action required

See above.

## Further information

Enquiries about this document should be directed to:

Schools Effectiveness Division

The Education Directorate

Welsh Government

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Cardiff

CF10 3NQ

Tel: 0300 025 1356/0300 025 7710

e-mail: [SchoolsManagementDivision3@gov.wales](mailto:SchoolsManagementDivision3@gov.wales)

 [@WG\\_Education](https://twitter.com/WG_Education)

 [Facebook/EducationWales](https://www.facebook.com/EducationWales)

## Additional copies

This document can be accessed from the Welsh Government's website at [gov.wales/educationandskills](http://gov.wales/educationandskills)

## Related documents

School Standards and Organisation (Wales) Act 2013

*Defining schools according to Welsh medium provision (2007)*

*Measuring the capacity of schools in Wales* Welsh Government Circular

No: 021/2011 (2011)

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## Summary

This Code on School Organisation (“the Code”) is made under Sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”).

Section 38 requires the Welsh Ministers to issue a Code that may impose requirements and include guidelines in respect of school organisation on the following (known collectively in this Code as “relevant bodies”):

- the Welsh Ministers;
- local authorities;
- the governing bodies of maintained schools<sup>1</sup>; and
- the promoters of proposals to establish voluntary schools.

The Code applies to proposals in respect of maintained schools as defined at Section 98 of the 2013 Act. That is a school in Wales, which is a community, foundation or voluntary school, a community special school or a maintained nursery school. This does not include pupil referral units (PRUs).

The first edition of the Code came in to force on 1 October 2013 and applied in respect of all school organisation proposals published by way of statutory notice on or after that day. This is the second edition of the Code and it comes in to force on 1 November 2018 and comes into effect immediately subject to the following paragraph.

If a proposer has commenced consultation before 1 November 2018 the proposal **must** be published and determined in accordance with the first edition of the Code. Consultation will be considered to have commenced where a consultation document, required by section 3.2 of the first edition of the code, has been published.

The Code contains the following elements:

1. It imposes requirements in accordance with which relevant bodies (or persons exercising a function for the purpose of the discharge, by a local authority or the governing body of a maintained school, of functions in Part 2 (changes which require proposals)) must act. Failure by a relevant body to comply with the requirements set out in this Code may result in a complaint to the Welsh Ministers or to the Public Services Ombudsman for Wales. Where mandatory requirements are imposed by the Code or by the 2013 Act or another statute or statutory instrument, it is stated that the relevant bodies **must** comply with the particular provision. Where practices are prohibited, it is stated that the relevant bodies **must not** use this practice.

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<sup>1</sup> The categories of maintained schools in Wales are community, voluntary controlled, voluntary aided, foundation and community special.



2. It includes statutory guidance to which relevant bodies **must** have 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.
3. It provides a description of the statutory requirements set out in the 2013 Act.

The Code builds on good practice which already exists amongst local authorities and others, but does not aim to give exhaustive guidance on all aspects of school organisation. Local authorities and others will need to ensure that in carrying out their school organisation functions they act at all times in ways which are reasonable and founded on the interests of learners.

The Code is primarily designed for the use of the relevant bodies but all those with an interest in school organisation matters may also find it useful.

### **Presumption against the closure of rural schools**

This second edition of the Code makes special arrangements for rural schools (defined within the Code), establishing a procedural presumption against the closure of rural schools. This requires proposers to follow a more detailed set of procedures and requirements in formulating a rural school closure proposal and in consulting on and reaching a decision as to whether to implement a rural school closure proposal. These are set out mainly in sections 1.8 and followed through in sections 3, 5, 7 and Annex A of this Code.

# 1. Development and consideration of proposals

## 1.1 Key background principles and policies

The planning and development of effective school organisation proposals is crucial to the Welsh Government's goal of transforming education in Wales and providing better educational outcomes.

Relevant bodies **should** aim to ensure that proposals support the Welsh Government's commitment to increase school effectiveness, and narrow inequalities in achievement between advantaged and disadvantaged areas, groups and individuals.

A list of legislation, overarching principles and policies which will assist proposers in the development and consideration of proposals is included at annex E. This list is not exhaustive.

## 1.2 Factors to be taken into account in preparing, publishing, approving or determining school organisation proposals

The following paragraphs set out the factors which **should** be taken into account by relevant bodies when exercising their functions of preparing and publishing school organisation proposals, or approving/determining them. Paragraphs 1.3 to 1.6 are applicable in the case of all proposals.

## 1.3 Quality and standards in education

Relevant bodies **should** place the interests of learners above all others. With reference to the five inspection areas of the Office of Her Majesty's Chief Inspector of Education and Training in Wales (Estyn) Common Inspection Framework (as of September 2017), they **should** consider the likely impact of the proposals on:

- standards and progress overall, of specific groups and in skills;
- wellbeing and attitudes to learning;
- teaching and learning experiences (quality of teaching, the breadth, balance and appropriateness of the curriculum, and the provision of skills);
- care support and guidance (tracking, monitoring and the provision of learning support, personal development and safeguarding); and
- leadership and management (quality and effectiveness of leaders and managers, self evaluation processes and improvement planning, professional learning, and use of resources)

at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected. Relevant bodies

**should** pay particular attention to the impact of the proposals on vulnerable groups, including children with Special Educational Needs (SEN)<sup>2</sup>.

Relevant bodies **should** also consider the ability of the school or schools which are the subject of the proposals to deliver the full curriculum at the foundation phase and each key stage of education. This consideration **should** include the quality of curriculum delivery and the extent to which the structure or size of the school is impacting on this.<sup>3</sup>

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 (including learners with SEN). Advice from Estyn might reasonably be used as evidence in relation to alternative provision which is brand new. Proposers **should** ensure that the disruption to learners is minimised.

In assessing the impact of proposals on quality and standards in education and how effectively the curriculum is being delivered, relevant bodies **should** consider any relevant advice from Estyn, refer to the most recent Estyn reports or other evidence derived from performance monitoring, and take into consideration any other generally available information available on a school's effectiveness.

#### **1.4 Need for places and the impact on accessibility of schools**

Local authorities **must** ensure that there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education<sup>4</sup>. In order to fulfil these duties, local authorities **must** ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies<sup>5</sup> for schools serving their area which have a designated religious character.

In the light of the above, relevant bodies **should** have regard to the following factors:

Where a school closure<sup>6</sup>, reduction in capacity or age range contraction is proposed:

- whether alternative school-based provision will have sufficient capacity and provide accommodation of at least equivalent quality, for existing and projected pupil numbers;

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<sup>2</sup> The term Special Educational Needs (SEN) may in future be replaced by Additional Needs (AN)

<sup>3</sup> Primary legislation sets out the statutory aims of the school curriculum in Wales at section 99 of the Education Act 2002.

<sup>4</sup> Section 14 of the Education Act 1996.

<sup>5</sup> An appropriate religious body is, in the case of a Church in Wales or Roman Catholic school, the appropriate diocesan authority, or in the case of other schools, the body representing the religion and religious denomination stated in relation to the school in an order made under section 69(3) of the School Standards and Framework Act 1998.

<sup>6</sup> Any reference to 'school closure' included in this document means the discontinuance of a maintained school as set out in section 40 of the 2013 Act.

*In considering proposals relevant bodies **should** have regard to the relevant Building Regulations and associated Building Bulletins, and to the ‘Welsh Government’s circular on ‘Measuring the capacity of schools in Wales’ (Circular No: 021/2011). In addition, the Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **must** have access. Statutory proposals **should** ensure that these standards are met.*

- with reference to the nature of the schools subject to proposals, whether the alternative school-based provision is sufficient to meet existing and projected demand for schools of the same:
  - a. language category as set out in “Defining schools according to Welsh medium provision” Welsh Assembly Government Information document No: 023/2007 or any successor documents; and
  - b. (if relevant) designated religious character.

*Proposals **should** ensure that the balance of school provision reflects the balance of demand. This means that where school provision is being reduced or removed, alternative school provision of the same nature (language category or, if relevant, religious character), wherever possible, **should** remain available and accessible to pupils in the local area. However in some areas it may not be compatible with the cost effective provision of education to continue to maintain access to schools of the same nature.*

*In all cases, existing pupils of compulsory school age at a school where a school closure, reduction in capacity or age range contraction is proposed **must** be able to continue receiving an education in their current language medium. Specific transition arrangements may be necessary in order to achieve this.*

*Where proposals affect schools where Welsh is a medium of instruction (for subjects other than Welsh) for some or all of the time, local authorities **should** carry out a Welsh Language Impact Assessment.*

*In all cases local authorities should consider:*

- *The extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan (WESP).*
- *How the proposal would expand or reduce Welsh language provision and in the case of the latter, set out why provision will be reduced.*

*In the case of proposed school closures local authorities should consider:*

- 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.

*Arrangements for accessing the alternative provision should encourage sustainable transport; and **should** address the possible effect of any transport*

*difficulties on pupils' engagement with and attendance at school. Likely walking or cycling routes for safety and accessibility **should** be assessed prior to bringing forward proposals<sup>7</sup>*

Where a new school, increase in capacity or age range expansion is proposed;

- that there is evidence of current or future need/demand in the area for additional places, with reference to the school or proposed school's language category, designated religious character, and the gender intake (i.e. co-educational/single sex);

*The demand for additional provision of any type in an area **should** be assessed and evidenced. (In the case of Welsh medium provision this would include an assessment of the demand for Welsh Medium education conducted in accordance with any regulations made under section 86 of the 2013 Act).*

- whether proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010.

## **1.5 Resourcing of education and other financial implications**

It is important that funding for education is cost effective. Relevant bodies **should** take into account the following factors in relation to the resourcing of education:

- What effect proposals will have on surplus places in the area;

*Some spare places are necessary to enable schools to cope with fluctuations in numbers of pupils, but excessive numbers of unused places that could be removed mean that resources are tied up unproductively.*

*Where there are more than 10% surplus places in an area overall, local authorities **should** review their provision and **should** consider whether to make proposals for their removal if this will improve the effectiveness and efficiency of provision. A significant level of surplus provision is defined as 25% or more of a school's capacity (as defined in Circular 21/2011) **and** at least 30 unfilled places.*

*Although local authorities are asked to manage excessive surplus places this does not automatically mean closing schools. Sections 1.7 and 1.8 of the Code encourage proposers to look at other options available to them and their schools, for example clustering, collaboration or federation with other schools to increase the school's viability or making use of the existing buildings as a community resource. They are also encouraged to rationalise school space by co-locating services within the school to offset costs.*

*It **should not** normally be necessary to provide additional places at schools when there are others of the same type with surplus places within a reasonable distance.*

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<sup>7</sup> The Learner Travel Statutory Provision and Operational Guidance June 2014 Chapter 5.

*However, proposals to increase the number of places in response to demand for a particular type of provision, e.g. Welsh medium, may still be appropriate; particularly if effective provision of school places is planned for the local authority area.*

- whether proposals form part of the local authority's 21st Century Schools Investment Programme and contribute to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate.

Relevant bodies **should** also take into account the following factors in relation to finance:

- the recurrent costs of proposals over a period of at least 3 years and whether the necessary recurrent funding is available;
- additional transport costs incurred as a result of proposals;

*Proposers **should** take into account the requirement on local authorities to provide free transport provision under the Learner Travel (Wales) Measure 2008 and **should** seek the advice of the relevant local authority transport department in relation to the impact the proposal might have on associated transport costs and their affordability.*

- the capital costs of proposals and whether the necessary capital funding is available;
- the scale of any projected net savings (taking into account school revenue, transport and capital costs);

*In relation to proposals where substantial upfront capital investment is required (for example to support a substantial remodelling, refurbishment or a new build project), the costs and savings of the proposals **should** be calculated over the lifespan of the relevant building, and compared against the costs and savings associated with the maintenance of the status quo.*

- whether, without the proposals, the schools affected would face budget deficits;
- whether any savings in recurrent costs will be retained in the local authority's local schools' budget; and
- whether the proceeds of sales (capital receipts) of redundant sites are to be made available to meet the costs of the proposal or contribute to the costs of future proposals which will promote effective management of school places.

*In general, local authorities **should** look to recycle assets from any surplus school buildings and sites in their ownership into the overall improvement of their schools estate rather than allocate those proceeds to projects outside the education portfolio, although these decisions ultimately rest with local authorities.*

## 1.6 Other general factors

Relevant bodies **should** take into account the following general factors:

- what impact proposals will have on educational attainment among children from economically deprived backgrounds;
- any equality issues, including those identified through equality impact assessments; and
- whether the school or schools involved are subject to any trust or charitable interests which might be affected by the proposals, for example in relation to the use or disposal of land.

*Proposals which affect charities **must** be consistent with charity law or the stated purpose of the charitable trust.<sup>8</sup> Advice **should** be sought from the Charity Commission or the Welsh Ministers (as the Principal Regulator of governing bodies which are charities) where there is any uncertainty.*

*Under section 82 of the School Standards and Framework Act 1998 the Welsh Ministers have the power to order modifications of a trust deed. The power is discretionary and Welsh Ministers would ordinarily expect trustees to approach the Charity Commission first.*

## 1.7 Specific factors in the consideration of school closures

The prime purpose of schools is the provision of education and any case for closure **should** be robust and in the best interests of educational provision in the area. Nevertheless, in some areas, a school may also be the main focal point for community activity, and its closure could have implications beyond the issue of the provision of education. This may be a particular feature in rural areas if school buildings are used as a place to provide services to the local community.

The case prepared by those bringing forward proposals **should** show that the impact of closure on the community has been assessed through the production of a **Community Impact Assessment** and how any community facilities currently provided by the school could be maintained.

When considering whether a closure is appropriate, special attention **should** be given to the following:

- whether the establishment of multi-site schools might be considered as a means of retaining buildings, or the reasons for not pursuing this option;

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<sup>8</sup> All foundation and voluntary school governing bodies are charities under section 23 of the Schools Standards and Framework Act 1998 and community school sites may also be subject to charitable interests.

- whether alternatives to closure, such as clustering, collaboration or federation with other schools, might be considered (taking account of the scope for use of ICT links between school sites) or the reasons for not pursuing these as an alternative;
- whether the possibility of making fuller use of the existing buildings as a community or educational resource could be explored;

(Local authorities **should** consider whether it would be feasible and economical to co-locate local services within the school to offset the costs of maintaining the school);

- the overall effect of closure on the local community (including the loss of school based facilities which are used by the local community; and
- how parents' and pupils' engagement with the alternative school and any facilities it may offer could be supported (e.g. how pupils; particularly any less advantaged pupils) will be helped to participate in after school activities).

Although under the 2013 Act the requirement to consult does not apply to proposals to discontinue small schools with fewer than 10 pupils at the preceding January census point<sup>9</sup> local authorities and governing bodies bringing forward such proposals **must** still take into account the factors set out in this Code.

## **1.8 Presumption against the closure of rural schools**

This second edition of the Code makes special arrangements in regard to rural schools establishing a procedural presumption against their closure. This requires proposers to follow a more detailed set of procedures and requirements in formulating a rural school closure proposal and in consulting on and reaching a decision as to whether to implement a rural school closure proposal.

This does not mean that a rural school will never close but the case for closure must be strong and all viable alternatives to closure must have been conscientiously considered by the proposer, including federation.

### **Designation of 'rural school' for the purposes of the presumption against closure**

A rural school for the purposes of the presumption against closure is identified using the Office for National Statistics' rural and urban classification, as being located within villages in the sparsest context, other (hamlet or dispersed) in sparsest context and other (hamlet or dispersed) in less sparse context

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<sup>9</sup> Section 56 of the 2013 Act defines a 'small school', for the purposes of deciding whether consultation is required, as a school with fewer than 10 registered pupils on the third Tuesday in January immediately preceding the date on which the proposals are made.



A list of schools derived from this classification is attached at annex F. Proposers should refer to the designation and the list of schools to establish whether the proposed closure under consideration concerns a rural school and the procedural presumption against closure applies.

### **Specific further steps required to be taken by the proposer in formulating a rural school proposal**

As well as taking into account the factors in chapter 1 (paragraphs 1.3 to 1.6) which are relevant in the case of all proposals the proposer is required to follow the further steps below where the proposal relates to the possible closure of a rural school.

#### **Formulating the proposal**

Where the proposer is considering formulating a proposal to close a rural school, the proposer must clearly identify the reasons for formulating the proposal. This will be the key challenges which the school faces and the proposer wishes to address by proposing closure of the school.

The proposer is required to consider these reasons when making their decision on a proposal or any reasonable alternatives, so it is important that they are as clear and specific as possible. For example, reasons might relate to a falling school roll, difficulties delivering the curriculum or concerns about the school building.

Rather than simply stating that the school is no longer viable, the proposer should carefully consider and set out the reasons why it considers the school is no longer viable.

#### **Identifying reasonable alternatives**

The proposer must identify any reasonable alternatives to the proposal which might also address the reason for formulating the proposal. It is important to ensure that all reasonable alternatives identified are properly explored **before** the proposer decides to proceed to consult on closure.

The aim is to ensure that when an option to close a rural school is proposed, the decision to consult on that option is only taken after very careful consideration, and after all other reasonable alternatives have been considered and a clear assessment undertaken of their merits and viability.

Federation has been shown to have particular benefits for rural schools. Proposers **must** show how they have considered federation as an alternative to closure of a rural school.

Schools are major public and community assets; it is important that their future is considered not just from an education perspective, but across the full range of a local authority's responsibilities. Consideration of alternatives to closure could include whether there is scope for the school to be better integrated into a local authority's wider asset management and community planning process. This could for example, include building effective links with local community regeneration strategies.

Examples of alternatives to closure that might merit consideration include:

- clustering, collaboration with other schools (taking account of the scope for use of ICT links between school sites);
- Using the school as a 'community hub' to accommodate and support provision of a range of community services, e.g. health, childcare facilities, family and adult learning, community education, sport, recreation, social activity etc.
- Whether it would be feasible and economical to co-locate local services within the school to offset the costs of maintaining the school);
- Whether the establishment of multi-site schools might be considered as a means of retaining buildings:

As with all closure proposals the proposer must prepare a community impact assessment to explore the overall and long term impact on people and the community of the closure of the rural school and the loss of the building as a community facility. Examples of what the proposer **should** consider as part of the Community Impact Assessment are included at Annex C.

Once the proposer has identified all the reasonable alternatives, the proposer **must** assess for each alternative its

- likely impact on Quality and Standards in Education;
- likely impact on the community; and
- likely effect of different travelling arrangements.

### **Preparing a proposal paper for the decision maker**

Before determining whether to proceed to consultation in accordance with chapter 3 of this code, the person(s) who determine whether or not a proposal should proceed to consultation must be presented with a paper ("the proposal paper") which, in addition to detailing the general factors in paragraphs 1.3 to 1.6 of Chapter 1 of this Code must also include:

- The reason for the closure proposal
- A list of the reasonable alternatives to closure that have been identified; and
- An assessment of the following for each of reasonable alternatives that has been identified:
  - The likely impact on Quality and Standards in Education.
  - The likely impact on the community.
  - The likely effect of different travelling arrangements;

The proposer should not make a decision as to whether to proceed to consultation until these preliminary requirements have been carried out and unless they are satisfied that implementation is the most appropriate response to address the key challenges identified as the reason for proposing discontinuance of the school.

Although under the 2013 Act the requirement to consult does not apply to proposals to discontinue small schools with fewer than 10 pupils at the preceding January census point<sup>10</sup> local authorities and governing bodies bringing forward such proposals **should** still take into account the factors set out in Chapter 1 of this Code when developing and considering proposals. If the school is on the list of “rural schools” this includes satisfying the requirements set out in 1.8 “*Presumption against the closure of rural schools*”.

## **1.9 Specific factors to be taken into account for proposals to add or remove nursery classes**

Relevant bodies **should** take into account the following specific factors:

- the standard of nursery education and the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;
- whether there is a need for additional nursery places in the area;
- the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character;
- the effect of the proposals on other institutions, including private and third sector providers; and
- the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

## **1.10 Specific factors to be taken into account for proposals to reorganise secondary schools or to add or remove sixth forms**

Relevant bodies **should** take into account the following specific factors:

- whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;
- whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;
- whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;

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<sup>10</sup> Section 56 of the 2013 Act defines a ‘small school’, for the purposes of deciding whether consultation is required, as a school with fewer than 10 registered pupils on the third Tuesday in January immediately preceding the date on which the proposals are made..

- the extent to which proposals contribute to the 14-19 agenda taking account of the views of regional 14-19 networks.;
- the effect of proposals on 11-16 provision in schools;
- how proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;
- how proposals might affect the sustainability or enhancement of Welsh medium provision in the regional 14-19 network and wider area and promote access to availability of Welsh medium courses in post-16 education;
- the extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and
- how proposals might affect the discretionary transport provision a local authority may provide to learners<sup>11</sup> above compulsory school age.

### **1.11 Specific factors to be taken into account for proposals to increase provision in voluntary schools or establish a new voluntary school**

Relevant bodies **should** take into account whether:

- the local authority has confirmed that it will meet its liability to maintain the school;
- the governing body of a voluntary aided school will be able to meet its financial responsibilities for repairs and capital work; and
- the proposed land tenure arrangements give the school sufficient security of occupation of the site.

*Where land tenure arrangements are not settled those determining proposals might indicate that they are minded to approve the proposals subject to satisfactory resolution of those issues. Such a decision could be appropriate where the promoters are unwilling to incur legal expenses to resolve the tenure issue until they know that there is a strong likelihood that the proposals will be approved.*

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<sup>11</sup> Section 6 of the Learner Travel (Wales) Measure 2008 gives a local authority the power to provide discretionary transport where they think fit to facilitate the travel of learners. Paragraphs 1.98 – 1.105 of the Welsh Government Learner Travel Statutory Provision and Operational Guidance 2014 provide further guidance on this provision.

## 1.12 Specific factors in the consideration of proposals for the change of language medium

Relevant bodies **should** take into account the following specific factors:

- the extent to which existing provision by the local authority of education in the medium of English and/or Welsh exceeds or falls short of demand or projected demand from parents for that type of provision, and the contribution the proposal would make to remedying that situation.
- the extent to which the proposal would support the targets in a local authority's Welsh in Education Strategic Plan (WESP).

## 1.13 Specific factors in the consideration of proposals for the change of school category

Relevant bodies **should** take into account the following specific factors:

- all categories of school - community, foundation, voluntary controlled or voluntary aided - are of equal status;
- all permissible proposals to change the category of a school will be considered on their individual merits<sup>12</sup> ; and
- whether any benefits can be identified.

*Changing category has the potential to cause disruption to the running of the school and/or place added burdens on the governing body and/or add complexity to school reorganisation or admissions. Therefore, there **should** be a presumption against changes where benefits cannot be identified.*

- Whether any trust deed relating to the school allows for the change of category proposed. If there is any doubt, or if a variation in the trust deed is clearly necessary, proposers **should** make early contact with the Charity Commission.

## 1.14 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision

### Policies and principles

The principles and plans set out elsewhere in this Code **should** be taken into account in the consideration of proposals for the reorganisation of maintained special schools and specialist resource bases in mainstream schools.

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<sup>12</sup> Schools are not permitted to change their category to foundation and schools with a religious character may not become community schools.

Relevant bodies **should** consider how proposals fit with the local authority's plans for promoting inclusion (i.e. providing for a higher proportion of pupils with SEN to attend mainstream settings) wherever that is appropriate in meeting a child or young person's individual needs, and with its overall strategy for ensuring adequate provision for the full range of SEN.

Relevant bodies **should** have regard to the factors set out below in relation to proposals affecting special schools and specialist resource bases in mainstream schools.

### **Standards of provision**

In addition to the usual considerations in relation to standards of provision, relevant bodies **should** 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.

### **Need for places and the impact on accessibility of schools**

In addition to the considerations listed in 1.4, relevant bodies **should** consider:

- 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.

### **Other factors**

Relevant bodies **should** consider:

- how changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or SEN.

## **1.15 Factors to be taken into account in approving/determining school organisation proposals**

When approving proposals, relevant bodies who are the proposer:

- **must** consider whether there are any other related proposals;
- **must** ensure that the statutory consultation has been conducted in accordance with this Code (the requirement to consult does not apply to proposals to discontinue a school which is a small school);
- **must** ensure that the proposal has been published in accordance with this 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;
- **should** consider, in the case of a proposal to change the category of a school, whether, there are any benefits. If no benefits can be identified, such proposals **should not** be approved; and
- **must not** approve change of category proposals where a variation in the trust deed is necessary but has not yet taken place.

When determining proposals relevant bodies:

- **must** consider whether there are any other related proposals;
- **must** consider the extent to which the statutory consultation has been conducted in accordance with this Code (the requirement to consult does not apply to proposals to discontinue a school which is a small school);
- **must** consider the extent to which the proposal has been published in accordance with this Code and whether 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;
- **should** consider, in the case of a proposal to change the category of a school, whether, there are any benefits. If no benefits can be identified, such proposals **should not** be approved; and
- **must not** approve change of category proposals where a variation in the trust deed is necessary but has not yet taken place.

## **2. Changes that require proposals**

Statutory procedures are usually necessary to make significant changes to schools. The procedures are designed to enable changes to be made where they are considered necessary, but in a way which protects the interests of learners and allows interested parties the opportunity to have their say in the process.

### **2.1 Elements of school reorganisation that require the publication of proposals**

Proposals **must** be published for the following elements of school reorganisation:

1. the opening of a maintained school (including a special school);
2. the closing of a maintained school (including a special school);
3. to make a regulated alteration to a maintained school; and
4. to change the category of a maintained school<sup>13</sup>.

### **2.2 Proposals to change the category of a school**

The governing bodies of maintained schools may make proposals to change the category of their school. However, it should be noted that no alteration may be made to a maintained school that changes its designated religious character or causes it to acquire or lose a designated religious character. Community schools are not permitted to have a religious character. It is not possible for voluntary aided, voluntary controlled or foundation schools with a designated religious character to become a community school through a change of category proposal. Similarly community schools cannot become voluntary schools with a designated religious character. No proposals may be made for any category of school to become a foundation school.

### **2.3 Regulated alterations**

Schedule 2 to the 2013 Act describes a number of regulated alterations to maintained schools (including special schools) which must not be carried out unless the relevant local authority and/or the governing body have complied with the requirements imposed by this Code. Although the regulated alterations are described below reference should also be made to Schedule 2 to the 2013 Act.

#### **Regulated alterations to community, foundation, voluntary schools, community special schools and maintained nursery schools**

- the transfer of any school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres (one mile) of any of a main entrance of the school on its current site or sites;

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<sup>13</sup> Except to foundation – the 2013 Act prohibits schools from changing their category to foundation.



- changing a school (including a special school) from single-sex to mixed or vice-versa. (A school is treated as admitting pupils of one sex only if the admission of pupils of the other sex is limited to pupils over compulsory school age, and does not exceed 25% of the age group in question).

**Regulated alterations to community, foundation, voluntary schools, and community special schools**

- a change in the age range of a school (including a special school) by a year or more (not including the introduction or discontinuation of part-time or full-time Further Education or changes to provision for pupils over compulsory school age who are repeating a course of education completed before they reached the end of compulsory school age);
- the introduction of, or ending of, sixth form provision at a school;
- the alteration of the medium of instruction of a class of pupils in an age group or groups (including nursery pupils) at a primary school (or primary education in relation to middle or special schools) which falls within the description in column 1 of the table below so that it falls within the description in the corresponding entry in column 2.

<b>Column 1</b>	<b>Column 2</b>
At least 20% but no more than 80% of the teaching is conducted through the medium of English.	An increase or decrease of more than 20% in the teaching which is conducted through the medium of Welsh.
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh.	An increase or decrease of more than 20% in the teaching which is conducted through the medium of English.
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh.	An increase of more than 10% in the teaching which is conducted through the medium of Welsh.
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English.	An increase of more than 10% in the teaching which is conducted through the medium of English.
No teaching is conducted through the medium of Welsh.	More than 10% of the teaching is conducted through the medium of Welsh.
No teaching is conducted through the medium of English.	More than 10% of the teaching is conducted through the medium of English.
Some teaching is conducted through the medium of English.	No teaching is conducted through the medium of English.
Some teaching is conducted through the medium of Welsh.	No teaching is conducted through the medium of Welsh.

- the alteration of the teaching of pupils in a year group at a secondary school (or secondary education in relation to middle or special schools) which falls within the description in column 1 of the table below so that it falls within the description in the corresponding entry in column 2.

<b>Column 1</b>	<b>Column 2</b>
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils.	A decrease by four or more in the number of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils.
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils.	A decrease by four or more in the number of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils.
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils.	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils.
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils.	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils.
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils.	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils.
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils.	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils.

(Relevant subjects are defined as any subjects apart from English and Welsh which are taught at a school).

### **Regulated alterations to community, foundation and voluntary schools**

- an enlargement of the premises of a school (excluding nursery and special schools), which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date. In determining an increase in capacity all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement. The "appropriate date" is the latest date of:
  - the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
  - the date when the school first admitted pupils;

- the date (or the latest date) when any previous statutory proposals that involved enlarging the premises of the school were implemented. This includes where there has been a previous decrease in a school's capacity in the last five years.

For the purposes of an enlargement of school premises "capacity" is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Circular No: 21/2011);

A "temporary enlargement" is the enlargement of a school's premises which it is anticipated, at the time of its making, will be in place for fewer than three years.

- the making permanent of a temporary enlargement of the school where that temporary enlargement would have been a regulated alteration when undertaken but for the fact that it was temporary;
- the reduction in the physical capacity of a mainstream school, except where the proposed capacity will be greater than the highest number of pupils on roll at the school at any time in the previous two school years prior to the publication of the proposal. In this context, "capacity" is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011 Measuring the Capacity of Schools in Wales)<sup>14</sup>;
- the introduction or removal of SEN provision or any change in the type of such provision. This is where the provision is in a mainstream school but the pupils who are admitted are in addition to admission number of the school. The provision **must** also be recognised by the local authority as reserved for pupils with SEN;
- the introduction or ending of banding arrangements for the admission of pupils into a mainstream school (under section 101 of the School Standards and Framework Act 1998 (the 1998 Act));
- the introduction or ending of boarding, or an increase or decrease in boarding provision in mainstream schools by 50 pupils or 50% of capacity, whichever is the greater;

### **Regulated alterations to community special schools**

- for special schools (except where the school is in a hospital) an increase in the number of pupils for whom the school makes provision which, when taken together with all such previous increases in the number of pupils, would increase the number of pupils by 10% or the relevant number of such pupils (whichever is the lesser). The relevant number is 5 where the school only makes boarding provision, and is 20 in other cases. Any

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<sup>14</sup> The effect of this is that where schools have spare capacity that capacity can be removed without the need for a statutory proposal. However, where schools are full or near full, a proposal must be published to reduce the school's capacity.

previous increase in the number of pupils is taken from the appropriate date. The appropriate date is whichever is the latest date of the following:

- 19 January 2012;
  - the date when the school first admitted pupils; and
  - the date (or the latest date) when any previous statutory proposals that involved enlarging the premises of the school were implemented.
- for a special school, the introduction or ending of boarding provision, or the alteration of boarding provision such that the number of pupils for whom provision is made is increased or decreased by 5 pupils;
  - a change in the type of special educational needs for which a special school makes provision;

### **Regulated alterations to maintained nursery schools**

- the enlargement, or making permanent of a temporary enlargement, of the teaching space at a nursery school, by 50% or more;
- the addition or removal of provision (in a nursery school) which is recognised by the local authority as reserved for pupils with special educational needs, or any change in the type of such provision;
- for a nursery school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration so that all the pupils are taught wholly or mainly through the medium of English;
- for a nursery school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration so that all the pupils are taught wholly or mainly through the medium of Welsh.

## **2.4 Who can make a proposal?**

A local authority may make proposals to:

- establish, discontinue or make a regulated alteration (see 3.3 of Code) to community or maintained nursery schools;
- discontinue a voluntary or foundation school;
- increase or decrease the capacity of a foundation or voluntary school without a religious character.

Governing bodies of foundation or voluntary schools may make proposals to:

- discontinue their school;
- make a regulated alteration to their school.

Any person may make proposals to establish a new voluntary school. However, local authorities **should** work with the relevant religious body when the proposal is to establish a voluntary school with a religious character.

No new foundation school or foundation special school may be established in Wales.

Local authorities may also make proposals to add or remove school sixth forms at voluntary and foundation secondary schools, but only if they have first gained the consent of the Welsh Ministers to do so. Consent **must** be sought by means of a written application that clearly sets out the local authority's rationale for the proposal.

In addition, the 2013 Act provides the Welsh Ministers with the power to make proposals to:

- a) remedy excessive or insufficient provision of school places (where they have already issued a direction to a local authority or governing body to that effect) (section 59);
- b) secure regional provision for special educational needs (where they have already issued a direction to a local authority/local authorities/governing bodies to that effect) (section 68); and
- c) add or remove school sixth forms (section 71) .

## 3. Consultation

### 3.1 Principles

Section 48 of the 2013 Act requires that before school organisation proposals are published under sections 41-45, they **must** first be subject to consultation. In addition, proposals published under section 68 by the Welsh Ministers to secure regional provision for special educational needs or published under section 71 to reorganise sixth forms **must** also be subject to prior consultation.

The requirement to consult does not apply to proposals to discontinue a small school<sup>15</sup> made under section 43. However, where a closure proposal relates to a small school with fewer than 10 pupils which is designated as a rural school local authorities and governing bodies bringing forward such proposals **should** still take into account the factors set out in Chapter 1 this Code, including the further requirements which relate to the closure of rural schools set out in 1.8 “*Presumption against the closure of rural schools*”.

Case law has established that the consultation process **should**:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and;
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

The process and guidance which follow have been developed with due regard to the principles listed above. Those considering bringing forward proposals will need to be fully aware of this process and guidance. However, proposers **must** be mindful of the four underlying principles and take any necessary additional steps to ensure that those principles are fully upheld.

### 3.2 Attention to detail

It is essential that proposers seek and achieve high standards both in the information that underpins school consultations and in the consultation documents that are published. These will be examined closely by communities, school staff and parents, and errors in details can easily undermine confidence in a proposal. Failure to provide accurate, high quality consultation documents can result in consultations being abandoned, taking much longer than expected and to increased conflict with communities.

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<sup>15</sup> The 2013 Act defines a small school as a school with fewer than 10 registered pupils on the third Tuesday in the January immediately preceding the date on which the proposals are made. This date is chosen as it is the date that all schools in Wales are required to submit the Pupil Level Annual Census to the Welsh Government; this includes the number of pupils on roll.

From time to time proposers will have conducted 'informal' consultation with particular stakeholders at an earlier stage in the development of proposals. Such consultation **must not** be seen as a substitute for any part of the formal consultation processes set out below.

### 3.3 Procedures

There is no requirement for proposers to hold consultation meetings although there will be circumstances where proposers will consider that meeting with certain groups of consultees will assist greatly in the dissemination of information and provide a suitable platform for the consultees to make their views known.

Proposers may use other ways to engage consultees as they think appropriate. For example, open days or 'drop-in' sessions might provide interested parties with a convenient way to access information seek clarification and provide comments.

In the case of proposals to reorganise schools for which land and/or buildings are held on trust or which have a designated religious character, the proposer **must** conduct consultation with the trustees and/or appropriate religious body before the consultation document is published. The proposer **must** allow 28 days for the receipt of comments and **must** have due regard to those comments before any decision is made to proceed to general consultation.

Where, in the course of consultation, a new option emerges which the proposers decide to pursue, they **must** consult afresh on this option before proceeding to publication.

### 3.4 Consultation document

Those bringing forward statutory proposals **must** publish a consultation document in hard copy and electronically on their website or that of the relevant local authority. Hard copies **must** be available on request. Consideration **should** be given to publishing in other formats where accessibility might otherwise be an issue.

The consultation document **must** be published on a school day of the school or schools subject to the proposal and consultees **must** be given at least 42 days to respond to the document, with at least 20 of these being school days.<sup>16</sup> Consultation documents should not be published on a school day which includes a school session which is devoted (wholly or mainly) to improving teaching standards or management practices of staff at the school (INSET days).

The following **must** be advised by letter or email of the availability of the consultation document and that recipients can, if they wish, obtain a hard copy of the consultation document on request (but see also section 3 on Consultation with Children and Young People):

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<sup>16</sup> A school day is defined in section 579 of the Education Act 1996 as any day on which at that school there is a school session. A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

- Parents (and where possible prospective parents) carers and guardians, and staff members of schools affected by the proposals;
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school;
- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including those in England, where appropriate) likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place pupils with SEN in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals;
- the governing body of other schools which the proposer consider are likely to be affected by the proposals;
- the Welsh Ministers\*;
- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision any independent or voluntary providers who may be affected including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and



- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

\* In the case of the Welsh Ministers emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales). It is not necessary to send emails to individual Welsh Ministers.

In the case of all proposals, the consultation document **must** contain the following information:

### **Description and Benefits**

- a detailed description of the status quo setting out its strengths and weaknesses and the reasons why change is considered necessary;
- a detailed description of the proposal or proposals (a proposer may consult on more than one potential proposal), the projected timetable for statutory procedures and for implementation of the proposals and any proposed interim arrangements which might be necessary for their implementation. In describing the proposals, proposers **should** normally refer to them using the terms set out this Code (e.g. school closure) but where two or more existing schools become one school operating on more than one site (e.g. where former infant and junior schools become a primary school) the terms 'merger' or 'amalgamation' might be used;
- the expected benefits of the proposals and disadvantages when compared with the status quo;
- any risks associated with the proposals and any measures required to manage these;
- a description of any alternatives considered and the reasons why these have been discounted (but see para 1.8 "*Presumption against the closure of rural schools*");
- information on any changes to learner travel arrangements were the proposals to be implemented and the impact on accessibility of provision.

### **Details of affected schools**

- the names, locations and categories (i.e. community, voluntary controlled, voluntary aided, foundation) of all existing schools likely to be affected by the proposals (for example, in the case of a proposal to close a school information **should** be provided about all the surrounding schools to which it might reasonably be considered that pupils may wish to transfer);

- the number of pupils on roll currently<sup>17</sup> and the figures recorded for the previous four annual school censuses at all existing schools likely to be affected by the proposals;
- five year forecasts of pupil rolls at all existing schools likely to be affected by the proposals both currently (i.e. based on the existing configuration of schools) and if the proposals are implemented;
- the pupil places capacity<sup>18</sup> of all existing schools likely to be affected by the proposals;
- the number of nursery places at any existing school likely to be affected by the proposals;
- information about the quality of accommodation at all existing schools likely to be affected by the proposals including reference to the local authority's most recent condition survey using the categories of the original 21<sup>st</sup> Century Schools Survey;
- the language medium of all existing schools likely to be affected by the proposals (using the Welsh Government Circular 23/2007 "Defining schools according to Welsh medium provision").

### **Quality and standards in education**

- an analysis of the likely impact of the proposals on the quality of the following (reference to relevant Estyn five inspection areas are included in brackets):
  - a) standards (standards and progress overall, of specific groups and in skills); wellbeing and attitudes to learning;
  - b) teaching and learning experiences (quality of teaching, the breadth, balance and appropriateness of the curriculum, and the provision of skills);
  - c) care support and guidance (tracking, monitoring and the provision of learning support, personal development and safeguarding); and
  - d) leadership and management (quality and effectiveness of leaders and managers, self evaluation processes and improvement planning, professional learning, and use of resources)

at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected.

- information from the most recent Estyn reports for each school likely to be affected;
- the likely impact of the proposals on the ability of school or schools which are the subject of the proposals or any other school which is likely to be

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<sup>17</sup> For primary schools, the number of nursery pupils should be shown separately and excluded from forecasts.

<sup>18</sup> The Welsh Government Circular 21/2011 "Measuring the Capacity of Schools in Wales".

affected, to deliver the full curriculum at the foundation phase and each key stage of education.

### **Welsh in Education Strategic Plan (WESP)**

- the extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan.
- How the proposal would expand or reduce Welsh language provision. In the case of the latter, set out why provision will be reduced.

### **Finance**

- the financial costs of the proposal and any potential savings (including where appropriate the current costs per pupil and the projected costs upon completion) – capital and recurrent (including school transport and staff costs);
- the sources from which capital funding will be provided;
- how any capital receipts or recurrent costs savings will be deployed;

### **Land and buildings**

- details of any potential transfer or disposal of land or buildings that may need to occur as a result of the proposals.

### **Consultation details**

- details of how people can make their views known including the address to which comments in writing can be made and the deadline for those comments;
- details of how people can ask further questions about the proposals or suggest alternatives to the proposals;
- a statement to the effect that responses to consultation will not be counted as objections to the proposal and that objections can only be registered following publication of the notice;
- an explanation of the publication process, the making of objections and determination of published proposals.
- a space for consultees to respond to the consultation
- an opportunity for consultees to register their wish to be notified of publication of the consultation report.

Where proposals involve establishing a new school the following information **must** also be included in the consultation document:

- the new school's:
  - a. proposed admission number and admission arrangements;

- b. age range;
- c. pupil places capacity and/or number of nursery places;
- d. location;
- e. category (i.e. Community, Voluntary Aided or Voluntary Controlled);
- f. language category (as defined by Information document No. 023/2007);
- g. details of the proposed accommodation to include a list of proposed facilities;
- h. in the case of a special educational needs (SEN) resource base in a mainstream school or a special school, information on the special needs of the pupils proposed to be admitted;
- i. home to school transport arrangements (including any transitional arrangements) and the local authority's transport policy.<sup>19</sup>

Where proposals involve the closure of a school the following information **must** be included in the consultation document:

- details of any alternatives to closure that have been considered and the reasons why these have not been taken forward (but see para 1.8 "*Presumption against the closure of rural schools*"); ;
- the impact of proposals on the local community, the likely impact on staff of schools named in proposals;
- in the case of alternative provision:
  - a. the name and location of the proposed alternative provision;
  - b. a comparison of the quality and standard of education provided at the school from which pupils would be transferred and the proposed alternative school or schools and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
  - c. admission arrangements at the proposed alternative school;
  - d. a comparison of the quality of accommodation at the school from which pupils would be transferred and at the proposed alternative and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
  - e. information on any building works necessary to ensure that transferred children can be accommodated at the alternative provision;
  - f. the impact on pupils' journeys to school and on school transport costs;

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<sup>19</sup> Section 3 of the Learner Travel (Wales) Measure 2008 sets a threshold for entitlement for free home to school transport provision at 2 miles or further for primary education and 3 miles or further for compulsory aged secondary school education.

- g. information regarding available walking routes to the alternative provision;
- h. the language medium at the proposed alternative school.

Where proposals involve the closure of a rural school and the decision has been made to consult on the proposal, the following information **must** be contained in the consultation document along with the information that **must** be contained for all proposals:

- The reason for the closure proposal (i.e. a description of the key challenges that the school faces and the proposer wishes to address);
- The alternatives to closure that have been identified and an assessment of these alternatives to include:
  - the likely impact on quality and standards in education,
  - the likely impact on the community and
  - the likely effect of different travelling arrangements.

In addition consultees must be informed of their opportunity to:

- make representations regarding the alternatives to closure that have been identified by the proposer as well as the main proposal;
- suggest other alternatives to closure which would address the reasons for closure (i.e. the key challenges the school faces which the proposer is seeking to address).

Where the proposal concerns adding or removing nursery provision. The following information **must** be included in the consultation document:

- the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;
- whether there is a need for additional nursery places in the area;
- the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character;
- the effect of the proposals on other institutions, including private and third sector providers; and
- the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

Where the proposal concerns adding or removing sixth form provision. The following information **must** be included in the consultation document:

- whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19 in the area;
- whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;
- whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;
- the extent to which proposals contribute to the 14-19 agenda taking account of the views of local 14-19 networks and learning partnerships;
- the effect of proposals on 11-16 provision in schools;
- how proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;
- how proposals might affect the sustainability or enhancement of Welsh medium provision in the local 14-19 network and wider area and promote access to availability of Welsh medium courses in post-16 education;
- the extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and
- how proposals might affect the discretionary transport provision a local authority may provide to learners<sup>20</sup> above compulsory school age.

Where proposals relate to a special school or involve specialist resource bases attached to mainstream schools the following information **must** be included in the consultation document:

- the impact on SEN provision;
- how proposals will contribute more generally to enhancing the quality of education and support for children with SEN.

Where the proposal concerns a change of language medium. The following information **must** be included in the consultation document:

- projected demand from parents for the type of provision proposed; and

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<sup>20</sup> Section 6 of the Learner Travel (Wales) Measure 2008 gives a local authority the power to provide discretionary transport where they think fit to facilitate the travel of learners. Paragraphs 1.98 – 1.105 of the Welsh Government Learner Travel Statutory Provision and Operational Guidance 2014 provides further guidance on this provision.

- the extent to which existing provision, of the type proposed exceeds or falls short of demand or projected demand.

Where any school involved or affected provides teaching through the medium of Welsh the following information **must** be included in the consultation document:

- an assessment of the impact of proposal on the Welsh language ( a Welsh language impact assessment must be included either in the main part of the consultation document or as an Annex ); and
- an explanation of how the proposal forms part of the WESP.

Where the proposal concerns a school with a designated religious character the following information **must** be included in the consultation document:

- the impact on availability and access to places at a school with the same designated religious character.

Where the proposal concerns a change of category the following information **must** be included in the consultation document:

- the effect of the change of category on governance arrangements and the governing body's powers over policies and arrangements in respect of admissions, employment and the curriculum; and
- any proposed changes to policies and arrangements in respect of admissions, employment and the curriculum.

In some circumstances, proposers may consider it appropriate to consult on a range of options rather than one specific proposal, but in such cases, all of the information set out above **must** be provided in relation to each of the identified options.

### **3.5 Consultation with children and young people**

Proposers **must** also make suitable arrangements to consult with pupils of any affected school (or part of a school in the case of provision reserved for children with SEN) and, where possible, with children and young people who are likely to attend those schools. As a minimum, this **must** include consultation with the school councils of the affected schools, but **should** also include consultation with individual learners where this is appropriate and practicable. Governing bodies **must** help facilitate this aspect of the consultation.

The information given to children and young people **must** be presented in such a way that it is relevant to their age and level of likely understanding and allows them to reach an informed opinion. The agreed children and young people's participation standards for Wales are available on the Welsh Government's website; proposers **should** refer to these and act in accordance with them.

<https://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/ParticipationforChildrenandYoungPeople/?lang=en>

If consulting with individual learners, proposers **should** produce and distribute a version or versions of the consultation document appropriate to the age/ages of the children and young people affected. The consultation document **should** also clearly explain to children and young people the difference between the consultation and objection periods and how and when they can object to proposals. Where necessary, proposers **should** provide assistance to children and young people who wish to submit a consultation response.

### 3.6 Consultation reports

The proposer **must** publish a consultation report on their website or that of the relevant local authority. The report **must** be published at least two weeks prior to the publication of a statutory notice:

- summarising 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;
- setting out Estyn's response to the consultation in full; and
- responding to Estyn's response by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons.

The consultation report might also make recommendations – for example, to the local authority's executive or the governing body – about how to proceed i.e. to publish the proposals as consulted on with any appropriate modifications, to abandon the proposals and retain the status quo or to significantly recast the proposals and re-consult.

Proposers **must** ensure that any views expressed by children and young people affected by the proposals are highlighted in the consultation report and that it is accessible to them.

Where the proposal relates to the closure of a rural school in addition to the steps to be taken in respect of the consultation report for all schools the following special requirements apply:

Following the consultation period, when the proposer is reviewing the proposal prior to publication the proposer is required to carry out a further assessment for the proposal and each of the alternatives that were set out in the proposal paper. This involves the same matters that the proposer was required to assess in formulating the proposal:

- the likely impact on quality and standards in education,
- the likely impact on the community and
- the likely effect of different travelling arrangements.

The purpose of this further assessment is to take account of any further information that has come forward through the consultation or otherwise.



In its consultation report, the proposer is required to explain its assessment of the proposal and the reasonable alternatives identified, how this assessment differs from their earlier assessment (if at all) and its assessment of any further reasonable alternatives. Finally, the proposer is required to confirm whether it considers the implementation of the proposal, (wholly or partly) to be the most appropriate response to the reasons it identified for the proposal and give reasons for its conclusion.

Although under the 2013 Act the requirement to consult does not apply to proposals to discontinue small schools with fewer than 10 pupils at the preceding January census point<sup>21</sup> local authorities and governing bodies bringing forward such proposals **should** still take into account the factors set out in Chapter 1 of this Code when developing and considering proposals. If the school is on the list of “rural schools” this includes satisfying the requirements at 1.8 “*Presumption against the closure of rural schools*”.

The consultation report **must** be published electronically, either on the proposer’s website or on the relevant local authority’s website. In addition, hard copies **must** be available on request. This **must** take place before any proposal is published.

The following **must** be advised by letter or email of the availability of the consultation report:

- parents (and where possible prospective parents) carers and guardians, and staff members of schools which are subject to the proposals;
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school; and
- consultees who had requested notification.
- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including, those in England, where appropriate) likely to be affected – including in the case of dedicated SEN provision any authority placing or likely to place statement pupils in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals;
- the governing body of other schools which the proposer considers are likely to be affected by the proposals;

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<sup>21</sup> Section 56 of the 2013 Act defines a ‘small school’, for the purposes of deciding whether consultation is required, as a school with fewer than 10 registered pupils on the third Tuesday in January immediately preceding the date on which the proposals are made.

- the Welsh Ministers\*;
- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision any independent or voluntary providers who may be affected including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

\* In the case of the Welsh Ministers emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales). It is not necessary to send emails to individual Ministers.

Unless proposers have applied for and been granted a time extension by the Welsh Ministers, proposals **must** be published within 26 weeks of the end of the period allowed for consultation responses, otherwise the proposals will lapse and a new consultation document **must** be issued to revive them.

Applications to the Welsh Ministers for a time extension **must** be made in writing before the 26 week period has elapsed and **must** set out the reasons why an extension is considered necessary. In deciding whether to approve an extension, the Welsh Ministers will take into account the reasons given for the application, the nature of the proposals and any other relevant factors. The Welsh Ministers would be unlikely to approve any application which would result in more than a year

elapsing between the end of the period allowed for consultation responses and the publication of a statutory notice.

Statutory proposals are sometimes brought forward as a result of strategic reviews into school provision carried out by local authorities. Whilst it is good practice to consult on such reviews, such consultation **must not** take the place of the formal consultation necessary on individual proposals as required by the Code.

Where the prospective proposers are not a local authority they **should** discuss their intentions with the local authority which would maintain any proposed new or altered provision at an early stage, i.e. before formal consultation commences.

Proposers **should not** refer to the period allowed for objections as the consultation period. The term consultation only applies to the period before final decisions are made to proceed to publish a proposal.

Consultees can submit views either in favour of or against a proposal. Consultees **should** be advised that unfavourable comments made during the consultation period will not be treated as objections and that if they wish to object, that they need to do so in writing during the statutory objection period. If consultees submit a request during the objection period that a response submitted at consultation stage should be treated as an objection, this **should** normally be accepted. Those responsible for publishing proposals **should** make every effort to ensure that those who have expressed opposition or concern during the consultation period are aware that statutory notices have been published.

## 4. Publication of statutory proposals

### 4.1 Manner of publication

If the proposer decides to proceed with a proposal they **must** publish the proposal<sup>22</sup> by way of a notice (referred to in this Code as a “statutory notice”).

The statutory notice **must** be published on a school day but not on a school day which includes a session which is devoted (wholly or mainly) to improving teaching standards or management practices of staff at the school (INSET days).

The objection period (see 4.2) **must** include 15 school days<sup>23</sup> (in addition to the day on which it is published).

The statutory notice **must** be published:

- i. on the proposer’s website (if it has one);
- ii. on the website of the existing/proposed maintaining local authority, where the local authority is not the proposer;
- iii. by being posted at or near the main entrance to any existing school which is the subject of the proposal, or, if there is more than one main entrance, all of them;
- iv. where a new school is being established, in a conspicuous place in the area to be served by the school;
- v. by providing any school which is the subject of proposals with copies of the notice to distribute to pupils, parents carers and guardians, and staff members (the schools may distribute the notice by email);
- vi. in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school.

Furthermore, on the day that the statutory notice is published, the following **must** be sent either a hard copy of the notice or be emailed a link to the relevant website:

- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including, where appropriate, a local authority in England) likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place pupils with SEN in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;

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<sup>22</sup> Section 48 2013 Act.

<sup>23</sup> A school day is defined in section 579 of the Education Act 1996 as any day on which at that school there is a school session. A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals
- other schools which the proposers consider are likely to be affected by the proposals;
- the Welsh Ministers\*;
- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision, any independent or voluntary providers who may be affected including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People’s Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

\* In the case of the Welsh Ministers emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales) It is not necessary to send emails to individual Ministers.

It is no longer a requirement to publish the proposal in a newspaper.

## 4.2 Length of objection period

The 2013 Act provides that anyone wishing to make objections to a school organisation proposal has the opportunity to do so. To be considered as statutory objections, objections **must** be made in writing or by email, and sent to the proposer before the end of 28 days beginning with the day on which the notice was published (“the objection period”).

### 4.3 Content of published statutory notice

The published statutory notice **must** contain the following information:

- the name of the persons or body publishing the proposal;
- the planned date of implementation (or dates if implementation is to be staged);
- details of how to obtain a copy of the consultation report;
- the date by which objections should be sent and the address to send them to, including the relevant email address.

Additionally

- a statutory notice for a proposal to establish a new school **must** state:
  - the proposed language category of the school as defined by Information Document No: 023/2007;
  - the name of the proposed maintaining local authority;
  - the location of the site of the school (and where appropriate the postal address);
  - whether the school will be single or mixed sex;
  - the age range of the school;
  - the category of the school - community, voluntary aided, voluntary controlled, community special;
  - whether the governing body or the local authority will be the admission authority;
  - the proposed arrangements for transport of pupils;
  - the admission number for each relevant age group in the first year of implementation or at each stage of implementation - “admission number” is to be determined in accordance with the calculation set out from time to time by the Welsh Ministers (currently contained in the Welsh Government Circular No: 21/2011);
  - the proposed capacity of the school – “capacity” is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011);
  - for a special school, information on the type of SEN for which provision will be made;
  - whether the school will have a religious character, and if so the nature of that character and the proposed appropriate religious body;
  - whether the admission arrangements of the school will make any provision for selection by ability permitted by section 101 of the School Standards and Framework act 1998 (pupil banding);

- in the case of a new voluntary school, whether the proposals are to be implemented by the local authority or the promoters and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each such body.
- A statutory notice for a proposal to alter a school or change its category **must** state:
  - the name and address of the school subject to the proposal;
  - the name of the maintaining local authority;
  - a description of the proposed alteration or change of category;
  - where the alteration involves enlargement, or a reduction in capacity, the current number of pupils, the capacity of the school and the proposed capacity – “capacity” is to be determined in accordance with the formulae set out from time to time by the Welsh Ministers (currently Welsh Government Circular No: 21/2011);
  - the number of pupils to be admitted in each relevant age group in the first year of implementation or at each stage of implementation;
  - in the case of a change in the type of SEN provision, the alternative provision for pupils and the impact on school transport; and
  - any implications the alteration might have on home to school transport provision.
- A statutory notice for a proposal to discontinue a school **must** state:
  - the name and address of school to be closed;
  - the name of the maintaining local authority;
  - the school’s religious character if it has one, and if so, the appropriate religious body;
  - details of the alternative school/s which pupils can attend, including any interim arrangements and the language category of the alternative school/s as defined by Information Document No: 023/2007;
  - details of any measures being taken to increase the number of places available in alternative schools; and
  - arrangements for transport of pupils to alternative schools.

**Note:** Sometimes a proposal will need to incorporate two separate elements, e.g. a school might transfer to a new site and also be enlarged. In this case two proposals, which can be incorporated into one statutory notice, may be necessary.

Annex B comprises several recommended statutory notice templates which proposers may find helpful in the construction of a statutory notice.

## 5. Determining proposals (other than proposals made by the Welsh Ministers)

### 5.1 Objection reports

Under section 49 of the 2013 Act when objections have been received proposers **must** publish a summary of the statutory objections and the proposer's response to those objections ("the Objection Report"). This **must** take place:

(a) in the case of a local authority that is required to determine its own proposals under section 53 of the Act (see 5.4 below), before the end of 7 days beginning with the day of its determination; and

(b) in all other cases, before the end of 28 days beginning with the end of the objection period.

The Objection Report **must** be published by being posted:

- i. on the proposer's website (if it has one);
- ii. on the website of the existing/proposed maintaining local authority, where this differs from i. above.

In addition, hard copies **must** be made available on request.

The following **must** be advised by letter or email of the availability of the Objection Report:

- Parents (and where possible prospective parents) carers and guardians, and staff members of schools which are the subject of the proposals;
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school;
- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including, where appropriate, a local authority in England) likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place pupils with SEN in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals;
- the governing body of other schools which the proposer consider are likely to be affected by the proposals;
- the Welsh Ministers\*;



- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposal;
- the relevant Regional Education Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision any independent or voluntary providers who may be affected, including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest in the case of proposals affecting secondary provision, any further education institutions serving the area of the school;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

\* In the case of the "Welsh Ministers" emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales) It is not necessary to send emails to individual Ministers.

## **5.2 Approval by the Welsh Ministers (section 50 of the 2013 Act)**

Proposals require approval by the Welsh Ministers under section 50 of the 2013 Act if:

- (a) the proposals affect sixth form education; or
- (b) the proposals have been made by a proposer other than the relevant local authority and an objection has been made by that authority and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.

Proposals affect sixth form education if:

- (a) they are proposals to establish or discontinue a school providing education suitable only to the requirements of persons above compulsory school age; or
- (b) they are proposals to make a regulated alteration to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases.

Where a proposal requires approval by the Welsh Ministers, the proposers **must** notify the Welsh Ministers within 35 days of the end of the objection period and forward to them copies of the statutory objections in addition to the objection report set out at paragraph 5.1. The proposer **must** also send to the Welsh Ministers any proposals which it considers are related to the proposals requiring determination. The Welsh Ministers will then decide whether these other proposals require determination by them.

A proposal shall be regarded as “related” if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Where proposals are “related”, the decisions should be compatible.

The Welsh Ministers may decide to approve, reject or approve the proposals with modifications.

Modifications would normally only include changes to matters such as the timing of implementation or admission numbers. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published. Before making any modification, the Welsh Ministers **must** first consult with the proposer and the relevant governing body/ies and local authority (where they are not the proposers), and obtain the proposer’s agreement to the modification.

Approvals can be made conditional on a specified event occurring by a specified date.

### **5.3 Approval by the local authority (section 51 of the 2013 Act)**

Proposals published under section 48 require approval under section 51 of the 2013 Act if:

- (a) they do not require approval by the Welsh Ministers;
- (b) they have been made by a proposer other than the relevant local authority; and
- (c) an objection to the proposals has been made and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.

## Procedures

Where proposals require approval by the local authority, the proposer **must** notify the local authority of a proposal requiring approval and forward to them the documents listed below within 35 days of the end of the objection period:

- a copy of the consultation document;
- a copy of the consultation report;
- a copy of the published notice;
- a copy of the objection report;
- copies of the statutory objections;
- copies of all of the above in relation to any proposals which are related to the proposals requiring approval.

Local authorities **must** decide whether any related proposals sent to them require their approval.

They **must** deal with all proposals which require approval without delay in so far as that is compatible with the proper consideration of the issues. In any event, the local authority **must** issue its decision, within 16 weeks (112 days) beginning with of the end of the objection period. However a failure to comply with that time limit does not affect the validity of any decision reached.

Local authorities **must** decide whether to approve, reject or approve with modifications, the proposals.

Modifications can only include changes to matters related to implementation such as changes to admission numbers or to the timing of implementation. The local authority **must not** make modifications that would, in effect, substitute a new proposal for the proposal which was published. Before making any modification, the local authority **must** first consult with the proposer and obtain their consent to the modification. They **must** also obtain the consent of the Welsh Ministers. If consent cannot be obtained, and the local authority believes that the proposals are not acceptable in their published state, they **must** reject the proposals. The local authority **must** also consult with the governing body of any school to which the proposals relate (where the governing body is not the proposer).

Approvals may be made conditional on a specified event occurring by a specified date.

### 5.4 Determination by proposers (section 53 of the 2013 Act)

Where proposals do not require approval under section 50 and 51 of the 2013 Act, they fall to be determined by the proposer.

Under section 53 of the 2013 Act, determination by the proposer **must** be made within 16 weeks (112 days) of the end of the objection period. Where the proposer fails to determine the proposal within the period of 16 weeks it is taken to have

withdrawn the proposal and it is required to republish the proposals if it wishes to proceed.

Where a local authority's proposals have received objections, and require determination under section 53 of the 2013 Act, the local authority **must** not approach the determination of these proposals with a closed mind. Objections **must** be conscientiously considered alongside the arguments in respect of the proposals and in the light of the factors set out in section 1.3 – 1.14 of this Code. In these cases the objection report **must** be published at the same time as the decision is issued rather than within 28 days beginning with the end of the objection period.

## 5.5 Local authority decision making

Where local authorities are required to approve or determine proposals which have received objections, an amendment<sup>24</sup> to Schedule 2 to the Local Authority (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) permits the local authority's executive to exercise this function. Executives and/or Cabinets are already responsible for overseeing school organisation planning, including decisions to consult on and to publish school organisation proposals and will have a well developed understanding of school organisation issues. This understanding, combined with their more general experience of decision making and the fact that they are democratically accountable to the local electorate, makes executives well placed to decide whether or not contested school organisation proposals should be approved.

However, if they choose to do so, local authorities will not be prevented by Schedule 2 to the relevant regulations from adopting alternative, locally agreed processes for taking such decisions. These might include the formation of a local decision making committee, potentially in collaboration with other local authorities in their region.

Where local authorities choose to follow this route, they will need to consider carefully how they will ensure that such bodies deliver fair and robust decision making.

Annex D provides details of a possible model for a local decision making committee.

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<sup>24</sup> The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 No.2438 (W. 235).

## 5.6 Decision notification

Decisions (in relation to proposals which require approval or determination) **must** be made and issued in the form of a decision letter. The decision letter **must** set out clearly the reasons for the decision with reference to sections 1.3 to 1.6 of this Code and the specific factors in sections 1.7 to 1.14 [which includes the additional factors to be considered and requirements in relation to the closure of rural schools].

Additionally a decision letter for a proposal to discontinue a school designated as a rural school must state why the proposer is satisfied that such implementation is the most appropriate response to the reasons it identified for formulating the proposal.

Decision letters **must** be published electronically on the proposer's website (if it has one) and that of the relevant local authority (if different).

The following **must** be advised by letter or email of the availability of the decision letter:

- Parents (and where possible prospective parents) carers and guardians, and staff members of schools which are the subject of the proposals;
- In the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school;
- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including, where appropriate, a local authority in England) likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place pupils with SEN in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals;
- the governing body of other schools which the proposer considers are likely to be affected by the proposals;
- the Welsh Ministers;
- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;

- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;
- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision, any independent or voluntary providers who may be affected including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

\* In the case of the Welsh Ministers emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales) It is not necessary to send emails to individual Ministers.

## 5.7 Referral of local authority decisions to the Welsh Ministers

Under section 54 of the 2013 Act where proposals have been approved or rejected by a local authority the following bodies may, before the end of 28 days beginning with the day of the decision, refer the proposals to the Welsh Ministers for consideration:

- i. Another local authority affected by the proposals;
- ii. The appropriate religious body for any school affected;
- iii. The governing body of a voluntary or foundation school subject to the proposals;
- iv. A trust holding property on behalf of a voluntary or foundation school subject to the proposals; and
- v. A further education institution affected by the proposals.

Referrals should be sent by email to the Welsh Government mailbox [schoolsmanagementdivision3@gov.wales](mailto:schoolsmanagementdivision3@gov.wales). The body referring the decision **should** inform the relevant local authority that a referral has been made.

The body making the referral will need to set out in a letter why they believe that the decision reached by the local authority is wrong.

The Welsh Ministers will decide whether the bodies referred to in i, ii and iv are affected by the proposals and therefore require consideration.

Where a proposal requires consideration by the Welsh Ministers, the local authority **must** provide them, on request, with copies of the statutory objections and any other information considered necessary by the Welsh Ministers.

Where a proposal requires their consideration the Welsh Ministers may decide to approve, reject or approve the proposals with modifications.

Modifications would normally only include changes to matters such as the timing of implementation or admission numbers. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published. Before making any modification, the Welsh Ministers **must** first consult with the proposer and the relevant governing body/ies and local authority (where they are not the proposers), and obtain the proposer's agreement to the modification.

Approvals can be made conditional on a specified event occurring by a specified date.

Proposals to discontinue a small school<sup>25</sup> may not be referred to the Welsh Ministers.

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<sup>25</sup> Under section 54 of the 2013 Act proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56) may not be referred to the Welsh Ministers under this section. Section 56 defines a small school as a school with fewer than 10 registered pupils on the third Tuesday in January immediately preceding the date on which the proposals are made.

## 6. Implementing proposals

### 6.1 Implementation – general

Proposals **must** normally be implemented as determined or approved (with or without modifications). Proposers **should** notify the Welsh Ministers by email when a proposal is implemented. Emails should be sent to the following Welsh Government mailbox: [Schoolsmanagementdivision3@gov.wales](mailto:Schoolsmanagementdivision3@gov.wales). It is not necessary to send emails to individual Welsh Ministers.

However, under Section 55 of the 2013 Act if a proposer is satisfied, after consultation with any affected governing body, that a proposal would be unreasonably difficult to implement on the original implementation date, or that circumstances have so altered since the proposal was approved that its implementation on the original date was inappropriate, it may modify the proposal so that its implementation is delayed by up to three years.

If a proposer is satisfied, after consultation with any affected governing body, either that implementation of proposals would be unreasonably difficult or that circumstances have so altered since the proposals were approved that their implementation would be inappropriate altogether, it may determine that the proposals should be abandoned.

In the case of proposals to close a school, and after consultation with any affected governing body, a proposer may also determine to bring forward implementation by a period of up to 13 weeks. Implementation **must** only be brought forward where a school has no remaining pupils on roll or so few pupils that delivery of the curriculum is severely compromised.

Where proposals have received approval by the local authority (under section 51 of the 2013 Act) or the Welsh Ministers (under section 50 of the 2013 Act), proposers **must** only make a determination to delay, bring forward or abandon a proposal with the agreement of the Welsh Ministers. Any such application for agreement **must** be made in writing with the proposer's reasons clearly set out.

Where a proposal has been determined by the local authority under section 53 of the 2013 Act the local authority itself may determine to delay, bring forward or abandon the proposal.

Notification of any determination to delay, bring forward or abandon a proposal **must** be given to relevant parties including the Welsh Ministers, Estyn, the maintaining local authority, and the governing bodies, parents, pupils and staff of any affected school, as appropriate, within seven days of it being made. The notification **must** set out, briefly, the reasons for that determination.

If a proposal has been approved by the Welsh Ministers or by a local authority subject to a specified event occurring by a specified date, and that condition is not met by that date, the proposals **must** be considered as rejected unless the proposer has sought and received agreement from the Welsh Ministers or the local authority to have that condition varied by the substitution of a later date.



## 6.2 Implementation – change of category

Part 3 of Schedule 5 to the 2013 Act sets out full details relating to the transfer of land. Any transfers will take place on the implementation date. Where a community school becomes a voluntary aided or voluntary controlled school, any land other than playing fields held by a local authority transfers automatically to the school's trustees.

Where a foundation, voluntary aided or voluntary controlled school without a religious character becomes a community school any publicly funded land transfers automatically to the local authority. Publicly funded land is defined in schedule 4 to the 2013 Act and includes land provided by the local authority or by means of a capital grant (within the meaning of Chapter 6 of Part 3 to the Education Act 1996). Any other land held by trustees or the governing body **must** be transferred to the local authority by means of a transfer agreement to be drawn up by the parties. Such a transfer may be subject to an agreed payment by the local authority. If the parties are unable to reach agreement in relation to a transfer, either party may apply to the Welsh Ministers to exclude the transfer of any area of land. The Welsh Ministers **must** then decide whether or not to direct its exclusion.

## 7. The closure of a school with fewer than 10 registered pupils

Where a school has fewer than 10 registered pupils (or there are no pupils remaining at a school) at the January census point the 2013 Act permits governing bodies/local authorities to undertake a streamlined procedure to bring about official closure.<sup>26</sup>

This consists solely of the issue of the notice of closure – the requirement for general consultation being waived, provided sufficient equivalent school places have been identified which would be reasonably accessible to those pupils actually or potentially displaced. If objections are made, the proposal would be determined in all cases by the proposer. However, before bringing forward such proposals, proposers **must** seek the views of any trust with an interest in the school or the appropriate religious body and take these views into account before proceeding.

In the case of schools where some pupils remain, proposers **must** make sure that the closure notice is brought to the pupils' attention, that its meaning is made clear to them, and that appropriate steps are taken to enable these pupils to respond to the notice if they so wish. It is essential that pupils are provided with the opportunity to contribute to the decision making process and proposers **must** ensure that full account is taken of any views they express before a final decision is taken.

Proposers are encouraged to share information with parents and other schools and **should** ensure that they receive a copy of the notice. Any schools identified as those most likely to receive pupils **must** also be notified.

The existence of streamlined procedures in relation to the proposed closure of schools with fewer than 10 registered pupils does not mean that governing bodies or local authorities are required to bring forward closure proposals in relation to such schools.

The possible closure of such schools **should** be considered in the light of the factors set out at section 1. If the school is on the list of "rural schools" this includes considering the factors and satisfying the requirements set out in section 1.8 "*Presumption against the closure of rural schools*" before issuing a closure notice. This means that the proposer should also:

- identify clear and specific reasons for formulating the proposal;
- identify any reasonable alternatives to closure which might also address the reasons for the proposal and provide evidence to show that it has carefully considered all other viable options (including federation), with a clear assessment of the merits and their viability including:
  - ✓ The likely education benefits;
  - ✓ The likely impact on the community;
  - ✓ The likely impact on travelling arrangements; and
- set out in the proposal paper (which is a paper to be presented to the decision maker) the alternatives that have been identified, give an assessment of these and explain why

the proposer considers in the light of the assessment that implementation of the closure proposal would be the most appropriate response to the reasons for the proposal.

## 8. Proposals by the Welsh Ministers to rationalise school places

Where the Welsh Ministers have previously directed a local authority or governing body to bring forward proposals to remedy excessive or insufficient school places, they may publish their own proposals to the same effect.

The specific criteria upon which the Welsh Ministers might decide to issue a direction or subsequently publish a proposal would vary depending on the circumstances pertaining to a particular area, but in general terms these are powers of last resort and would be used where a local authority has failed to ensure that:

- their area is served by schools which are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education; or
- each child in their area has reasonable access to one of those schools; or
- funding for education is cost effective and resources are used to secure the best possible educational outcomes for children and young people.

The proposals **must** be published in accordance with the provisions included in Chapter 4 above.

Any person may object to the proposals within the 28 day objection period. If objections are received, the Welsh Ministers **must** cause a local inquiry to be held to consider the proposals. Any other school organisation proposals which have been published and not determined **must** be referred to the local inquiry if the Welsh Ministers believe they are related to the proposal which is the subject to objection (and unless the Welsh Ministers form the opinion that they should be implemented).

The local inquiry **must** be conducted by a person appointed for that purpose by the Welsh Ministers and in accordance with any procedures set out by them at the time of the local inquiry's establishment.

Where a local inquiry has been held, the Welsh Ministers **must** consider the report of the person conducting the local inquiry. They may then do one of the following:

1. adopt with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers;
2. approve with or without modifications, or reject any other proposals which are referred to the local inquiry;
3. make further proposals to rationalise school places.

If the Welsh Ministers decide to make further proposals there is no requirement to cause a further local inquiry to be held.

Where these further proposals made by the Welsh Ministers have not been referred to a local inquiry the Welsh Ministers may after considering any objections:

1. adopt the proposal with or without modifications; and
2. determine not to adopt the proposal.

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not**

make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be approved or adopted subject to a specified event occurring by a specified date.

Proposals approved or adopted **must** be implemented in accordance with Chapter 6 above.

## 9. Proposals by the Welsh Ministers for regional provision for special educational needs

Where the Welsh Ministers have previously made an order directing a local authority or a governing body to bring forward school organisation proposals for the purpose of securing regional provision for children with special educational needs, they may publish their own proposals to the same effect.

The proposals **must** be consulted upon in accordance with Chapter 3 above and published in accordance with Chapter 4.

Any person may object to the proposals within the 28 day objection period.

The Welsh Ministers may, after considering any objections;

1. adopt the proposals with or without modification;
2. determine not to adopt the proposals.

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be adopted subject to a specified event occurring by a specified date.

Proposals which are adopted **must** be implemented in accordance with Chapter 6 above.

## 10. Proposals by the Welsh Ministers to restructure sixth form education

Under section 71 of the 2013 Act, the Welsh Ministers may make proposals for:

1. the establishment by a local authority of a school or schools to provide secondary education suitable to the requirements of sixth formers only (a 'sixth form school');
2. the introduction or ending of sixth form provision at a school, or;
3. the discontinuance of a sixth form school.

The proposals **must** be consulted upon in accordance with Chapter 3 above and published in accordance with Chapter 4.

Any person may object to the proposals within the 28 day objection period.

The Welsh Ministers may, after considering any objections;

1. adopt the proposals with or without modification
2. determine not to adopt the proposals

Modifications made by the Welsh Ministers **should** normally extend only to include changes to admission numbers or to the timing of implementation. The Welsh Ministers **must not** make modifications that would in effect substitute a new proposal for the proposal which was published.

Proposals can be adopted subject to a specified event occurring by a specified date.

Proposals which are adopted **must** be implemented in accordance with Chapter 6 above.

## **11. Governing body notice to discontinue a foundation or voluntary school**

Section 80 of the 2013 Act permits the governing body of a foundation or voluntary school to discontinue the school by giving the Welsh Ministers and the local authority responsible for maintaining the school two years notice of its intention to do so. Before given notice, the governing body **must**:

1. gain the consent of the Welsh Ministers if expenditure has been incurred on the school premises (otherwise than in connection with repairs) by the Welsh Ministers or local authority;
2. consult the Welsh Ministers if discontinuing the school would affect facilities for full time education suitable to requirements of persons over compulsory school age who have not attained the age of 19; and
3. consult the trustees for any land or buildings held on trust and/or the appropriate religious body where the school has a designated religious character and have regard to any comments which are received.

Where governing bodies require advice in relation to property held on charitable trust, they should contact the Charity Commission.



## Annex A: Illustrative flow chart for statutory proposals

### Step 1

The proposer should refer to the designation of rural schools and the list of rural schools derived from it to establish if a proposed closure involves a rural school and the presumption against closure of rural schools set out in this Code applies.

### Step 2

The proposer should refer to section 1 of the School Organisation Code (the Code) which provides the factors to be taken into account in preparing, publishing, approving or determining all school organisation proposals.

### Step 3

In the case of proposals to reorganise schools for which land and/or buildings are held on trust, or which have a designated religious character the proposer must consult the trustees and/or appropriate religious body before the consultation is published and allow 28 days for the receipt of comments and must have due regard to those comments before any decision is made to proceed to general consultation.

### Step 4

Approval to proceed to formal consultation should be obtained. Where the proposer is the local authority the decision is normally made by the executive committee or cabinet. Where the governing body of a school is the proposer the governing body must make the decision.

### Step 5

The proposer must publish a consultation document on its website and make it available in hard copy. If the proposer is other than the local authority the consultation document can also be published on the relevant local authority's website. The consultation document must be published on a school day and consultees must have at least 42 days in which to respond, with at least 20 of these being school days. Section 3 of the Code sets out the information that all consultation documents and the additional information that consultation documents on proposed closure of rural schools must contain and provides a list of those parties who must be advised of its availability. The proposer must make suitable arrangements to consult with pupils of any school affected.

### Step 6

The proposer must publish a summary of the consultee's comments and the proposer's own responses to the comments (the consultation report) at least 2 weeks prior to publishing a notice. Section 3 of the Code provides information about the consultation report and lists the parties that must be advised of its availability.

### Step 7

Where the local authority is the proposer normally the executive committee or cabinet meets to consider the consultation and whether or not to proceed with the proposal. Where the governing body of a school is the proposer they should meet to consider the consultation and decide whether or not to proceed. If the decision is to proceed, Step 8 is taken. If a new option emerges during consultation which the proposers wish to consider, then Steps 1-5 are repeated.

### Step 8

Proposals must be published within 26 weeks of the end of the consultation period allowed for consultation responses, otherwise the proposal will lapse and a new consultation is required.

If the proposer decides to proceed with the proposal the proposer must publish a statutory notice 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. Section 4 of the Code sets out the information a notice must contain and explains how it must be published.

#### Step 9a

If there are no objections and the proposal does not require the approval of the Welsh Ministers. Where the proposer is the local authority normally the executive committee or cabinet meets to determine whether or not to proceed. Where the proposer is the governing body of the school the governing body should meet and determine whether or not to proceed.

#### Step 9b

If objections are received, the proposer **must** publish a summary of the objections and their responses to those objections (the objection report).

#### Step 10a

If the proposal does not require approval by the Welsh Ministers or the local authority, it **must** receive final determination by proposers within 16 weeks of the end of the objection period.

#### Step 10b

If the proposal requires determination by the Welsh Ministers, the proposer **must** send to the Welsh Ministers within 35 days of the end of the objection period the objections and the objection report. The Welsh Ministers will

#### Step 10c

If the proposal requires determination by the local authority, the proposer **must** send to the local authority within 35 days of the end of the objection period the consultation document, the consultation report, the published notice, the objections and the objection

	<p>normally aim to determine proposals within 16 weeks of the end of objection period.</p>	<p>report.</p> <p>The local authority <b>must</b> issue a decision within 16 weeks of the end of the objection period.</p> <p>Within 28 days of the local authority's determination proposals may be referred to the Welsh Ministers by the following:</p> <ul style="list-style-type: none"> <li>i. Another local authority;</li> <li>ii. The appropriate religious body for any school affected (the diocesan authority);</li> <li>iii. The governing body of a voluntary or foundation school; subject to the proposals</li> <li>iv. A trust holding property on behalf of a voluntary or foundation school; subject to the proposals</li> <li>v. A further education institution affected by the proposals.</li> </ul>
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Step 11

If proposals receive approval or the proposer determines to implement them, they **should** be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.

## Annex B: Examples of statutory notices

### Example of a statutory notice to establish a new community or voluntary school

[Insert name and address of those publishing the proposals].

Notice is given in accordance with section 41 of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code that [*proposer's name*], having consulted such persons as required, propose to establish a new [*state language category*<sup>27</sup>] school to be maintained by [*state name of maintaining local authority*] at [*state location and, where appropriate, the postal address*] for [*boys*]/ [*girls*] / [*boys and girls*] aged [*insert age range*].

The [*insert name of proposer*] undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and Estyn's full response is available on [*insert the proposer's website or if one is not available the relevant local authority's website*].

It is proposed to implement the proposal on [*insert date*]. [*Where implementation is planned in stages, the date on which each stage is planned to be implemented **should** be given*].

The proposed new school will be a [*insert community or voluntary aided or voluntary controlled*] school.

[*insert the governing body or the name of the local authority*] will be the admission authority.

The admission number for [*state the relevant age group or age groups*<sup>28</sup>] at the new school in the first school year in which the proposals have been implemented is [*state number*] [*Where the proposals are to be implemented in stages, the admission number in the first school year in which each stage has been implemented **must** be given*]. [*If there is to be a separate admission number for the sixth form it **should** be included*].

The new school's pupil capacity will be [*insert capacity figure*<sup>29</sup>]. [*It would also be useful to include the number of nursery places being provided if appropriate*].

[*For a special school, information on the special educational needs of pupils for which provision will be made*].

[*Give information on whether it is proposed that the admission arrangements for the new school will make provision for pupil banding*].

[*In the case of a new voluntary school, give information about its religious character and proposed appropriate religious body if it is to have a religious character*].

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<sup>27</sup> Proposers should refer to the Welsh Assembly Government information document 23/2007 Defining schools according to Welsh medium provision.

<sup>28</sup> A "relevant age" group" is defined in section 142(1) of the 1998 Act as meaning "an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school". There could, therefore, be more than one relevant age group, in which case the number to be admitted must be given in relation to each such relevant age group.

<sup>29</sup> Proposers should refer to the Welsh Government Circular 21/2011 Measuring the capacity of schools in Wales or any successor document.

*[Give information about the proposed arrangements for transport of pupils to the new school].*

*[In the case of proposals to establish a new voluntary school, state whether the proposals are to be implemented by the local education authority or the promoters, and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each such body].*

Within a period of 28 days of the date on which the proposal was published, that is to say by *[insert date]* any person may object to the proposals.

Objections should be sent to *[name and address of proposer]*.

Signed .....

For the *[local authority]*.

*[Date – **should** be the same as the date of publication].*

#### **EXPLANATORY NOTE**

*[It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals].*

## **Example of a statutory notice to discontinue a maintained community, foundation, voluntary or nursery school**

*[Insert name and address of those publishing the proposals].*

Notice is given in accordance with section 43 of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code that *[proposer's name]*, having consulted such persons as required, propose to discontinue *[name and address of school]*. The school is currently maintained by *[state name of maintaining local authority]* *[and if relevant, state school's religious character]*.

The *[insert name of proposer]* undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and Estyn's full response is available on *[insert the proposer's website or if one is not available the relevant local authority's website]*.

It is proposed to implement the proposals on *[insert date]* (2).

*[Insert details of the schools which pupils at the school to be discontinued may attend, including any interim arrangements and the language category of the alternatives as defined by Information Document No: 023/2007].*

*[Insert details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance].*

*[Insert particulars of the proposed arrangement for transport of pupils to other schools].*

[Proposals to discontinue a rural school must state the reasons why the proposer is satisfied that such implementation is the most appropriate response to the reasons the proposer identified in formulating the proposal.]

Within a period of 28 days of the date on which the proposal was published, that is to say by *[insert date]* any person may object to the proposals.

Objections should be sent to *[name and address of the proposer]*.

Signed .....

For the *[local authority or governing body]*.

*[Date – **should** be the same as the date of publication].*

### **EXPLANATORY NOTE**

*[It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals].*

## Example of a statutory notice to make a regulated alteration to a maintained community, foundation, voluntary or nursery school

Notice is given in accordance with section 42 of the School Standards and Organisation Act 2013 and the School Organisation Code that [*proposer's name*], having consulted such persons as required, proposes to alter [*name and address of school*] so that [*add description of proposed change/s*]. The school/s is/are currently maintained by [*state name of maintaining local authority*].

The [*insert name of proposer*] undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and Estyn's full response is available on [*insert the proposer's website or if one is not available the relevant local authority's website*].

It is proposed to implement the proposal on [*insert date*]. [*Where implementation is planned in stages, the date on which each stage is planned to be implemented **should** be given*].

[*Where the alteration involves enlargement, or a reduction in capacity, insert*] The current number of pupils at the school is [*insert number*], the pupil capacity of the school is [*insert pupil places capacity<sup>30</sup>*] and the proposed capacity once the proposal is implemented will be [*insert proposed capacity*].

[*Where the alteration involves enlargement or a reduction in capacity insert*] The admission number for [*state the relevant age group or age groups<sup>31</sup>*] at the school in the first school year in which the proposals have been implemented will be [*state number*] [*include a separate sixth form number if appropriate*] [*Where the proposals are to be implemented in stages, the admission number in the first school year in which each stage has been implemented **must** be given*]. [*where appropriate*] There will be xx nursery places.

[*Where the alteration involves a change in the type of provision, provide information on the alternative provision for pupils and the impact on school transport*].

Within a period of one 28 days of the date on which the proposal was published, that is to say by [*insert date*] any person may object to the proposals.

Objections should be sent to [*name and address of the proposer*].

Signed .....

For the [*local authority or governing body*].

[*Date – **should** be the same as the date of publication*].

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<sup>30</sup> Proposers should refer to the Welsh Government Circular 21/2011 Measuring the capacity of schools in Wales or any successor document.

<sup>31</sup> A "relevant age group" is defined in section 142(1) of the 1998 Act as meaning "an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school". There could, therefore, be more than one relevant age group, in which case the number to be admitted must be given in relation to each such relevant age group.

## **EXPLANATORY NOTE**

*[It may be useful to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals].*



## Annex C: Community impact and Welsh-medium impact assessments

The Welsh Government takes the view that the requirement for assessments should not be overly burdensome and does not consider that it is necessary to commission such work from external consultants. Local authorities are already under a duty to carry out equality impact assessments which could provide the basis for the impact assessments specified in this guidance.

### Community Impact

Impact assessments **should** ideally be included in consultation documents. Whilst these notes do not prescribe what should be included in a community impact assessment, proposers might include the following:

- information on the proportion of pupils from the catchment area that attend the school;
- information on the proportion of pupils from outside the catchment area that attend the school;
- information about any other facilities the school accommodates e.g. youth club/play group;
- information about any other facilities or services the school provides e.g. after school clubs, community library;
- if accommodation, facilities or services are provided by a school, where they would be provided in the event of closure;
- whether other facilities available in the immediate local or wider community will or could be enhanced in the event of a school closure (e.g. improvements to village halls, playgrounds, provision of holiday play schemes);
- information about the facilities and services provided at any alternative school;
- information about the distance and travelling time involved in attending an alternative school of the same language category;
- how parents' and pupils' engagement with the alternative school and any facilities it may offer could be supported (e.g. how pupils (and particularly any less advantaged pupils) will be helped to participate in after school activities);
- impact on health and wellbeing e.g. if pupils would be less able to walk or cycle to school;
- Information about any wider implications the changes would have on public transport provisions;
- Information on wider community safety issues.

There are many other considerations that are also likely to be relevant in terms of an impact assessment for a rural school closure for example:

- Whether closure would encourage families with school-age children to leave the community or discourage young families from moving to the community;
- What impact closure might have on other services provided locally, for instance if the school is the only remaining public building in a community;
- Whether, or not, the school is a real hub of community life, used for other purposes – such as public meetings, local events, fetes, surgeries, and other get togethers – which would either cease or be diminished by being required to move elsewhere;
- Whether or not the loss of the school, and potentially families, will have a detrimental effect on the wider economy of the community;
- how parents' and pupils' engagement with the alternative school and any facilities it may offer could be supported (e.g. how pupils; particularly any less advantaged pupils) will be helped to participate in after school activities);
- the overall effect of closure on the local community (including the loss of school based facilities which are used by the local community).

Early engagement and communication with the local community is a good way of establishing and understanding all of the relevant factors.

### **Welsh language Impact**

These notes are not prescriptive or exhaustive but the impact assessment in respect of the Welsh language might include the following:

- information on the language category of the school;
- information on the language category of any alternative school;
- information about standards in the Welsh language in the school and any alternative school;
- information about after school activities which provide additional opportunities to use Welsh in the school and any alternative school (e.g. the Urdd, Mentrau Iaith clubs);
- information about whether the school provides facilities for members of the community to learn Welsh, or undertake activities through the medium of Welsh, and where any alternative facilities could be provided;
- whether it might be appropriate to provide additional after school facilities at any alternative school to further secure standards in the Welsh language;
- how parents' and pupils' engagement with any alternative school and any specific language enhancement it offers could be supported (e.g. how pupils will be helped to participate in activities provided by the Urdd, Mentrau Iaith);
- observations provided by the local authority's Welsh medium education forum (if it has one)<sup>32</sup>;
- information on how the proposal fits with the authority's Welsh in Education Strategic Plan and any future actions that will be needed in consequence of the change to continue to comply with the scheme or meet targets in the scheme.

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<sup>32</sup> The Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 provides a definition of a Welsh medium education forum. However, it should be noted that a local authority is not required to have such a forum.

## **Annex D: Local decision-making committee**

The model set out below represents one potential way of establishing a 'local decision making committee'.

The size of the committee would be significant in shaping its effectiveness. Too large and it would be unwieldy and difficult to establish a consensus. Too small and there might be too little debate and too narrow a perspective. A committee with five members might represent an ideal size.

The make up of the committee will also be important in determining how it is perceived. If the intention is to emphasise its separation from the local authority's executive, it might be necessary to 'disqualify' members of the executive and anyone who has a connection to the local authority, proposer (if different from the local authority) or the school to which the proposals relate, which might raise doubts over their ability to act impartially regarding the proposal.

Providing they are not 'disqualified', local authorities might decide to appoint committees made up of local authority members only, or of persons unconnected with the local authority (including members of another local authority), or of any combination of the two.

Where a school with a designated Church in Wales or Roman Catholic religious character (or which is intended to have such a religious character) is the subject of a proposal, the local authority might invite the Diocesan Board of Education for the relevant diocese of the Church in Wales or the Bishop of the relevant Roman Catholic Church diocese to nominate a representative to be one of the members of the committee. In the case of any other voluntary school with a designated religious character, the person or persons by whom the foundation governors are appointed might be invited to nominate a representative.

Local authorities might want to ensure that at least one member of the committee has direct experience of working in the education sector. An existing or former member of a school's senior management team or an experienced school governor might be suitable in this respect.

In the event that the committee is to be comprised of local authority members only, the local authority might want to consider making it politically balanced in the sense set out at sections 15 and 16 of the Local Government and Housing Act 1989.

The local authority may wish to recruit, train and retain a pool of eligible persons and appoint to a committee as and when required. This would provide a number of advantages including reducing the time needed to set up a committee when required and helping the local authority to ensure potential committee members have sufficient training.

Local authorities could also co-operate to develop shared regional pools. This would increase the potential number of eligible and suitably experienced candidates whilst at the same time providing more opportunities for committee members to gain experience and develop expertise in making school organisation decisions. However, when appointing panels from any such regional pool, local authorities might want to ensure at least some members have specific local knowledge.

The local authority would want to ensure that all committee members receive appropriate training before considering proposals, and that experienced committee members are kept

abreast of any amendments to guidance and are given the opportunity of undertaking refresher training. Training need not be extensive but might look to ensure that committee members are familiar with the guidance contained in the Code and are familiar with the relevant parts of the 2013 Act. Two or more local authorities could collaborate to deliver training which, in addition to possible financial savings, could provide benefits such as the wider sharing of good practice.

It would be advisable for the committee to have the services of a clerk provided by the local authority. Whilst the clerk would not be a member of the committee they might act as an independent source of advice. To enable this, clerks would need a good understanding of the Code and the relevant parts of the 2013 Act and would have received appropriate training. The local authority, where necessary, would need to provide the committee with appropriate legal advice. It would be advisable for the clerk not to have been involved at any stage in the proposal that the committee are considering or to have any interest in any decision reached by the committee members.

The key tasks of the clerk would be to:

- make the necessary administrative arrangements for the committee;
- be an independent source of advice on procedure, the Code and the relevant parts of the 2013 Act;
- record the proceedings, decision and the reasons for it; and
- ensure notification and publication of the decision in accordance with paragraph 5.13.

To enable a committee to reach an informed decision, the local authority would need to forward to the appointed clerk the documents set out paragraph 5.3 above, shortly after of the end of the objection period. It would be advisable for the committee to reach its decision on the basis of this written evidence rather than seek or consider new information (unless they consider it will assist in the determination within the timescale), or consider oral representations.

## Annex E: Legislation and national policies which will assist in the development of proposals

- United Nations Convention on the Rights of the Child
- The Well-being of Future Generations (Wales) Act 2015 (see below)
- Cymraeg 2050, A Million Welsh Speakers
- Action Plan, Cymraeg 2050
- 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
- Local plans for economic or housing development
- Welsh in Education Strategic Plans (made under part 4 of the School Standards and Organisation (Wales) Act 2013)
- Children and Young People's Plans (or successor plans)
- 21<sup>st</sup> Century Schools – Capital Investment Programme and the relevant wave of investment
- Learner Travel Statutory Provision and Operational Guidance 2014
- Measuring the capacity of schools in Wales, Circular No: 021/2011
- Children and Young People's National Participation Standards

### The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 ('the 2015 Act') sets out new ways of working – of planning and making decisions – for local authorities and other public bodies it lists. The aim is that, by improving these things, the overall well-being of Wales will be better improved by the things public bodies collectively do. The Act and the statutory guidance makes it clear that local authorities must, in the course of their corporate planning and their delivery against those plans:

- balance short term needs against the ability to meet **long term** needs;
- think about the impact their objectives have on other organisations' objectives, and on the well-being of Wales, in an **integrated** way;
- **involve** in those processes people who reflect the diversity of the population they serve;
- work together **collaboratively** with other organisations to better meet each others' objectives; and
- deploy their resources to **prevent** problems from getting worse or from occurring in the first place.

The statutory guidance, for organisations subject to the Act, sets out the expectations for how the duties should be met:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

The Act itself is available to view online:

<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

Current practice on the use of surplus school accommodation, Information document No 158/2014

## Annex F: List of rural schools

School Ref	School Name	Local Authority
6602133	Ysgol Gymuned Bodffordd	Isle of Anglesey
6602135	Ysgol Gymuned Bryngwran	Isle of Anglesey
6602141	Ysgol Gynradd Garreglefn	Isle of Anglesey
6602142	Ysgol Gymuned y Ffridd	Isle of Anglesey
6602145	Ysgol Gymuned Moelfre	Isle of Anglesey
6602146	Ysgol Gynradd Llanbedrgoch	Isle of Anglesey
6602153	Ysgol Gymuned Llanfechell	Isle of Anglesey
6602155	Ysgol Gynradd Llangoed	Isle of Anglesey
6602156	Ysgol Henblas	Isle of Anglesey
6602157	Ysgol Gymuned Llannerch-y-Medd	Isle of Anglesey
6602160	Ysgol Pencarnisiog	Isle of Anglesey
6602162	Ysgol Penysarn	Isle of Anglesey
6602163	Ysgol Santes Gwenfaen	Isle of Anglesey
6602165	Ysgol Gynradd Rhosybol	Isle of Anglesey
6602173	Ysgol Gynradd y Tywyn	Isle of Anglesey
6602227	Ysgol Rhyd y Llan	Isle of Anglesey
6605200	Ysgol Caergeiliog	Isle of Anglesey
6612008	Ysgol Gynradd Abererch	Gwynedd
6612010	Ysgol Beddgelert	Gwynedd
6612015	Ysgol Gynradd Borth-y-Gest	Gwynedd
6612017	Ysgol Brynaerau	Gwynedd
6612036	Ysgol Gynradd Chwilog	Gwynedd
6612039	Ysgol Crud-y-Werin	Gwynedd
6612046	Ysgol Gynradd Edern	Gwynedd
6612048	Ysgol Bro Plenydd	Gwynedd
6612049	Ysgol Gynradd Garndolbenmaen	Gwynedd
6612059	Ysgol Gynradd Llanaelhaearn	Gwynedd
6612060	Ysgol Gynradd Llanbedrog	Gwynedd
6612066	Ysgol Gynradd Llangybi	Gwynedd
6612070	Ysgol Gynradd Llanllyfni	Gwynedd
6612075	Ysgol Babanod Morfa Nefyn	Gwynedd
6612078	Ysgol Baladeulyn	Gwynedd
6612081	Ysgol Gynradd Nebo	Gwynedd
6612093	Ysgol Gynradd Pentreuchaf	Gwynedd
6612103	Ysgol Sarn Bach	Gwynedd
6612110	Ysgol y Gorlan	Gwynedd
6612111	Ysgol yr Eifl	Gwynedd
6612112	Ysgol Gynradd Tudweiliog	Gwynedd
6612185	Ysgol Gynradd Dyffryn Dulas	Gwynedd
6612189	Ysgol Gynradd Dyffryn Ardudwy	Gwynedd
6612190	Ysgol Bro Cynfal	Gwynedd
6612192	Ysgol Edmwnd Prys	Gwynedd
6612194	Ysgol Gynradd Llanbedr	Gwynedd

6612198	Ysgol y Garreg	Gwynedd
6612199	Ysgol O M Edwards	Gwynedd
6612207	Ysgol Gynradd Pennal	Gwynedd
6612210	Ysgol Talsarnau	Gwynedd
6612211	Ysgol Gynradd Tanygrisiau	Gwynedd
6612213	Ysgol Bro Heddwyn	Gwynedd
6612214	Ysgol Bro Tryweryn	Gwynedd
6612220	Ysgol Ffridd y Llyn	Gwynedd
6612228	Ysgol Craig y Deryn	Gwynedd
6612229	Ysgol Bro Llifon	Gwynedd
6613004	Ysgol Pont y Gof	Gwynedd
6613010	Ysgol Foel Gron	Gwynedd
6613018	Ysgol Gynradd Llandwrog	Gwynedd
6613023	Ysgol Gynradd Llanystumdwy	Gwynedd
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6622043	Ysgol Dolwyddelan	Conwy
6622086	Ysgol Penmachno	Conwy
6622107	Ysgol Tal-y-Bont	Conwy
6622123	Ysgol Cerrigydrudion	Conwy
6622222	Ysgol Capel Garmon	Conwy
6622270	Ysgol Pentrefoelas	Conwy
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6623032	Ysgol Ysbyty Ifan	Conwy
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6642064	Ysgol y Foel	Flintshire
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6662004	Ysgol Gynradd Gymunedol Dyffryn Banw	Powys



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6662008	Caersws C.P. School	Powys
6662009	Ysgol Gynradd Carno	Powys
6662018	Leighton C.P. School	Powys
6662019	Ysgol Llanbrynmair	Powys
6662020	Llandinam C.P. School	Powys
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6663026	Gladestry School	Powys
6663031	Newbridge-On-Wye School	Powys
6663033	Clyro School	Powys
6663036	Rhayader School	Powys
6663037	Llanelwedd School	Powys
6663046	Llangedwyn School	Powys
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6663316	Llanbedr School	Powys
6663317	Archdeacon Griffiths Primary School	Powys
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6672289	Ysgol Felinfach	Ceredigion
6672291	Ysgol Gynradd Llanarth	Ceredigion
6672293	Ysgol Llannon	Ceredigion
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6672312	Ysgol Mynach	Ceredigion
6672313	Ysgol Penllwyn	Ceredigion
6672315	Ysgol Syr John Rhys	Ceredigion
6672316	Ysgol Rhydypennau	Ceredigion
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6672353	Ysgol Pontrhydfendigaid	Ceredigion
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6672363	Ysgol Penrhyn coch	Ceredigion
6672366	Ysgol Y Dderi	Ceredigion
6672367	Ysgol Cenarth	Ceredigion
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6682266	Tavernspite C.P. School	Pembrokeshire
6682270	Ysgol Croesgoch	Pembrokeshire
6682273	Roch C.P. School	Pembrokeshire
6682384	Coastlands C.P. School	Pembrokeshire
6682385	Ysgol Clydau	Pembrokeshire
6682390	Ysgol y Frenni	Pembrokeshire
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6683050	Spittal School	Pembrokeshire

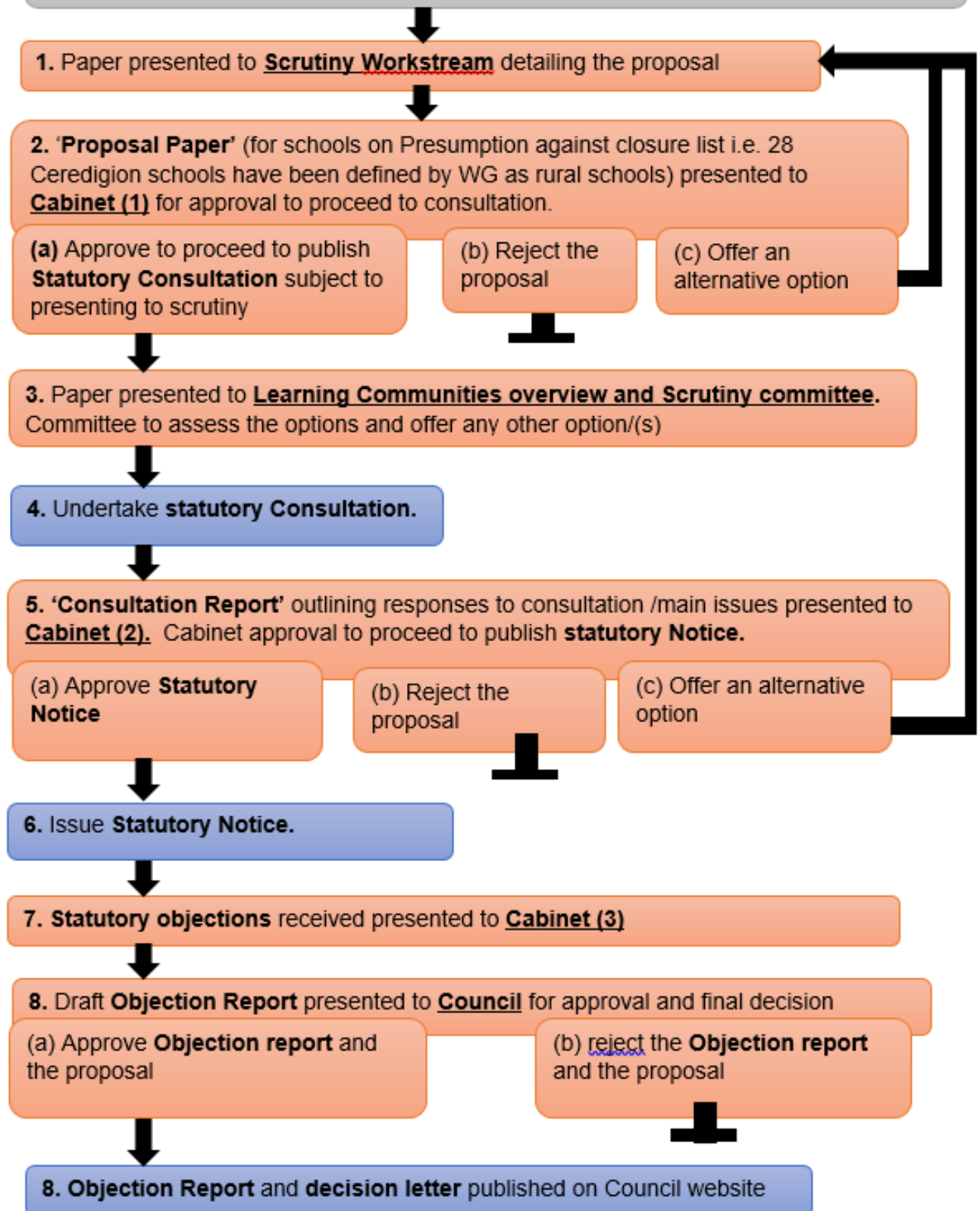
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6692119	Llanmiloe C.P. School	Carmarthenshire
6692166	Ysgol Llansteffan	Carmarthenshire
6692170	Abernant C.P. School	Carmarthenshire
6692180	Beca School	Carmarthenshire
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6692184	Ysgol Llanybydder	Carmarthenshire
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6692187	Cynwyl Elfed School	Carmarthenshire
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6692386	Ysgol Carreg Hirfaen	Carmarthenshire
6692387	Ysgol Cae'r Felin	Carmarthenshire
6692389	Ysgol Bro Brynach	Carmarthenshire
6693000	Abergwili School	Carmarthenshire
6693002	Tremoilet School	Carmarthenshire
6693003	Laugharne School	Carmarthenshire
6693013	Ferryside School	Carmarthenshire
6693026	Ysgol Llanllwni	Carmarthenshire
6693307	Penboyr School	Carmarthenshire
6702133	Ysgol Gynradd Felindre	Swansea
6702167	Penclawdd C.P. School	Swansea
6702217	Knelston C.P. School	Swansea
6722275	Tynyrheol C.P. School	Bridgend
6732126	Llancarfan C.P. School	The Vale of Glamorgan
6762108	Fochriw C.P.School	Caerphilly
6792305	Cross Ash C. P. School	Monmouthshire



# **School Reorganisation Handbook**

**Date: 15 June 2021**

**SCENARIO 1: School Review (i.e. closure with alternative provision being existing schools or closure and opening new area school)**



## **SCENARIO 1 – School review (i.e. Closure with alternative provision being existing schools or closure and opening new area school)**

**Step 1 - Scrutiny School Re-organisation Workstream** – this includes a selection of Councillors from the Learning Communities Overview and Scrutiny Committee. They will consider the proposal in depth prior to being presented to the Scrutiny Committee.

**Step 2 – Proposal Paper** – The Local Authority is required to prepare a Proposal Paper for all schools on the Presumption against closure list i.e. 28 Ceredigion schools have been defined by WG as rural schools (see Appendix F of WG School Organisation Code\*)

The proposal paper must include:

- Quality and standards in education
- Need for places and impact of accessibility of schools (i.e. pupil no.'s and projections)
- Resourcing of education (i.e. surplus places) and financial implications
- Welsh in Education Strategic Plan
- Additional Learning Needs
- Ability of the schools to deliver the full curriculum at the Foundation Phase and each Key Stage of education
- Community questionnaire
- The reason for closure proposal
- A list of the alternatives to closure that have been identified; and
- An assessment of the following for each of the reasonable alternatives that has been identified:
  - The likely impact on the quality and standards in education
  - The likely impact on the community
  - The likely effect of different travelling arrangements

The proposal paper should be presented to Cabinet and a decision made on whether to proceed to statutory consultation. Cabinet should not make the decision as to whether to proceed to consultation until these preliminary requirements have been carried out and unless they are satisfied that implementation is the most appropriate response to address the key challenges identified as the reason for proposing discontinuance of the school. If Cabinet decide on an alternative option, the Local Authority will need to go back to step 1 and present this 'new' option to the Scrutiny Workstream.

**Step 3 - Learning Communities Overview and Scrutiny Committee** – this includes 17 Councillors who will scrutinise the proposal and offer any other options.

**Step 4 - Statutory Consultation** – this involves the Local Authority publishing a consultation document detailing the proposal. The Consultation document must be published on a school day. Consultees must be given at least 42 days to respond to the document, with 20 of these being school days. Section 3.4 of the WG's School organisation code\* includes a list of all consultees – these must receive a copy of the

consultation document. This stage must include (as a minimum), consultation with the school Council's of affected schools.

**Step 5 - Consultation Report** – The Consultation Report must include the main issues raised by consultees and the Local Authority's response to these. This document should be presented to Cabinet and a decision made on whether to proceed with the proposal and issue the statutory notice. If Cabinet decide to offer an alternative option, the Local Authority will need to go back to step 1 and present this 'new' option to the Scrutiny Workstream.

**Step 6 - Statutory Notice** – If Cabinet makes the decision to proceed with the proposal, the Statutory Notice must be published on a school day. The Objection period must last 28 days, to include 15 school days (in addition to the day on which it was published). Section 4.1 of the WG's School Organisation Code\* includes a list of all consultees – these must receive a copy of the Statutory Notice. To be considered as a Statutory Objection, objections must be made in writing or by email and sent to the proposer before the end of the 28 days beginning with the day on which the notice was published. Content of published statutory Notice is listed in section 4.3 of the WG's School Organisation Code\*.

**Step 7 - Objection Report to Cabinet** – The draft Objection Report must be presented to Cabinet for information only.

**Step 8 – Objection Report to Council** – The draft Objection Report must be presented to Council for decision (i.e. all 42 Councillors). The Objection Report and decision letter must be published on the Local Authority's website within 7 days of the decision. Section 5.1 of the WG's School Organisation Code\* includes a list of those who must be advised of the availability of the Objection Report.

**SCENARIO 2: Changes to Language, Age Range, Removal of 6<sup>th</sup> form or Adding nursery class**

1. Paper presented to Scrutiny Workstream detailing the proposal

2. Paper presented to Learning Communities Overview and Scrutiny Committee detailing the reasoning behind the proposal

3. Paper presented to Cabinet (1) for approval

(a) Approve to proceed to publish Statutory Consultation

(b) Reject the proposal

4. Undertake statutory Consultation.

5. 'Consultation Report' outlining responses to consultation /main issues presented to Cabinet (2). Cabinet approval to proceed to publish statutory Notice.

(a) Approve Statutory Notice

(b) Reject the proposal

6. Issue Statutory Notice.

7. Draft objection report presented to Cabinet (3) for final decision

(a) Approve Objection report and the proposal

(b) reject the Objection report and the proposal

8. Objection Report and decision letter published on Council website



## **SCENARIO 2 – Changes to Language, Age Range, Removal of 6<sup>th</sup> form or Adding Nursery class**

**Step 1 - Scrutiny School Re-organisation Workstream** – this includes a selection of Councillors from the Learning Communities Overview and Scrutiny Committee. They will consider the proposal in depth prior to being presented to the Scrutiny Committee.

**Step 2 - Learning Communities Overview and Scrutiny Committee** – this includes 17 Councillors who will scrutinise the proposal prior to making a recommendation to Cabinet.

**Step 3 - Cabinet** – Cabinet includes 8 Councillors who have the decision making power (the executive). They will need to consider the proposal and Scrutiny's recommendation and will need to decide whether to proceed to statutory consultation.

**Step 4 - Statutory Consultation** – this involves the Local Authority publishing a consultation document detailing the proposal. The Consultation document must be published on a school day. Consultees must be given at least 42 days to respond to the document, with 20 of these being school days. Section 3.4 of the WG's School organisation code\* includes a list of all consultees – these must receive a copy of the consultation document. This stage must include (as a minimum), consultation with the school Councils of affected schools.

**Step 5 - Consultation Report** – The Consultation Report must include the main issues raised by consultees and the Local Authority's response to these. This document should be presented to Cabinet and a decision made on whether to proceed with the proposal and issue the statutory notice.

**Step 6 - Statutory Notice** – If Cabinet makes the decision to proceed with the proposal, the Statutory Notice must be published on a school day. The Objection period must last 28 days, to include 15 school days (in addition to the day on which it was published). Section 4.1 of the WG's School Organisation Code\* includes a list of all consultees – these must receive a copy of the Statutory Notice. To be considered as a Statutory Objection, objections must be made in writing or by email and sent to the proposer before the end of the 28 days beginning with the day on which the notice was published. Content of published statutory Notice is listed in section 4.3 of the WG's School Organisation Code\*.

**Step 7 & 8 - Objection Report** – The draft Objection Report must be presented to Cabinet for approval. The Objection Report and decision letter must be published on the Local Authority's website within 7 days of the decision. Section 5.1 of the WG's School Organisation Code\* includes a list of those who must be advised of the availability of the Objection Report.

\* **Link to Welsh Government School Organisation Code 011/2018:**

<https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf>

**CEREDIGION COUNTY COUNCIL**

**DIRECTORATE OF EDUCATION AND COMMUNITY SERVICES**

# DEVELOPING EDUCATION IN CEREDIGION

**PLANNING EDUCATION PROVISION TO 2020**



**January 2009**

2005/06

Excellence Wales  
Rhagoriaeth Cymru

Tra Chymeradwy - Dysgu Gydd Oes | Bawb  
Highly Commended - Lifelong Learning for All



***...committed to learning***

Mr J E Evans,  
*Director of Education  
and  
Community Services*

Clr C W Davies  
*Cabinet Member with  
responsibility for  
Education, Culture  
and Leisure*



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## Developing Education in Ceredigion Plan.

### Mission Statement

*'To provide and promote knowledge, skills, competencies, experiences, qualifications and attitudes to ensure that the children, young people and adults in Ceredigion fulfill their potential as bilingual individuals and as members of their local and global communities throughout their lives'.*

*Education Plan 2009-11*

In an environment of rapid change and increasing pressures to improve learning standards and opportunities the sustainability of the current provision of education in Ceredigion is being challenged. Given the demands upon headteachers and teachers, rapidly falling rolls in schools and the nature and quality of buildings to meet the requirements of the learning environment in the 21<sup>st</sup> Century the Ceredigion Education Authority has considered the future provision of education in the county.

The principal purpose of the document is:

- To identify ways in which the provision of education across Ceredigion will be developed*
- To establish and implement the programme that will develop education in Ceredigion.*
- To implement options for the organisation of schools, particularly in the primary sector, in the context of falling pupil rolls and its consequence*
- To provide a foundation for effective future planning in order to maximize funding which may be available from a variety of sources for capital investment in schools.*

The document provides clarity on the shape of education delivery to the future within Ceredigion. It is also created in conjunction with the policy to review schools in accordance with established criteria. All relevant data on pupil numbers included in this document is based on the January 2008 figures.

The additional document 'Possible Future Options', which remains a discussion document, presents options for provision of education in various localities and offers, where appropriate, progressive stages to reach what is deemed to be the ultimate type of provision by 2020.

It is imperative that it is clearly understood by all stakeholders that **retaining the status quo is no longer sustainable**. There exists an opportunity to build a strong basis not only for current learners but for future generations to come. It calls for vision, boldness and co-operation. The document also recognises the fact that there is no single answer for Ceredigion.

It should be noted that the document primarily focuses upon the primary phase but that is not to preclude the inclusion where appropriate of approaches involving secondary schools. A similar and more detailed consultative document upon secondary education provision - embracing provision for 14 -19 and post 16 education – will also be prepared. However, we are committed to providing education for secondary age pupils in all the six major towns of Ceredigion.

**Director of Education and Community Services**  
**Swyddfa'r Sir**  
**Glan y Mor**  
**Aberystwyth**  
**Ceredigion**



## 1: Background and Context

1.1 The future provision of education in Ceredigion supports the principle of providing educational opportunities of the highest quality in order to ensure improvement in learners' achievements, which in Ceredigion are of a high standard.

1.2 Both the Wales Assembly Government and Estyn in recent policies and reviews emphasise the need

- to improve service provision through multi-agency approaches
- to ensure that schools are not only fit for purpose but cater for wider range of community purposes
- to make more effective use of scarce resources by removing surpluses in school
- to consider less rigid learning approaches and restricted curricular demands

Indeed Estyn In "*Transforming schools*" (2004) suggests

*"...The narrow institutional interests of all concerned will have to be set aside if a genuinely collaborative and strategic approach to flexible learning pathways is to be built and thrive. Leaders and managers will need to have the vision, energy, skills and capacity to anticipate and respond to rapidly changing needs and be less protective of their current roles and status. ..."*

1.3 It is fitting to consider whether the provision of education in Ceredigion at the beginning of the third millennium is sustainable in the context of the needs of the learner in a rapidly changing environment – social, cultural, economic and technological Education has long been cherished within the county and the priority given by the County Council since reorganisation in 1996 re-emphasises the perceived and real importance of education for all learners in Ceredigion.

1.4 It is important to set the background and context against and within which this document is presented.

### **(i) The nature of the County**

1.5 Ceredigion is a rural, agricultural and thinly populated county with some 75,500 people living in an area of 1,800 square kilometres. Only three towns within the County have populations of 2,000 or more – Aberystwyth (13,000), Cardigan (4,000) and Lampeter (2,000). University Colleges are situated in Aberystwyth and Lampeter which attract 9,000 students to the County during the year

1.6. Following a long period of depopulation, over the past few years, there has been a substantial increase in the population Resident population between 1990 and 2000, for example, rose from 66,400 in 1990 to 75,500 in 2000, a rise of 13.7%. This rise has been achieved through net in-migration in the order of 800 persons annually. This has had a considerable impact on a number of rural communities. According to the 1991 census, 60.4% of the population could speak Welsh.

1.7 Agriculture has been the backbone of the County's economy but quite a high proportion of the population is also employed in areas such as public administration. Although the County's unemployment rate is lower than the Welsh average, there are pockets of high unemployment. The County is included within the European Commission's Convergence Grant Category one of the most underprivileged areas of Europe. A segment of the County is designated as an area of deprivation and may attract additional financial support. Over 11% of school children receive free school meals. In some individual schools the percentage exceeds 30% - even in some rural village schools.

### **(ii) The Education Service**

1.8 Ceredigion County Council gives a high priority to the Education Service within the County and that priority is reflected in the budget delegated to schools. For 2007/08 45% of the County Council (Net) Budget was allocated to the Education Service of which 72% was delegated to schools. Approximately 10,003 children aged 4-18 are educated within the County's Schools: 4871 in the primary sector and 5,132 in the secondary sector. (January 2008)



1.9 In the primary sector, even though the County contains some large schools mainly in the more populous areas of Aberystwyth, Aberaeron, Lampeter, Llandysul and Cardigan - the main characteristic of the County's primary education is the large number of small schools.

- There are currently (January 2008) 70 primary schools in the Authority, four of which are voluntary aided denominational foundations – one Catholic located in Aberystwyth and the other Church in Wales in the South of the County.
- Between September 2006 and August 2007 6 primary schools have been closed.
- The LEA supports 8 schools which have nursery units/classes admitting pupils on a part time basis at the beginning of the term following the pupil's 3<sup>rd</sup> birthday.
- All the remaining 55 schools admit pupils at the beginning of the term following the pupils' 4<sup>th</sup> birthday.
- The smaller schools are frequently clustered for the purposes of curriculum planning and in-service training. Until September 1999, many primary schools were grouped under one Governing Body. The Education Act 2002 reintroduces the possibility of a number of schools being grouped under one Governing Body.
- They range in size from 10 to 347 pupils. (Jan.2008)
- There are no classes over 30 pupils at KS1 and 1 class only at KS2
- The main characteristic of the County's primary education is the large number of small schools.
- 54 [77%] of Ceredigion's primary schools have fewer than 90 pupils with 48 schools containing fewer than 65 pupils. (Jan. 2008). Ceredigion has a higher percentage of small primary schools than any other county in Wales.
- The level of financial support per pupil provided to very small schools is comparatively high in comparison with other LEAs in Wales.

1.10 In the Secondary Sector education is provided in 7 comprehensive schools which cater for pupils aged 11-18 years old.

- School sizes range from 359 to 1,354 pupils.
- Two are designated Welsh medium schools.
- The seven secondary schools within the County have sixth forms which provide for pupils aged 16+. 1052 pupils in the County are educated in these sixth forms. The size of these sixth forms varies among schools, from 98 pupils to 215 pupils.
- Each school provides a range of GCSE, A and AS, as well as GNVQ courses but, by and large, this is done independently of each other.

### **(iii) Pupil Places in the Primary Phase**

1.11 The Minister for Education and Lifelong Learning has emphasised the need to ensure that schools are fit for purpose and set out the target of school premises being made appropriate and adequate by 2010. WAG also requires LEAs to address surplus places – due to falling roles in the primary sector which will gradually impact upon secondary schools.

1.12 Based on the PLASC Return in January 2008 and the revised accommodation formula...there were 4,871 pupils and 6,699 places. Thus there was 27.3% unfilled or "spare" places.

1.13 The conclusions of the District Auditor's report on *Planning School Places in Ceredigion* published in February 1998, highlighted:

- that Ceredigion has the highest percentage of small schools in Wales,
- that the money spent per pupil is much higher in small schools;
- That there is a high number of 'spare places' in Ceredigion schools.

1.14 This has been reinforced in subsequent Audit Commission Reports and the ESTYN Report following the inspection of the Authority's "Access to Education" services in 2005.

*"The Council maintains a large number of primary schools in relation to its primary school population....Small schools are necessarily costly to run from day-to-day and to maintain in a condition that supports education of the required quality in the 21<sup>st</sup> Century." [ACiW]*

1.15 In the Annual Letter to the Authority in 2004, the Relationship Manager [From the Wales Audit Office] stresses as one of four recommendations to Members the need:

*“Review whether the current level of educational provision in Small schools is sustainable in the long term”. [p4]*

It is also stated:

*“We consider that the growing spare capacity in primary schools is an increasing risk for the Council as the high cost of running the schools inevitably means that the Council faces difficult choices with regard to the funding of other aspects of its services.” [pp16 and 17]<sup>1</sup>*

#### **(iv) Strategic Dimensions**

1.16 The County Council approaches the establishment and delivery of its policies through a structure of tiered strategic and business plans.

1.17. Ceredigion 2020 is Ceredigion’s main community strategic plan. In addition there are a suite of county strategies which underscore the 2020 vision. They include the County Strategic Plan, the Ceredigion Improvement Plan, the Single Education Plan 2006-2008, the Children and Young People’s Plan 2008 – 2011 and a range of other multi-agency and departmental planning documents.

1.18 Moreover Ceredigion 2020 accords with the Welsh Assembly Government’s main priorities and involves working in harmony with a number of different agencies and partnerships.

1.19 Lifelong Learning is one of the themes within the Community Strategy. Its aim is to ensure that lifelong learning opportunities are available to all in Ceredigion. The Lifelong Learning theme divides into several priorities as follows:

- ‘The Best Start’ – ensuring that every child gets the best possible start in education
- Early Years Education
- Formal Education 5 – 16
- Post-16 provision
- Community Learning provision
- Resources for Learning.

1.20 Investing in our young people is seen as the foundation for aspiring to educational excellence and lifelong learning. At a corporate level lifelong learning is seen as essential for both business excellence and full employment. As well as a long tradition of promoting education in the Council’s work there are two Higher Education Institutions and a College of Further Education, Coleg Ceredigion, in the County which enrich further the many opportunities for learning.

1.21 The Directorate of Education and Community Services emphasises every learner’s achievement and personal fulfillment. However these cannot be taken in isolation from the corporate priority to achieve the following, which are both associated directly or indirectly with access to schools:

- providing learning opportunities of high quality for children, young people and adults within their communities
- safeguarding the future of rural and community schools.

1.22 Ceredigion County Council’s Improvement Plan sets out the way forward for delivering these priorities alongside clear, measurable targets which focus on:

- access to pre-school age education for every 3 year old
- offering learning-based activity clubs in after-school hours
- ensuring that children excluded from schools are educated appropriately.

1.23 The five priorities embodied in the Education Strategic Plan 2002 – 2005 have been further consolidated in the Single Education Plan 2006-08 and the new Children and Young People’s Plan 2008 - 2011 under the following headings:

- Raising standards and improving the performance of schools (Focus on learning/Giving a voice to the learner/Developing Leadership)
- Planning school places (Restructuring to improve learning)
- Community focused schools (Integrating school and community).

### **(v) Primary Phase Initiatives**

1.24 The situation regarding the nature of primary schools within Ceredigion was well recognised. In February 1998, the Education Authority published a consultative document entitled "*The Future of Primary Education in Ceredigion*". The document sought:

1. *To identify the best means of obtaining the highest possible standards of education and the richest possible learning experiences for primary pupils within the resources available.*
2. *To identify the best means of fostering school improvement.*
3. *To ensure quality of opportunity for each pupil within the County.*
4. *To ensure that primary education is provided in the most efficient and cost-effective manner, i.e. that it complies with the principles of "best value".*
5. *To recommend an overall strategy for primary education that will lead us successfully into the next millennium and ensure that Ceredigion has the finest educational achievements in Wales. ..."*

1.25 As a result the Governing Bodies of a number of schools to the south of Aberaeron expressed a wish to discuss the possibility of establishing an area school.

### **(vi) Review of Schools**

1.26 The School Review Policy which was approved by Council in September 2006 and amended in January 2009, will become an integral part of the 'Developing Education in Ceredigion' strategy and will continue to be an ongoing annual process.

1.27 In considering the future of schools the authority has to balance a number of seemingly incompatible objectives:

- Demands for increasing financial support for schools to meet the added pressures on their budgets, while facing tight settlements from Welsh Assembly Government forecasted for the next four years.
- Retaining schools within their communities while facing outside pressures to tackle spare capacity issues.
- Meeting its duty to secure best value while recognising the role and importance that small schools can play in rural communities.
- Ensuring fairness in distribution of resources while accepting that it costs far more on a per pupil basis to operate small schools.
- Make decisions in the context of the overall picture for all children in the County, while respecting the passionate commitment of some communities to maintain the status quo in the face of population decline.
- Initiating change in the best interest of the service, while dealing with the fear of change itself within school communities.

1.28 The fundamental principles of the policy seek to meet these objectives by:

- putting the interests of children first but accepting that change in the way education is provided is inevitable
- supporting small schools to deliver an education that will prepare our children for an ever more complex and competitive world.
- establishing a clear and fair review framework

1.29 A number of trigger points for review have been developed in common with other authorities. If schools meet **two or more** of the trigger points, an early exploration of roll forecasts, changing catchment areas or non-traditional methods of operation will follow - a proactive approach intended to help sustain the school.

### **Each school will be reviewed if:**

- Its school roll has fallen or is forecast to fall below 30 pupils in the next three years.

*Schools that fall below 30 pupils will not automatically be considered for closure. The review process offers a proactive approach to support and retain schools wherever possible, and in the discussions a variety of options will be considered in order to endeavour to secure the school's future. The Authority has decided that, if there is a change of leadership in a school with less than 30 pupils, the school should not appoint a new headteacher but establish a federation with neighbouring schools.*

*However, when pupil numbers fall below 20, closure will be unavoidable except, in certain circumstances, where a school of 16 or more pupils joins a federation with other schools on a formal or informal basis.*

*If the number of pupils in a school, which is part of a federal arrangement, falls below 20, the review process is deferred for a period of 3 years in order to give the school a chance to recover the required number.*

- There are serious deficiencies in the facilities and fabric of the building and site.  
*These deficiencies are considered serious if they have a detrimental effect on the pupils' education.*
- If the school is operating with more than 25% surplus capacity.
- The Governing Body of an individual school or the Governing Bodies of a cluster of school requests a review.

1.30 The School Review Panel met with Governors of 8 primary schools in March and April 2007 and annual reviews continue when schools meet the trigger points.

## 2: Why develop education provision in Ceredigion?

2.0 A number of issues are critical to appreciate in the considering the development of education in Ceredigion.

### **(i) Learning**

2.1 Focus on improving learning for all, irrespective of background, circumstances, abilities and other differentiating factors is the fundamental priority. Investing in our young people is seen as the foundation for aspiring to educational excellence and lifelong learning.

2.2 Every opportunity should be made to enable learning to take place, using teaching best practice and the most modern and effective resources. Learning should be promoted, facilitated and demonstrated as a continuous formative experience throughout life.

2.3 The development of provision, however, will be a huge undertaking for Ceredigion during the next few years. It is essential given the high percentage of spare places, the number of small primary schools, the decrease in pupil numbers and inadequate buildings. These issues are implicit in the Welsh Assembly's drive towards raising standards, not only of learning and achievement, but also in seeking to provide suitable resources and environments.

### **(ii) National perspective**

2.4 In the seminal document "The Learning Country" the Minister for Lifelong learning at the Welsh Assembly Government indicated that

*"... Policies for Life long Learning must reflect prudent use of funding"*

*One of the priorities would be "...to enable small primary schools – including those which serve rural communities –to form groups under one leadership team and one governing body."*

*Local Authorities will be expected "...to make significant investments in order to repair, renovate and replace school buildings and all local authorities to have established Asset Management Plans and Capital Investment Programmes in schools ... in order that by 2010 they be in good condition and that they are maintained appropriately".*

*".. when formulating plans for building new schools or remodelling school buildings and when establishing budgets there will be a need for local authorities ... to ensure that such plans incorporate the future needs of schools..."*

*"... Local Education Authorities should undertake the leadership role in order to achieve national aims by formulating and implementing local supplementary policies in partnership with their schools"*

This and subsequent documents emphasis the need for co-operation between schools including the important transition between primary and secondary schools.

2.5 In the recently published document The Learning Country: Vision into Action, the minister for Lifelong Learning emphasises that Local Authorities must establish strategies and implement plans to reduce significantly spare places and provide evidence that Council resources are being invested in costed asset management plans which support an effective capital programme to improve provision. Authorities not able display strategic approaches and a commitment to achieve the Welsh Assembly Government aims will not attract funding.

### **(iii) Challenges**

2.6 In the Relationship Manager's Annual Letter to the Members of the County Council in 2004 amongst the four recommendations appears the following:

*“Review whether the current level of educational provision in small schools is sustainable in the long term”.<sup>1</sup>*

It is also stated that:

*“We consider that the growing spare capacity in primary schools is an increasing risk for the Council as the high cost of running the schools inevitably means that the Council faces difficult choices with regard to the funding of other aspects of its services.”*

2.7 The theme reflects the statement in the Audit Commission’s Report on Planning School Places which reiterated in subsequent reports on the issue

*“The Council maintains a large number of primary schools in relation to its primary school population....Small schools are necessarily costly to run from day-to-day and to maintain in a condition that supports education of the required quality in the 21<sup>st</sup> Century”*

2.8 The Minister for Lifelong Learning in The Learning Country further exhorts Local Authorities to address the issue of small primary schools and proposed

*“to support innovatory approaches in small school and in rural schools  
In response to the falling numbers of school aged children”*

and

*“to formulate legislation which will enable Governing Bodies to co-operate or amalgamate from September 2004 onwards.”*

#### **(iv) Initiatives and influences**

2.9 Any discussion regarding the provision of education premises must be informed by a number of issues:-

- the remodelling of the school workforce as a result of the implementation of the **Teachers’ Workload Agreement** which will impact on the management and organisation of schools. This must also be considered in the context of the delivery of the National Curriculum.
- Headteachers fulfil a significant **management function** whilst, in small schools in particular, accomplishing a considerable teaching commitment. Such demands militate against effective teaching and effective management.
- The implementation of the **“Foundation Phase”** with the greater emphasis upon learning by doing and structured play for 3 to 7 year old pupils requires not only the adoption of a new curricular approach but also will have an impact upon the need to provide adequate facilities in terms of school buildings and premises. The vast majority of our primary schools do not have adequate facilities.
- The increasing demand for **educational facilities** appropriate for current learning practices. Many schools face increasing cost of maintenance and a significant number are no longer adequate to provide for the demands of the National Curriculum.
- In addition the LEA and schools must adopt and implement **Accessibility Policies** in order to comply with the Disability Discrimination Act such that learners with disabilities have access to facilities. The vast majority of schools currently would not comply with the requirements legislation.

#### **(v) An evaluation of key issues**

2.10 A number of key matters have informed the process of preparing the School Organisation Plan 2004-09 and Single Education Plan 2006-08 (now superseded by the Children and Young People’s Plan 2008 – 2011).

These included:

- increasing demands on staff.
- despite the importance and financial priority given to education, sustaining school buildings and other educational resources is a substantial challenge
- the need to narrow the curricular and attainment gap between Key Stages 2 and 3.
- the importance of leadership at every level – Council and school (including school governors) to create a clear vision for Ceredigion. Sound leadership is a key to further developments
- the use of resources by the community.
- changes in education provision at 16+.

#### **(vi) Approaches adopted by Ceredigion County Council**

2.11 The Council has already responded to the challenges and influences. Among the approaches adopted are:

- The establishment of the Working Group on the Development of Education Provision in Ceredigion charged with establishing a strategy for structuring the education service to 2020.
- The adoption of the Policy for reviewing Schools and the establishment of the School Review Panel.
- The closure of a number of small primary schools due to a reduction in pupil numbers
- The leadership of a number of schools by headteachers of neighbouring schools (Informal federations).
- The approval of the establishment of two area schools and the replacement of another primary school
- Promoting effective transition programmes between Key Stages 2 / 3
- The establishment of Integrated Children's Centres.

2.12 The broad framework for a strategy has emerged and accepted as a result of consultation. Broad actions to implement the strategies within the time-span of the Single Education Plan and the Children and Young People's Plan can be summarised as follows:

- implementing the School Review procedure which was amended January 2009.
- open discussions with Governing Bodies and other interested parties on the options included in the discussion document 'Possible Future Options' (May 2008)
- planning of strategies for six strategic towns/secondary school catchment areas

#### **(vii) Influences for change**

##### ***Falling pupil rolls and surplus places***

2.13 One of the fundamental issues which necessitate change in order to sustain education provision of quality is the fact that the number of children in primary schools has fallen steadily over the past few years and in many areas the downward trend is likely to continue for some years to come. The reality is that declining pupil numbers can threaten the quality of educational, organisational and resource provision. It is likely that the increased emphasis upon pupil-led funding could mean that schools with falling rolls inevitably lose resources.

##### ***Integrated Multi-agency approaches***

2.14 A period of reform of education and children's services is being embarked upon, moving towards a phase of increased integration of service providers for children and families, offering, learning for all alongside integrated child, youth and family services, whilst at the same time developing partnerships with wider community services.

##### ***Capital Investment***

2.15 Local Authorities will also need to respond to the challenge set by WAG by preparing and displaying intent and commitment to plan and invest in a programmed approach to reduce surplus places and ensure that school in a reorganized climate are fit for purpose.

### 3: Vision – The School of the Future

3.1 As stated in *Excellent Schools: A Vision for schools in the 21<sup>st</sup> Century* (Estyn, 2002),

**‘Schools exist for learners and for learning’,**

and this must be foremost in the thinking when juggling with the realities of geography, demography and financial resources in order to advance educational provision in Ceredigion.

3.2 It is fundamental that in any consideration of developing education in Ceredigion, that there exists a clear view of:

- (i) **securing an effective foundation for raising standards through:**
  - provision of high quality education
  - provision of high quality leadership and management
  - provision and analysis of relevant data to support self evaluation
  - facilitation of cross-phase co-operation, information transfer and partnership
- (ii) **ensuring best value in terms of providing and deploying appropriate resources through:**
  - provision of highly trained teaching staff
  - engaging parents and families in the support of their children’s learning.
  - development and utilisation of IT as a learning and communication vehicle within and across the community
- (iii) **consolidating and improving provision and enhancing the opportunity to remove school places where it is practicable to do so**

3.3 The *Single Education Plan 2006-08. (SEP) and the Children and Young People’s Plan 2008 – 2011* outlines the various possibilities for greater collaboration between schools. Over a period of time this collaboration could lead the schools / families of schools to become community learning centres. These would offer appropriate learning opportunities for adults and the local community and enable multi-agency integrated provision of services, including child care facilities.

3.4 Below are listed the numerous factors that need to be taken into account in providing opportunities of the highest quality for all learners in the primary schools of the future. These factors include consideration of pupils, staff, management / leadership, parents, language, lifelong learning, site and community.

#### **Pupils**

- Provision for pupils from 3 – 11 years
- Junior pupils in classes of not more than 25 pupils with a maximum two year age range.
- Statutory right for access to all areas of the curriculum
- Pupils who are bilingually proficient
- Full members of the bilingual society to which they belong and have pride in the languages, heritage and culture of Ceredigion and Wales.
- Inclusive provision
- Equal opportunities
- Pupils given a greater say in their own education.
- Opportunities for developing independent learning skills / understanding of how to learn.
- Pleasure, success and a commitment to learning
- Safe and supportive environment
- Active learning in the Foundation Phase
- Breakfast clubs and after school clubs
- Opportunities for pupils to express their views on aspects of the life and work of the school. (School Council)
- Opportunities to achieve high levels of health and fitness.



## **Staff**

- All staff have a good understanding of how pupils learn
- Sustain and promote bilingualism
- Commitment to their own professional development opportunities
- Staff are motivated and enjoy a good work / life balance
- Aware of recent research on learning e.g. 'Closing the Gap' and act on findings
- Take part in active research
- Effective use of a range of resources

## **Management / Leadership** (Governors / Head)

- High standard of leadership - commitment to learning, clear vision, monitoring and developing the progress of pupils and staff, contribute to community education..
- Systems which allow adequate non-teaching time for the head-teacher to lead and manage.
- Member of the senior management team with responsibility for developing community links and collaborative working with the external Community Co-ordinator.
- All stakeholders involved in school self evaluation – governors, staff, pupils, parents, authority advisers
- Use and development of ICT for example communication, registration, planning, teaching and learning, pupil tracking
- Provide methods for analysing and interpreting data within a culture of self evaluation.
- Promote effective co-operation and transfer of information between stages.
- Respond effectively to new developments e.g. ICT, sustainability.

## **Parents**

- Understanding of the opportunities for parents in the life and work of the school.
- Opportunities for parents to develop knowledge about the curriculum and the learning process through workshops, meetings and guidelines.
- Opportunities for parents to assist in school activities e.g. reading, preparing displays, use of special skills.
- Close partnership between the pupils, school and parents.
- Parents provided with opportunities for life long learning.

## **Language**

- Promote the Welsh language and culture
- Sustain and promote bilingualism
- Provision of Welsh language classes for adults

## **Lifelong Learning**

- Provision of a variety of day and evening classes
- Provision of a range of activities for pupils and adults
- Establishing clubs e.g. IT Club, photography.

## **Site**

- Site and buildings – child centred
- Site, buildings and resources suitable for education in the 21<sup>st</sup> century:
  - Staffroom and work room
  - Head-teacher's office
  - Medical room
  - Hall
  - Hard play area
  - Green play area
  - Community facilities during the day
  - Family / Child care facilities
- Adequate internal and external facilities for the Foundation Stage
- Adequate facilities for achieving all areas of the curriculum e.g. music, drama, design and technology, physical education
- Facilities for the uses of IT across all areas of learning
- Environmentally friendly school
- Inclusive school

## **Community.**

- School as a community centre – ‘The school in the community and the community in the school’.
- School developing partnerships in the community
- School resources and facilities available for community use
- Leisure activities available at the local Leisure Centre
- Incorporation of Health Centre to include medical and social services
- Library, Museum, exhibitions
- Older persons’ activities – meals on wheels, visits, meetings.
- Provision of child care facilities
- Promoting safety in the community – in cooperation with police, first aid, road safety
- Sustainable education through Eco School projects
- Promoting healthy lifestyle
- Establishing links with local and national businesses
- International links

3.5 The document “***The Learning Country***” (2001) sets out the Welsh Assembly Government’s commitment to schools being at the heart of their communities:

*“We want to see a much closer relationship between schools and the communities they serve. We want schools to act as a community resource – not just in school hours but out of hours and in vacations as well. We see them as being integral to community capacity building – providing a basis for delivering, not just education and training ... but also a range of other services like family support, health and enterprise promotion ...”*

3.6 The concept of Community Focused Schools is closely linked with the future development of schools in the county. Whatever organisational model is adopted, informal or formal federations or area schools, the concept of CFS will need to be developed fully in each school unit.

3.7 The development of community focused schools links in with Ceredigion County Council’s strategies and plans as outlined in its Strategy Document ‘Ceredigion 2020’. We believe that the development of community focused schools is important in its own right and are also committed to development that complements and supports other priorities.

3.8 The Ceredigion Community Focused Schools’ Strategy document and WAG Circular No 34/2003: ‘Community Focused Schools’ provide schools with guidance on how to begin and develop existing provision and also consider what additional services or activities they might want to offer their communities.

3.9 Community focused schools will help us to deliver the seven core aims of ‘Rights To Action’:

- *A flying start in life*
- *A comprehensive range of education, training and learning opportunities*
- *The best possible health, free from abuse, victimisation and exploitation*
- *Play, leisure, sporting and cultural activities*
- *Treated with respect and have their race and cultural identity recognised*
- *A safe home and community*
- *Children and young people not disadvantaged by poverty*

**Children and Young People: Rights to Action, 2004**

3.10 Research has shown that both school and community can be enriched when schools extend their boundaries and, in particular, when school and community engage with each other more fully. The report on the first phase of ‘Narrowing the Gap in the Performance of Schools’ (October 2005) identified key factors that contributed to the success of schools working in challenging circumstances.

The study found that where schools engage with their local community this has a direct impact on pupils’ attainment and raises their aspirations to progress from school to further education, training and employment.

The benefits of community focused schools have been identified as follows:

**For pupils and schools:**

- higher levels of pupil achievement
- increased pupil motivation and self-esteem
- specialist support to meet pupils' wider needs
- additional facilities and equipment
- enhanced partnership working with the community
- enhanced status for learning in the local community
- reduced pupil disaffection

**For families:**

- improvements in child behaviour and social skills
- greater availability of specialist support for families
- greater parental involvement in children's learning
- more opportunities for local adult education and family learning.

**For communities:**

- better access to essential services
- improved local availability of sports, arts and other facilities
- local career development opportunities
- better supervision of children outside school hours
- promotes community cohesion by re-engaging adults (and in particular parents) in learning – reinforcing relationships between school and home helps regenerate and strengthen communities

3.11 The county's strategy will aim to work in a multi-agency context to:

- *support individual or clusters of schools in delivering their core mission – to improve pupils' ability to learn and to support families*
- *provide a range of activities/learning opportunities outside the school day for children, young people, families and adults*
- *provide a range of additional services, opportunities and information for children, young people, families and the wider community*
- *be sustainable schools that consult with their communities, engage in community life, work in partnership with others contributing to community regeneration*
- *ensure equality of opportunity by improving access to learning and other services in local areas based on the Integrated Learning Community model*

3.12 Community Focused Schools in Ceredigion are being developed in the context of:

- the development of the educational provision in the county and
- the development of Integrated Learning Communities in the six areas

3.13 An **Integrated Learning Community** is defined as an area in which:

- schools work in collaboration either in clusters or as an area group
- there is multi agency provision of services, including child care facilities
- there is a range of life long learning activities and opportunities for people in the community.

3.14 This developing structure will help to ensure that family-friendly community learning facilities are accessible locally, in each area, and are available beyond the normal school day. It also supports the concept of a wide range of other support services accessible in each area, particularly for vulnerable children, young people and their families.

3.15 The focus on clusters or areas, as opposed to individual school provision, will ensure that resources are spread equitably across the county and that duplication of provision is avoided. There is an expectation that all schools / clusters will provide a range of community focussed opportunities appropriate to the needs and capacity of the school and the wider community. Throughout the county many schools are already providing

some community services to their pupils, parents and communities including adult education, family learning, out of school hours learning, ICT facilities and sports programmes.

3.16 Schools / Clusters should have a designated individual with responsibility for community focused schools development. Community Focused Schools should feature within the School Development Plan, either as a specific section or within all key areas.

3.17 Community Focused Schools' development should be built in and not bolted on to school priorities. Governing Bodies should take an active role in the development of community focused schools. The LEA will provide support and awareness raising to governing bodies through the governor training programme.

3.18 It is firmly believed that the development of community focused schools is not just a short-lived project or initiative, but a real opportunity for schools and communities to work together in new ways for the future benefit of children, young people and adults.

3.19 It provides schools and their communities with opportunities to:

- develop local quality services responsive to local need
- become Increasingly involved in the decision making process on the provision of those services and the life of neighbourhoods
- to work together to deliver the outcomes for the locality

## 4: Current position, policies and issues

### 4.1 Demographic features

4.1.1 There is evidence from national and local sources, (*Population Growth in Ceredigion: Implications for Education Authority Planning* 1997) that the trend to population growth through moderate levels of in-migration will continue in the medium term:

- Ceredigion is included in the Convergence Funding Programme, which has the objective of increasing local prosperity and securing employment.
- Population mobility is continuing to increase and there is a continuing trend of population growth in 'remote and rural' areas which, it has been suggested, is caused by quality of life considerations and helped by changes in patterns of work.
- Ceredigion with the lowest UK crime rates, good public education and low unemployment is an attractive destination for migration for both economic and lifestyle reasons.

#### **Population Projections**

4.1.2 Two recent series of population projections cover the period of the School Organisation Plan (2004 – 2009):

#### **National Assembly for Wales Projections.**

NAfW has published a series of population projections. However, these are not particularly useful for detailed planning as Authorities have been aggregated into regional groupings, Ceredigion with Powys forming a mid-Wales group. This mid-Wales group is forecast to see the highest population growth in percentage terms.

#### **Local Authority Projections.**

The Research and Information Section have updated their population projections for Ceredigion county using 2001 Census data as the starting base population together with new sources of migration data and more recent Government Actuary projections of birth and mortality rates. The scenario modelled assumed net in-migration of +1,000 p.a. (slightly higher than that seen in recent years.) The falling birth rates in the population are mitigated by the net in-migration of children aged under 18 (especially of children of in non-examination ages).

**TABLE 2: School age groups- Higher Net In-Migration (ca 1000 persons p.a)**  
*[projected figs rounded to 50]*

AGE GROUPS	2001 (Census)	2006	2011	2016
0-4	3485	3200	3300	3550
5-10	5019	4500	4200	4200
11-15	4213	4500	4050	3850
16-17	1725	1800	1850	1600
<b>Total under 18</b>	14442	14,000	13400	13200

#### **Location of Population Growth**

4.1.3 Long-term changes in household structure as well as population growth will lead to increased demand for housing in Ceredigion. The housing market is a complex mix of factors, however, it can be assumed that families with school-age children will be more likely to demand single unit dwellings, rather than, for example, older stock converted to flats. In general new, estate developments contain a higher proportion of school age population than other types of housing.

4.1.4 The main towns, Cardigan, Lampeter, Aberaeron, Llandysul, Tregaron but particularly Aberystwyth, will continue to be the main focus of employment and social opportunity, and, therefore, housing demand. Over

the medium term there will be an increased demand in the lower Teifi valley area due to improved road connections to the south.

4.1.5 The main locations of new housing, particularly new estates, will be on sites on the edge of existing towns. However, the strong demand for existing housing and a limited number of suitable sites for new-build, means that Aberystwyth will continue to exert a strong influence on the housing market over a wide area of north Ceredigion.

## **4.2 Pupil Numbers and Places**

4.2.0 Pupil numbers, particularly in primary schools have fallen steadily over the past few years and in many areas the downward trend is likely to continue for some years to come. In a number of Authorities schools below 100 pupils are deemed to be small and unsustainable given the implications for resourcing both financial and in terms of staffing and accommodation.

In its recent document on school transformation Estyn states:

*“..Many schools in Wales are in rural areas and many of these are small schools. There is no direct link between how well pupils do and the size of the school they attend. However, the responsibilities and workload demands on teachers in very small schools are considerable and the financial resourcing of these schools is substantial and demanding on limited budgets. [para 60]*

### **Demographic Profile**

4.2.1 The Authority has a well defined and continually refined process for anticipating pupil numbers. It is anticipated that by 2012 pupil numbers in the primary phase will decrease by about 8.1% to a total of 4584 whilst in the secondary sector a decrease of almost 13.7%, to 4429, is anticipated. The anticipated total fall of over 1129 pupils (426 primary and 703 secondary) reflects the national trend of substantial reduction in pupil numbers to 2013.

### **Forecasting pupil Numbers**

4.2.2 Forecasting pupil numbers is not an exact science. Further co-operation between County Council Planning Department and Education and Community Services Directorate has assisted in developing forecasting procedures to compile appropriate details with greater accuracy

4.2.3 The process of confirming anticipated pupil numbers has been refined with the collaboration of the Headteachers of Schools.

### **Spare places**

#### Primary schools

4.2.4 Ceredigion has a high level of spare places in its primary schools as compared with other unitary authorities in Wales In January 2008 58.5% of primary schools have more than 25% of their places unfilled.

4.2.5 The Authority also has the highest percentage of small schools in Wales ('small' being defined as fewer than 90 pupils). The level of financial support per pupil provided to very small schools is high. The Authority needs to question its arrangements for primary school provision, particularly in view of the high level of spare places. Overcrowding in the primary sector is generally not an issue.

4.2.6 The position is likely to be significantly affected by the implementation of the "Foundation Phase" [in respect of pupils aged 3-7 years] curriculum proposed by WAG which will impact on staffing and accommodation requirements. Furthermore WAG is giving consideration to an alternative approach to accounting for school places which again may affect the definition of school capacities.

#### Secondary Schools

4.2.7 The level of spare places in the secondary sector is not as significant an issue for the Authority as in the primary sector. Compared with other unitary authorities in Wales, levels are not excessive, being in the

median to lower quartile. There is however a high percentage of small secondary schools and also a high percentage of small sixth forms. The Report suggested that the Authority should consider whether it wishes to better target its LMS formula to ensure cost effectiveness in this area. There were no schools with problems of overcrowding in the secondary sector at the time of the audit.

4.2.8 As with the primary phase, the capacity of secondary schools will be affected by the anticipated change in accounting accommodation. In addition the current deliberations relating to 16+ provision and the 14 –19 curriculum are likely to have considerable impact on school places.

**Audit Reports**

4.2.9 An Auditor’s report concluded that “in view of the high levels of spare places in close proximity, the Authority should consider whether:

- amalgamations of primary schools would be appropriate
- some parts of schools could be put to alternative use.

**School capacities and unfilled places**

4.2.10 WAG has provided a new approach to calculating capacities. It is important to stress however that the overall picture concerning an above average level of ‘spare places’ masks the fact that a small number of urban schools are oversubscribed.

4.2.11 A review of school capacities, following upon the School Condition Survey, indicates that in a large number of settings it is not practicable to reduce the number of spare places

4.2.12 Below is an outline analysis of spare places in the primary sector. The number of pupils set against the capacity of the school – some well above the proportional threshold of 25% considered by WAG. 9 schools have pupils in excess of capacity.

School capacity	<20	21 - 40	41 - 65	66 - 90	91 - 105	106 - 150	151 - 200	201 - 250	251 - 300	301 - 350	351 - 400	401 - 450	451+	TOTAL	No schools <90 pupils	* schools over subscribed
Number pupils																
< 20		5	2	1										8	54 [77.1%]	
21 – 40		9	14	4										27		7
41 - 65			8	4										12		1
66 – 90				1	2	4								7		
91 – 105				1		2								3		1
106 – 150						2	3							5		
151 – 200							1	2	1	1				5		
201 – 250																
250 – 300																
301 – 350																
351 - 400											3			3		
401 +																
TOTAL		14	24	11	2	8	4	2	1	1	3			70		9
No school capacity <90		49 [70%]														

**School size**

*Primary Phase*

4.2.13 Certain Authorities suggest that schools with falling rolls will lose resources and need to take difficult educational decisions. A school’s size is a major factor in determining its cost-effectiveness. It also has a big influence on internal school organisation, particularly whether mixed age classes are necessary. It is further suggested that primary schools of around either 420 pupils (two form entry) or 210 pupils (one form entry) are likely to have sufficient resources to enable them to deliver the primary strategy effectively and fund:

- a broader curriculum and the spread of good practice among teachers
- support staff such as teaching assistants, administrative and SEN support staff to help with workforce remodelling
- enrichment activities for pupils
- ICT and other teaching resources
- SEN provision and counter-measures to deprivation.

4.2.14 As pupil numbers fall decisions have to be taken to attempt to provide adequate resourcing to sustain staff and teaching groups often without resolving the fundamental issues. Indeed WAG and Estyn suggest that schools of below 90 pupils are deemed small and as such present particular problems among which include

- the head teacher having to carry a major teaching load
- limited expertise to cover the full curriculum
- potential volatility because staff changes can have disproportionate and sudden effects

4.2.15 Ceredigion LEA has no defined policy on the appropriate size of primary schools, but deals with each school individually according to the local needs and situation. However it may be appropriate for the Authority to determine a policy when creating a strategy for the future educational provision within the County. Accordingly, approximately 71% of Ceredigion's primary schools are small. This is the highest percentage in Wales.

4.2.16 In considering what may be appropriate models for school organisation within Ceredigion different sizes of schools become apparent:-

- A 3-11 primary school of 90 -100 pupils would provide for with four classes for two age groups in the same class : Nursery/Reception; Years 1 and 2 [the two classes conforming to the Foundation Phase]; Years 3 and 4; Years 5 and 6 [combining as Key Stage 2 or the Junior Phase]. The average class size would be 22.5 to 30 pupils.
- A 3-11 school based on a class for each year group, including nursery provision, would cater for between 180 and 240 pupils
- Another possible model would allow 3 classes across two age groups. This can be organised but certain classes would be of mixed ages. The school could cater for about 260 to 360 pupils.
- The next effective level would be based on a two class entry [*i.e.* two classes in each year] for about 350 to 480 pupils.

4.2.17 This table provides an analysis of school sizes in Ceredigion (January 2008).

<b>Size of Schools</b>	<b>SCHOOLS</b>			<b>PUPILS</b>		
	<b>No.</b>	<b>%</b>	<b>Cumulative %</b>	<b>No.</b>	<b>%</b>	<b>Cumulative %</b>
<16	4	5.7%	5.7%	52	1.1%	1.1%
16 – 30	18	25.7%	31.4%	440	9.0%	10.1%
31 – 40	13	18.6%	50.0%	466	9.6%	19.7%
41 – 60	11	15.7%	65.7%	546	11.2%	30.9%
61 – 75	5	7.1%	72.9%	340	7.0%	37.9%
76 – 100	5	7.1%	80.0%	449	9.2%	47.1%
101 – 150	6	8.6%	88.6%	773	15.9%	62.9%
151 – 200	5	7.1%	95.7%	842	17.3%	80.2%
200+	3	4.3%	100.0%	963	19.8%	100.0%
<b>TOTAL</b>	<b>70</b>	<b>100</b>	<b>-</b>	<b>4871</b>	<b>100</b>	<b>-</b>



PRIMARY SCHOOL ANALYSIS Jan 2008 : Pupils by area										
Area	No Pupils									Total
	<10	11 ~ 25	26 ~ 40	41 ~ 75	75 ~ 100	101 ~ 150	151 ~ 200	201 ~ 300	301+	
ABERAERON	1	3	6	4	1	~	1	~	~	16
ABERYSTWYTH	-	2	5	4	4	2	2	~	2	21
ABERTEIFI		1	3	2	~	3	1	~	~	10
LLAMBED	~	1	3	~	~	1	~	~	1	6
LLANDYSUL	~	~	6	2	~	~	1	~	~	9
TREGARON		3	1	4	~	~	~	~	~	8
<b>TOTAL</b>	1	10	24	16	5	6	5	0	3	70

- 33 ( 47%) schools are below 40 pupils the threshold for a minimum of two teachers based on the current Funding Formula
- These provide for 878 (18%) pupils
- A further 2578 (53%%) pupils are educated in 14 (20 %) schools which have over 100 pupils.

### *Secondary phase*

4.2.18 Secondary schools of fewer than 700 pupils are deemed by Estyn and other agencies to be small. Four of Ceredigion's schools fall into this category and a further three are about or marginally greater than the threshold. Sixth forms of 160 or fewer pupils are considered small, only one school has more pupils in the sixth form than the threshold.

4,2,19 Post 16 and 14-16 provision is the focus of attention at the present time. It is anticipated that the 16+ provision is likely to have a significant effect on the nature and size of buildings within Ceredigion schools. Also, the discussions regarding the curriculum and accreditation for the 14-19 age group could lead to many requirements that will need to be considered in the foreseeable future.

### **Class Size**

4.2.20 The LEA has no specific policies defining class sizes in the Primary or Secondary Sectors – other than the compliance with the statutory requirement to maintain class sizes below 30 pupils in the Foundation Phase and the desirability to maintain such thresholds at Key Stage 2/Junior phase. The internal school organisation is deemed to be the responsibility of the governors and headteachers within the resources available. The complexity of managing the inevitable mixed age/ability class at primary level is recognised by the Authority

4.2.21 At the January 2008 Pupil Census no primary school had classes exceeding thirty pupils.

4,2,22 Appropriate guidance is followed in respect class sizes for certain subject areas at secondary level.

### **Faith Schools**

4.2.23 The Welsh Assembly Government requires Education Authorities to review faith school provision. There are two Voluntary Aided Primary Schools [one Church in Wales and one Roman Catholic Church] within the Authority in addition to two Voluntary Controlled Church in Wales Schools. Such provision meets current needs. Should any significant demands become apparent the respective Diocesan Authority will be consulted.

4.2.24 Although there are a number of pupils from a variety of different ethnic and religious backgrounds in Ceredigion they are mainly concentrated in the Aberystwyth and Lampeter areas where the University institutions attract students from all over the world. Research students in the main may bring their families with them but their residence is of a transitory nature. Consequently there has not been demand for school for specific faith traditions other than Christian.

## **Language Provision**

4.2.25 The Welsh Assembly Government requires Education Authorities to review its Welsh Language provision. Ceredigion Education Authority asserts its belief in the educational value of acquiring two languages and considers that the policy provides adequate provision.

4.2.26 The aim of this bilingual policy is to educate pupils so that they are thoroughly bilingual in the use of both Welsh and English on leaving the primary school so that they may participate fully in the bilingual community of which they are part. The provision made should ensure that every pupil shall be able to communicate with confidence in both languages and that they have an appreciation of the cultural heritage of Wales.

4.2.27 In the primary sector, the majority of schools (62) follow a policy where Welsh is the main medium of the life and work of the school [over 70% of the curriculum in KS2 is through the medium of Welsh]. These schools, in accordance to Welsh Assembly Government directive ('Defining schools according to the Welsh medium provision', 2007) are deemed 'Welsh medium schools'. A further 6 schools follow a policy where Welsh is a medium in the life and work of the school and bilingualism is developed in all aspects of school life. In addition 3 schools are organised such that there are streams which follow one or other of these policies. Individual school prospectus include detail regarding the schools linguistic nature.

4.2.28 Six Language Centres have been established to support pupils of junior school age who are latecomers to the area. Latecomers to secondary school are also offered relevant support in addition to their Welsh lessons.

4.2.29 The Education Authority is aware of the need to secure continuity between primary and secondary schools if the Language Policy is to be effective.

4.2.30 Secondary School Governing Bodies have established policies for Language provision in accordance with the Ceredigion Language Strategy. All schools meet the demand for a range of subjects to be taught through the medium of Welsh. Two of the 7 Secondary Schools are designated Welsh medium schools.

## **4.3 Admission of Pupils to Schools**

### ***Applications for Places***

4.3.1 The Authority has a well established admissions procedure for the admission of pupils both to primary and secondary phases which is currently reviewed.

4.3.2 For the first time since its inception in 1996 Ceredigion experienced over-subscription in one of its Secondary Schools for the Academic Year 2005-06. Existing procedures were implemented to resolve the issue

### ***Admissions Policy***

4.3.3 The LEA is currently reviewing its Admissions Policy. The main proposal is to allow pupils to start school at the beginning of the term in which they attain four years of age. If there is a nursery class at the school, children may start at the beginning of the term following their third birthday - usually on a part-time basis. However, legally children do not have to start school until they have attained their fifth birthday.

4.3.4 There is no automatic transfer from a nursery unit/class to the reception class of the associated mainstream school.

4.3.5 Pupils will have attained the age of 7 years by 31<sup>st</sup> August prior to being admitted or transferred to a junior school at the beginning of the school year

4.3.6 Children commence their secondary education in the September following their 11<sup>th</sup> birthday.

4.3.7 Pupils will have attained the age of 16 years by 31 August prior to being admitted to Year 12 (sixth form) of a secondary school at the beginning of a school year.

4.3.8 Parents have to make a written application for a place at whatever school(s) they would like their child to receive his/her education. Within Ceredigion most parents send their child to the school which serves their local area. Traditionally each school has an area which it serves and pupils within that area attend the local school. However, parents may express a preference for a different school.

4.3.9 All schools must admit pupils up to their published admission level. The admission level will reflect the capacity of the school and a child will be allocated a place at a school unless it is full. Once the admission level has been reached, requests for a place at the school have to be refused.

4.3.10 The admission of children to school is controlled by an "Admission Authority". In the case of community schools in Ceredigion the Admissions Authority is Ceredigion County Council (the Local Education Authority or LEA). In the case of a Voluntary Aided School the Admissions Authority is the Governing Body of the school.

4.3.11 Where there are more children wishing to enter a particular school than there are places, the following factors will be taken into consideration - in order of priority:-

1. written expressed preference and reasons of parents;
2. the number of pupils that can be admitted to the school;
3. the geographical area which the school normally serves;
4. looked after pupils;
5. specific and exceptional medical and social reasons;
6. sibling links.

Where more than one child meets these criteria and applicants still remain then the child living nearest to the school will be admitted.

4.3.12 Where possible the Admission Authority must meet the preference, but certain factors will be taken into account. These include:

- the efficient use of resources and accommodation
- the character of a school (generally religious)

4.3.13 Parents have the right of appeal. Where it has not been possible for a child to be admitted to the school of stated preference.

4.3.14 The Authority does not permit selection, waiting lists or the interviewing of prospective parents.

#### **4.4 Home to School Transport**

4.4.1 The obligation on the LEA to provide free transport to facilitate attendance of pupils at school is provided for in Section 509 of the Education Act 1996.

4.4.2 Pupils will qualify for statutory assistance if they are of compulsory school age and attend the nearest school or the school which normally serves the locality in which the pupils live, and also where they live over the statutory walking distances. The distance is defined as being 2 miles in the case of children under 8 years of age and 3 miles in the case of children aged 8 and over.

4.4.3 Assistance may be provided for pupils in certain circumstances on the grounds of:-

- Safety;
- Medical Condition;
- Statement of Educational needs;
- A change of residence in a final examination year;
- Continuation of an advanced course of study not being available at the designated school;

- Religious beliefs: In the light of the requirements of the Education Act 1993, parents are advised to contact the Director of Education and Community Services to obtain further information prior to expressing their preferred school based on the nature of the religious education provided at that institution being the same as that of the religion or denomination to which the parent adheres.

4.4.4 Pupils who do not qualify for 'free transport' as defined above may be allowed following a written application to the Director of Education and Community Services, to travel on LEA contracted vehicles if there are spare places available. The concession may be withdrawn at any time

4.4.5 Conveyance is arranged also for those attending College of Further Education.

4.4.6. The rural nature of the County implies high transport costs in order to ensure access to Education. The total net expenditure is £2,636,100

<b>Number of Pupils Conveyed</b>				
	<b>ELIGIBLE</b>	<b>INELIGIBLE (Spare Seat)</b>	<b>TOTAL</b>	<b>COST £</b>
<b>Primary</b> - under 5	0	14	14	338100
- 5-11 years	208	97	305	
<b>Secondary</b> - Yr 7-11	2721	251 [102 paying]	3074	1741900
VI form [estimate]	256	11 [11 paying]	278	
<b>Special Education</b>	103	0	103	396300
- Exclusions	6	0	6	
- PR Unit	19	0	19	
<b>F.E. Students</b>	215	104	379	159800
<b>TOTAL</b>	3585	477 [113 paying]	4178	<b>2636100</b>

## 4.5 Staffing

4.5.1 The introduction of the Teachers Workload Agreement and School remodelling has considerable impact on schools. Remodelling the workforce has brought an increase in the number and range of adults in school and has meant that leaders manage more people. For many schools, this has meant focusing teachers' time on teaching and learning and using suitably qualified professionals from outside to take on other roles.

4.5.2 The seven elements of the Workload Agreement seek to enable leaders to lead, provide teachers with time for preparation and assessment, to focus teachers' energies and expertise on teaching and learning by directing a number of tasks to support staff. The last therefore provides opportunities to develop a structure for support staff within school undertaking learning and classroom support, administration and clerical duties.

4.5.3. Within Ceredigion there is evidence that the initiatives are of benefit for teachers but has created more pressures for headteachers given that funding for implementation has been inadequate. In addition whilst WAG seek to encourage the creation of support through the development and employment of Teaching Assistants, schools have sought to engage additional qualified teachers to fulfil the duties of teachers. Not only is there a dearth of available staff but such provision is unsustainable given budgetary constraints.

4.5.4 In a number of situations constraints have led to considerable ingenuity whereby schools are collaborating to share staff or coming together as staff and pupils in order to provide teacher preparation and assessment time. Such arrangements afford additional benefit to pupils learning opportunities given the range of teacher specialisms and expertise available and the enhancement of social interaction in larger peer groups not evident in smaller, more isolated school units.

4.5.5 The constraints of small school units create difficulties in implementing the Workforce Remodelling agenda. Teaching and Learning Responsibility payments are to supersede management allowances. Such payments are to reflect the focus upon teaching and learning responsibilities. Schools are required to have established structures by December 2008 which reflect such requirements. However funding is not available to establish structures which replicate the extant systems. Opportunities lie by school collaboration through formal agreements involving shared expertise and responsibilities. Given the size of schools in Ceredigion the implementation of appropriate collaborative and federated models may afford the only realistic options to implement the Workforce and Remodelling requirements.

4.5.6 The agenda encouraging greater integration between education and children's services will require increased and beneficial multi-service specialist provision. Pupils and staff can benefit from working with staff in other sectors, such as the health, Social Services, police and youth support services.

4.5.7 Inevitable, as Estyn perceives,

*"the involvement of a wider range of specialists contributing to learning will bring with it the opportunity for more flexible staffing models and working arrangements. This should make better use of many more people's skills and help them achieve a better work-life balance. There is not a one model-fits-all for schools but thinking imaginatively and flexibly is key to making successful changes in how the workforce can be used. As a result, staff in schools could benefit more from a flexible work-pattern, which could include negotiating their hours of work and holidays to suit learners' needs and their own circumstances. [para 80]*

4.5.8 Estyn also indicates that the statistical profile of teachers in Wales also seems to suggest that greater flexibility in staffing models is required if schools are to retain, develop and sustain the almost 40% of all registered staff in Wales, and the over 65% of headteachers, who are in the 50+ age group. This is reflected in Ceredigion with some 47% of the current primary headteachers reaching retirement age by 2015. In the future all headteachers need to be suitably qualified which could lead to a shortage of applicants for such posts. It appears that there is also a reluctance to apply for headship posts. The solution may lie in formal federated structures.

4.5.9 In its recent publication Estyn suggests the ways forward for schools of the future to include the need to:

- re-think staffing structures in terms of fitness for purpose;
- manage diverse staff roles to support pupil achievement;
- develop staff networking and negotiating skills to support partnership working;
- develop and nurture staff through effective performance management and professional development systems; and
- support new and student entrants in their pre- and post-qualification programmes.

4.5.10 Fundamental therefore will be the adoption of structures across schools in the primary sector in order to establish effective leadership and management which are not sustainable as individual units. Issues relating to leadership include Governing Bodies

4.5.11 Estyn emphasises that:

*\*... For schools to promote lifelong learning and community development, leaders at all levels will require vision and the ability to raise expectations and inspire and motivate others. Leaders will need to work more flexibly in different kinds of management roles. Planning will always require co-operation with outside agencies, including health and social services as well as other education providers such as adult learning. [para 92]*

and the ways forward in relation to leadership and management include the need to:

- *transcend organisational boundaries to understand and work effectively with a wide range of partners who contribute to all aspects of pupils' learning, health and well-being;*
- *improve teaching and learning through motivating and influencing pupils and staff in a changing situation;*
- *use people's time, resources and accommodation in more ambitious and creative ways;*
- *provide greater flexibility in distributing responsibility amongst staff;*
- *give priority to performance management and to developing all the people who work in schools in accordance with organisational priorities; and*
- *develop and nurture management teams that work effectively across sectors.*

4.5.12. A vital part of the restructuring strategy to reorganise the provision of education within the county could lead to the possible closure or reorganisation of certain schools. Such measures could result in a variation in the staffing needs within the County and changes to the workforce.

A 'Code of Practice for dealing with Staffing Issues in Schools affected by Amalgamations or Closures' has been produced by the Education Department to inform and address these issues. The purpose of the guidance is to safeguard staff to the greatest possible extent by ensuring a consistency of approach in dealing with staffing issues where restructuring of schools takes place. It is intended that the guidance will cover both the appointment procedures and redeployment opportunities and also outline the levels of benefits payable in the event of retirement or redundancy.

It is recognised that staffing decisions are the responsibility of Governing Bodies but Ceredigion County Council remains the legal employer of all staff. It is therefore expected that everyone will work in partnership in order to ensure effective appointments in schools and the protection of existing employees.

Consultation on the contents of The Code of Practice has been undertaken with Trade Unions and Teaching Associations and the Local Social Partnership Group who welcomed the introduction of such guidance. A vital part of the restructuring strategy to reorganise the provision of education within the county could lead to the possible closure or reorganisation of certain schools. Such measures could result in a variation in the staffing needs within the County and changes to the workforce.

## **4.6 Building Assets**

4.6.1 The provision of school facilities which are fit for propose is a target for the WAG. Local Authorities are required to establish robust plans to reduce surplus places and to improve standards of accommodation. In so doing WAG further requires Authorities to exhibit commitment both in terms of principle and also in directing capital resources to the task. The lack of such robust asset management plans and commitment may render Authorities ineligible for capital grant funding.

4.6.2 Estyn in the document "*Transforming Schools*" suggests that the schools of the future should have:

- *attractive accommodation and modern buildings*
- *sufficient, well-designed, high-quality*
- *first-class facilities in which pupils can enjoy healthy meals;*
- *suitable clean modern provision for toilets and personal hygiene;*
- *buildings that are accessible to the whole community and have suitable facilities for disabled learners;*
- *up-to-date facilities, such as IT centres, laboratories, workshops and libraries, for use by pupils, staff, parents and members of the community;*
- *safe, well-lit and sheltered communal areas and grounds for play and relaxation, encouraging wide-spread community use so that users can take pride in caring for their locality;*
- *indoor and outdoor sports and play facilities that are available both to pupils and the community; and community services, where pupils and their families have access to a wide range of support, including health and social services.*

## **Asset Management**

4.6.3 In collaboration with the Highways, Property and Works Department and schools, the Directorate for Education and Community Services undertake a significant Capital Programme Annually, largely financed through Welsh Assembly Government funding in particular the School Building Improvement Grant.

4.6.4 A survey of all school property in 2000-01 concluded that there existed some £10m of work in order to bring schools to a reasonable standard of repair. A new survey is currently being undertaken. Significant other resources are required to improve and provide new facilities. Whilst the Authority has achieved a considerable amount in providing new facilities such as the provision of a new school for Penweddig, extensive work at Aberaeron Secondary School, extensions at Ysgol y Dderi and Penrhyn-coch and new school for Ffynnonbedr Primary School as well as a proposed area school, it is unlikely that the Authority will meet the challenge set by the Welsh Assembly Government to have all schools fit for purpose by 2010 without a considerable amount of investment.

4.6.5 Indeed a challenge has set each Authority by the Welsh Assembly Government to prepare plans to significantly reduce unfilled places, to have in place robust Asset Management Plans and to make a significant contributions form Council

4.6.6 Responsibility for school premises are divided between the LEA and schools and guidance clearly defines the respective areas of responsibility for elements of capital and repairs and maintenance. School may enter into a Service Level Agreement with the Highways, Property and Works Department in order to access technical advice and support.

4.6.7 The Authority has provided schools with guidance on the respective responsibilities under the disability legislation.

## **Conditions of Buildings**

4.6.8 Currently the primary pupils of Ceredigion are educated in 70 separate schools. About 48 of these schools (65%) were built before 1900. Many of these buildings have been refurbished and in some cases extended and often provide a pleasant environment for teaching and learning. Others are cramped and do not provide facilities which are ideal for the provision of modern day education. The facilities are often inadequate for the provision of physical education, do not provide enough space for early years education and do not lend themselves easily to the effective teaching of science and technology. They can also be expensive to heat and maintain and have insufficient parking facilities. Security is becoming an issue of increasing significance. 11 schools still have external toilets.

4.6.9 Over the last quarter century only two new primary schools have been built within the County but two new Area Schools and a replacement primary school are being planned

4.6.10 Over the last 15 to 20 years it has not been possible to invest to the required level in building repairs and consequently a substantial work remains outstanding. There are ever increasing demands on the limited capital resources of the Authority, which may only add to the current backlog.

4.6.11 The Conditions Survey (April 2008) indicated a repairs backlog of some £7m. The survey finding are summarised below

<b>SCHOOLS as at 1<sup>st</sup> April 2008</b>	
<b>DETR PPI 1A - % Gross Internal Floor Space in Condition Categories A - D</b>	
<b>DfEE Condition Codes</b>	
<b>Good</b> - Performing as intended and operating efficiently	<b>A</b>
<b>Satisfactory</b> - Performing as intended but minor repairs required	<b>B</b>
<b>Poor</b> - Exhibits major defects	<b>C</b>
<b>Life Expired</b> - Serious risk	<b>D</b>

Property Category	Total Sites	Category A		Category B		Category C		Category D	
		Total Sites	%	Total Sites	%	Total Sites	%	Total Sites	%
Primary Schools	70	33	47.88	36	51.5	1	0.59	0	0
Secondary Schools	6	1	25.55	5	74.4	0	0.00	0	0
<b>Total</b>	76	34	35.73	41	63.9	1	0.27	0	0

DETR PPI 1B - Outstanding Maintenance by Cost Expressed as % in Priority Levels 1-3	
<b>DfEE Priority Codes</b>	
Urgent work to prevent closure of premises	Priority 1
Essential work required within 2 years	Priority 2
Desirable Work required within 3 - 5 years	Priority 3

Property Category	Total Sites	Outstanding Maintenance Total	Priority 1		Priority 2		Priority 3	
			Total Cost	%	Total Cost	%	Total Cost	%
Primary Schools	70	£3,364,786	£2,872	0.09	£2,024,528	60.17	£1,337,386	39.75
Secondary Schools	6	£3,536,749	£0	0	£1,932,884	54.65	£1,603,865	45.35
<b>Total</b>	76	£6,901,535	£2,872	0.04	£3,967,412	57.34	£2,941,251	42.62

4.6.12 The outstanding maintenance as then defined has been gradually reduced to about £7m, but the natural course of fabric deterioration may mean that other elements are added to the list. A new survey is being undertaken which should inform schools and the Authority of the need. Schools are encouraged to develop planned maintenance programmes which can be integrated with the Authority's proposed programmes. Thus a joint approach to establishing a joint repair and maintenance programme within the resources available.

4.6.13 Despite additional resources being delegated to Governing Bodies to meet responsibilities for repair and maintenance, considerable concern is being expressed about the level of accountability now vested in Governing Bodies as a result of the statutory requirements of Fair Funding, given the perceived insufficiency of available funding. However the LEA no longer has the flexibility once available to undertake certain elements of school building repair and maintenance since resources have been delegated to accompany the increased areas of accountability. In addition concern is expressed by technical officers that School Governing Bodies are embarking upon remedial or extended work to buildings without consultation and in certain instances may not be fulfilling regulatory requirements

#### **ESTYN Reports**

4.6.14 Since the inception of the regular Estyn Inspection regime all schools in Ceredigion have been inspected 2 or 3 times since 1994. Comments are included within the reports on the conditions of school buildings. This can support the development of the Capital Programme – for example, in two instances extensions were added to school whose accommodation was deemed to be inadequate by the Inspectors.



4.6.15 An analysis of Estyn indicates that in general the vast majority of buildings are deemed to be “good” or “satisfactory”, The table below illustrates:

<b>Very good</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>
4.5%	47%	44%	4.5%

4.6.16 Generally there is a high degree of complimentary comments with particular attention given to cleanliness and hygiene and the maintenance systems. Favourable comments are generally made about school environments and the suitability of surrounding land.

However the principal deficiencies include:

- the lack of space for aspects of the curriculum [for pupils under 5 , no hall, indoor physical education, no library, no playing field]
- the lack of provision of facilities such as indoor toilets, staff room, headteacher’s room, storage
- many of the remarks are linked with health and safety issues
- attention is drawn to the inadequacies of demountable classrooms frequently located at a distance from the main school building and toilets

**Temporary Buildings**

4.6.17 The Welsh Assembly Government is concerned about the number, standard and condition of demountable buildings which exist in schools. They have often been placed as a quick temporary response to accommodation problems at schools. However the older types do dilapidate and require constant maintenance.

4.6.18 In Ceredigion a large number of temporary buildings exist, many of which require maintenance and repair. In addition their removal could reduce significantly the number of surplus places if logistically possible. However their continuation at a school allow additional space to imaginatively meet the demands of the curriculum

4.6.19 The District Audit Report highlighted that:

*“... The Authority has high levels of temporary accommodation in both the primary and secondary sectors. As this is included in the capacity measures this can result in future problems of a shortage of adequate accommodation. The capital charges, which result from temporary accommodation, comes to approximately £200,000. “*

*Under the new Accounting Code of Practice all accommodation incurs capital charges (depreciation.... ). This includes temporary accommodation.*

*...Based on actual figures for a number of classrooms in Ceredigion, the average cost per mobile in 1996/97 was £3,600. When mobiles are over 10 years old these charges no longer apply.*

We were therefore unable to calculate the total cost of temporary classrooms.

4.6.20 Temporary accommodation in primary schools accounts for about 1100 places in some 38 units. This is about 20% of the available pupil capacity. It therefore appears that the temporary accommodation masks a possible shortage of adequate provision. A proportion of such units could be removed when proposed building projects are undertaken.

4.6.21 The complimentary numbers in Secondary schools are similar. Of the 32 units a number will be removed when proposed building projects are realised

4.6.22 However it has to be recognised the despite having made considerable impact on the reduction of temporary buildings with the extension and refurbishment of Aberaeron Comprehensive School and Ysgol Gyfun Penweddig, numbers are difficult to control particularly when there is a local need to accommodate more pupils.

4.6.23 It is necessary to analyse in detail the location and appropriateness of all temporary accommodation in order to:

- ensure that temporary accommodation is not masking possible future problems of overcrowding
- ensure that unfilled places are kept to a minimum
- ensure that capital charges are not being unnecessarily incurred.

Schools: General Statistical Information Based on January 2008 Data

	Primary	Secondary	Total
No. Schools	70	7	77
No. of pupils as at Jan 08	4871	5004	9875
Total Capacity	6699	6484	13183
No. Surplus Places	1,878	1480	3358
No. of Schools with Surplus Places	61	7	68
%Surplus Places	28.03%	22.83%	25.47%
No. of Places Overcapacity	50	0	50
No of schools with overcapacity	9	0	9
%Overcapacity	0.74%	0	0.3.8%

### Suitability and Sufficiency

4.6.24 There is increasing need to evaluate schools suitability in terms of facilities and capacity to deliver for example the Foundation Phase and Accessibility particularly for the disabled. The Authority completed a Survey of the condition of school buildings and has progressed a survey of suitability and sufficiency of buildings for the purpose of education Below is an attempt to evaluate and rate the suitability of primary buildings for early years provision, disabled access and number of mobile classrooms in schools.

PRIMARY SCHOOL ANALYSIS 2005																					
Suitability ~ 1: Good; 2: Adequate; 3: Inadequate; 4: Not suitable																					
Early Years provision ~ 1: Good; 2: Adequate; 3: Inadequate; 4: Not suitable																					
Disabled access ~ Yes; No																					
Disabled provision internal : Difficulties; No Difficulties																					
Area	Disabled Access: Yes									Disabled access: No								Mobiles [dismountables]			
Rating	1	1~2	1~3	2	2~3	3	3~4	4	Sub-total	1	1~2	1~3	2	2~3	3	3~4	4	Sub-total	Total	No Schools	No Mobiles
<b>ABERAERON</b>																					
No difficulties	1	~	~	1	~	1	~	~	3	~	~	~	~	1	1	~	~	2	5	5	7
Difficulties	~	1	~	1	~	2	~	~	4	~	1	~	~	1	3	~	3	8	12		
<b>ABERYSTWYTH</b>																					
No difficulties	6	~	2	~	~	~	~	~	8	~	~	~	~	~	~	~	~	0	8	10	19
Difficulties	3	1	1	1	2	2	~	~	10	~	1	~	2	~	2	~	~	5	15		
<b>ABERTEIFI</b>																					
No difficulties	3	~	~	2	~	1	~	~	6	1	~	~	~	~	~	~	~	1	7	5	6
Difficulties	2	~	~	~	~	1	~	~	3	~	~	~	1	~	~	~	~	1	4		
<b>LLAMBED</b>																					
No difficulties	~	~	~	3	~	1	~	~	4	~	~	~	~	~	~	~	~	0	4	2	5
Difficulties	~	~	~	~	1	~	~	~	1	~	~	~	~	~	1	~	~	1	2		
<b>LLANDYSUL</b>																					
No difficulties	2	~	~	1	~	~	~	~	3	~	~	~	~	~	~	~	~	0	3	1	1
Difficulties	~	~	~	~	~	~	~	~	~	1	~	~	1	~	5	~	~	7	7		
<b>TREGARON</b>																					
No difficulties	1	~	~	~	2	~	~	~	3	~	~	~	~	~	1	~	~	1	4	2	2
Difficulties	~	~	~	1	1	1	~	~	3	~	~	~	~	1	1	~	~	2	5		
<b>SUB-TOTAL</b>																					
No difficulties	13	~	~	9	2	3	~	~	27	1	~	~	~	1	2	~	~	4	31		
Difficulties	5	2	1	3	4	5	~	~	20	1	2	~	4	2	12	~	3	24	44		
<b>TOTAL</b>									47									28	75	25	40

The number of schools deemed to be less than adequate [rating 3 or 4] on both criteria is about 25 [30%]. A significant proportion of these display difficulties in terms of internal provision for the disabled.

## 4.7 Finance/Funding

4.7.0 The Authority is required to fund schools according to agreed, published formulae which comply with school funding regulations. In so doing the Authority sets certain parameters in the primary phase such as ensuring that schools of around 40 pupils are resourced at a level which allows the schools to be staffed by a headteacher and an assistant teacher. At the present time, each legally constituted school, receives a budget on the basis of the Authority's funding formula. When an informal federation is established, it will have more than one legally constituted school so each school will receive its own budget. In a formal federation, there is one legally constituted school even though it may be on more than one site. The one school will receive one delegated budget, although the formula may reflect the multi-site nature of the school.

These, together with elements relating to buildings, may be regarded as fixed costs which inevitably are proportionally greater in smaller schools. Ceredigion currently allocates the highest funding the highest per pupil in Wales, in both the primary and secondary sectors. However, WAG and Estyn have each raised the question of the sustainability of small schools in the current financial climate and in terms of educational viability.

### Capital and other funding

4.7.1 The adequacy and condition of the school building and attendant facilities – such as games fields; availability of water in classrooms – is of importance in planning for future provision. The maintenance costs of current assets are high, and a greater responsibility for these has rested with Governing Bodies from 1 April 2000 in accordance with Fair Funding requirements. Governing Bodies are able through Service Level Agreements to acquire the services of the County Council to advise, plan and undertake repair and maintenance work should they so wish. The LEA retains responsibility for the Capital Programme. For 2005-06 £218k has been delegated to secondary schools [*cf £245k in 2004/05*] and £172k [*£ 236k in 2004-05*].

4.7.2 The issue of the suitability and adequacy of school buildings in the context of the demands of the National Curriculum and new initiatives, such as provision of Early Years Education and ICT, will need serious consideration when determining the strategy for the delivery of education in the County

4.7.3 The Authority continues to manage an effective Capital Programme augmented by National Assembly initiatives such as Additional Capital Funding for Schools; Class Size Reduction Grants, New Deal Funding and School Building Improvement Grant. Emphasis has been placed upon upgrade facilities such as laboratories and technology workrooms in the secondary phase – an example being the resources through the Additional Capital Funding Initiative being directed to provide new Design and Technology facilities at Tregaron Comprehensive School and a specifically designed Unit for pupils with Special Education needs at Lampeter Comprehensive School. Issues of continual concern are the provision of indoor toilets in all schools; the standard of school Kitchens and canteens and the renewal of heating systems and roofs. In addition a £5m+ project at Aberaeron Comprehensive School aimed to remove temporary accommodation and which attracted resources from Welsh Challenge Funds and Sportslot. Initial funding for a PFI initiative secured the provision of a new school for Ysgol Gyfun Penweddig by December 2000

4.7.4 Ceredigion Education Authority is conscious of the under investment in the fabric of school buildings and since its establishment in 1996 the Authority has deployed the following capital investment on schools and educational facilities since 2002

### CAPITAL EXPENDITURE 2002-08

CATEGORY	2002-03	2003-04	2004-05	2005-06	2006-07	2007/08	Budget 2008-09
Essential Schemes	£470k	£470k	£349k	£303k	£305k	£403k	£310k
School Projects	£163k	£192k	£394k	£43k	£37k	£69k	£100k
New Deal for Schools	£ 64k	£ 18k	-	-	-	-	-

SBIG – Formula	£1,141k	£1,996k	£1,168k	£924k	£493k	£900k	£1,116k
SBIG – £9m	-	-		£1,087k	£2,900k	£1,661k	£2,460k
Foundation Phase	-	-	-	-	-	£175k	£86k

\*SBIG = School Building Improvement Grant

The more flexible approach provided by the Welsh Assembly Government School Building Improvement Grant has enabled an extension to Ysgol y Dderi and the provision of a new SEN unit at Ysgol Gynradd Aberporth.

4.7.5 WAG provides about £1m per annum to undertake projects which must be over £100k in cost. In addition WAG has allocated £9m per LEA to promote major projects. Ceredigion has already utilised this funding for projects such as:

- Ysgol Ffynnonbedr: replacement school
- Synod Inn: new area school
- Ysgol Gyfun Llambod: remodelling and refurbishment

4.7.6 The Capital Programme will be used to support change which involve:-

- (i) a range of approaches adopted to suit local need;
- (ii) the most effective use of resources to enhance curricular provision, ensuring continuity and progress.

4.7.7 The challenge remains to plan effectively for 2010 and consider strategies for the effective provision of facilities within the context of the concept of community learning centres

### ***Funding Requirement***

4.7.8 A programme to provide appropriate and adequate facilities might be conservatively estimated to cost in the region of £11m for repair and maintenance and a further £30m for major capital projects.

4.7.9 In addition any restructuring of the organisation of service provision will have an impact on the modeling of the workforce, an element which is difficult to quantify until strategies and proposals are planned and costed.

### ***Possible Resources***

4.7.10 During the period of the Single Education Plan 2006-08 it is anticipated that for the capital elements alone the County Council through its Capital Programme may provide some £0.7m. Two sources from the National Assembly through the School Building Improvement Grant will provide some £2-3m for major projects and £0.9m for projects of a smaller nature. Between 2008 – 2009 an additional £3m will be spent from both funding sources.

4.7.11 As will be elaborated below, if it is to plan effectively, the Authority must explore alternative funding methods and sources such as

- the authority and school formulaic allocations
- Convergence Fund
- capital for voluntary aided schools
- capital receipts
- prudential borrowing.

4.7.12 In designing a reorganisation scheme the Authority should:

- Evaluate the benefits of new school buildings against the much cheaper option of using existing buildings.
- Bring together capital from a wide range of sources.
- Discuss with the WAG options for funding individual schemes and any links to the urban regeneration agenda.
- Consider the revenue implications including what can come from future schools budgets

## **Analysis of possible capital funding**

4.7.13 Consideration has been given to the possible capital funding to the future with an indication of possible options that may occur in the medium term.

### **Financial Summary**

4.7.14 The financial information prepared are best indicative estimates which will need to be fine tuned in the future when further details are known. Also, the rate of inflation in the future will impact on the proposals as they are likely to take place over the long term.

4.7.15 Savings have been estimated at a prudent level and may change based on new information received on the exact detail on the proposal which goes forward.

4.7.16 The balance needs to be funded from any combination of the following subject to approval by Cabinet etc:-

- Grant funding;
- Re-allocation from within the Council's capital programme (WAG's notional education element of General Capital Funding was £1.515M for 2008-09);
- Additional prudential borrowing;
- Receipts from disposal of redundant sites.

4.7.17 The Welsh Assembly Government (WAG) is presently grant funding school improvements through the Schools Buildings Improvement Grant (SBIG) and this is a substantial sum each year towards achieving fit for purpose targets. However indications have been received that from 2009-10 onwards, targeting arrangements will apply for allocating SBIG funding and the expectation from WAG is that Councils will need to invest in school buildings themselves in line with capital resources allocated via the General Capital Funding Formula each year.

### **Estate Specific Issues**

4.7.18 Market valuations of primary schools have been prepared at this stage without carrying out detailed examinations of title deeds as this can be done at a later stage when firmer proposals are in place. There may be covenants requiring land to be re-conveyed to the donor (or his heirs in title) or restrictions upon alternative uses. Therefore disposal values have been incorporated into costings at a prudent level, which do not at this stage include any potential increase in value which may be possible from alternative use subject to planning. Discussions will need to take place with the Planning Department concerning alternative use when fine tuning the financial model.

4.7.19 When assets are leased to the community they should be for full repairing leases, that is, to include all running costs including maintenance and insurance so that there will be future savings. The Authority considers a five year lease to be the maximum period available before the property is sold to existing leaseholders.

When a school is closed, and the property comes under the ownership of the Authority, the following procedures are adopted regarding the future use of the building

1. consideration is given by the Education Department for possible use by the Department, or by other departments within the Authority
2. where the building is not required by departments within the Authority, consideration is given to requests received from community groups. If short term leases or licenses are entered into with the community groups, these will be on a trial period of 1 – 3 years at no cost to the authority. The occupiers will be responsible for all maintenance, repairs and outgoings. The occupation will be reviewed at six monthly intervals, and if necessary terminated. Following any trial period occupation will be at an economic rent in accordance with the policies of the Authority.

Where 1 and 2 are not applicable, the property will be sold on the open market.

## ***Economic and Grant Specific issues***

4.7.20 It has been suggested that in respect of any schools to be retained for community use it may be possible for the community to raise funds through EU Convergence or Rural Development Plan (RDP) programmes in order to acquire the building and refurbish it where necessary. This shouldn't in theory lead to an inflation of the market value and hence return to the Council, but could help to keep the site in community use. It is important to note that Convergence project assessment is likely to be fairly competitive and will look for significant outputs in terms of higher income job creation and sustainability in order to meet the Commission's prescribed priorities.

4.7.21 The principle of additionality in ERDF (Capital) projects will prevent the use of EU Convergence money contributing to any capital building project that should normally be undertaken by Local or National Government in the course of their normal statutory duties. Therefore it seems that EU funding contributions to school capital build programmes is unlikely.

4.7.22 The European Social Fund (ESF) eligibility criteria with respect to additionality of activity have however been a little different in the past and are expected to remain so under Convergence, though again this has yet to be published or agreed by the Assembly. Under ESF, one can in theory take an existing activity and increase its provision where there is a demonstrable need, using the existing provision finance to match-fund an ESF contribution that finances the extra activity. Under the Convergence Programme this may be of particular relevance in the 14-19 Learning Pathways group, which appears to be a favoured area of investment. However, whilst this might provide a revenue mechanism for the LEA to do more, it shouldn't be a mechanism for making revenue cost savings.

### **Principles for the financing of the project**

4.7.23 All capital receipts obtained from the sale of educational assets should be re-invested into the re-modelling programme. When assets are leased to the community, the income streams should be utilised to support prudential borrowing for Developing Education.

### **Prudential Borrowing**

Prudential borrowing is the ability that the Council has to finance capital expenditure by taking out loans. The implications of this are that the interest costs and the capital sum borrowed require paying annually and therefore need to be budgeted for in the Councils revenue budget. Therefore all prudential borrowing undertaken by the Council is carefully controlled to ensure that it is prudently made and is affordable. Revenue budget savings are potentially available from the remodelling of schools and could therefore be usefully applied to fund prudential borrowing applicable to new schools as well as assisting with the delivery of Education services.

The financing of the proposals may be achieved by:

- utilizing prudential borrowing which may be funded either by the re-investment of revenue savings achieved from school rationalisation and/or funded by the Council's revenue budget (subject to consideration by the Budget Working Group and approval by Cabinet and Council)
- Funding will be required to finance up front costs e.g. land acquisition, extensions and this could be enabled by "ring fencing" some early savings and capital receipts identified.
- Temporary prudential borrowing may need to be taken into account when funding costs up front, e.g. land acquisition, build costs and when disposals are made at a later date.

### **Formulating a strategy**

4.7.24 Timing issues will require careful consideration and a project management approach should be taken to each option that is to be followed through. Where required land needs to be sourced and funded and the area school built and funded before disposals take place, careful thought must be given to the order of some of the options as it may be that timing itself could be critical in the viability and deliverability of funding the

strategy. There is a need to invest more of the capital programme in school buildings in order to attract grant allocations in the future from WAG.

4.7.25 Overall, a lot could be achieved during the medium term if decisions are made at an early stage and for example, land is sourced early on in order that further planning may progress. It is feasible for four area schools, one new school and two extensions/restructuring to take place over a five year period but not if decisions are delayed, land is not identified, funded and acquired early enough, therefore a more likely timescale would be a six to eight year period.

4.7.26 In respect of federal models, at present the one put forward is estimated to cost more than the existing arrangements. Federation will not therefore contribute to the revenue savings required to finance prudential borrowing to build new schools or to extend/improve existing ones, and any extra costs will need to be funded from other savings or sources.

### **Revenue Cost Implications of Developing Education in Ceredigion**

4.7.27 for the purposes of illustrating the potential revenue savings, (Annexe C.....Table iv...Page 72) five of the options likely to take place earlier in the timeframe, were selected for more detailed modelling. The options centre on new or extended schools in Sarnau, Cwrtnewydd, Llanon, Llanarth and Synod Inn.

4.7.28 The model forecasts savings of almost £0.75M per annum if enacted now, rising to over £0.8M per annum if enacted in 2012. There will be additional transport costs to offset against these, but the net savings figures are over £0.5M now and over £0.6M in five years' time.

4.7.29 Other costs will be incurred, e.g. redundancy, premises costs, but most of these will be incurred in the months immediately following closure. Schools would usually close at the end of the summer term, and therefore most of these costs would be incurred during that financial year, with the net savings taking effect from the following April. A small proportion of these costs may be incurred beyond that timeframe, but not sufficient to alter the overall picture.

4.7.30 This model assumes each pupil will transfer to the school nearest his home. Transport costs have been assessed based on each pupil's age and the distance between the pupil's home and the nearest school.

4.7.31 Some pupils are being fed into other small schools, thus reducing the small school supplement required by those schools. Of course, at some point, some of those schools may themselves be the subject of developing education in Ceredigion. This emphasises that individual options cannot be viewed in isolation, but must be seen as part of the bigger picture.

4.7.32 The reason why the savings would be greater in 2012 than now is that a reducing pupil population will result in larger small school supplements being payable.

4.7.33 Transport costs absorb a smaller proportion of the gross revenue savings (approx 25%), and are therefore significant. It should be borne in mind that these costings are very approximate and will be subject to the LEA's policy on transporting pupils from closing schools. The figures in the model are based on basic statutory requirements only.

## **4.8 Language Strategy**

4.8.1 Federal schools or schools that merge, as well as any new primary or secondary schools that will be established in the future will be defined, in accordance with Welsh Assembly Government Documentation 2007, as 'Welsh Medium' schools, which are schools that provide 100% Welsh medium education at Foundation Phase and at least 70% Welsh medium education at Key Stage 2. During the formation of informal or formal federations, consideration will be given to the linguistic nature of the individual schools and their communities. The development of the pupils' language skills and the Welsh ethos within the federation, will be in accordance with the 'Ceredigion Language Strategy Document'.

4.8.2 For further information see 'Ceredigion Language Strategy Document' (December 2007)

## 4.9 The Foundation Phase

4.9.1 The thrust by WAG to revolutionise education and care provision for children up to the age of 7 will be fundamental not only to the learning and development of children but to the delivery and organisation of learning in schools and a variety of other settings requiring close inter-relationships between a variety of statutory, public, voluntary and commercial agencies. It will have a profound influence on planning for the development of education in Ceredigion.

4.9.2 Early experiences provide the foundation for children's future educational and social development. New approaches to the education of very young children are being introduced in the Foundation Phase for 3-7 year olds. In this phase, the emphasis is on learning through experience of structured activities that focus on the individual pupil and their stage of development both inside and outside the classroom. Estyn suggests that

*"..This type of approach offers many advantages but also presents considerable challenges in terms of securing the right accommodation, planning a new curriculum and training appropriate staff to implement the programme..."*

4.9.3 In addition there is need for a curriculum for 7-14 year olds that will enable pupils to build successfully on their learning during their Foundation Phase. From age 7, the primary curriculum focuses on the development of pupils' skills through the core subjects of Welsh or English, mathematics and science, while a range of other subjects are often taught in an integrated way. This approach focuses particularly on continuity and progression in thinking, communication, number, and information and communication technology for learners and includes study of the content specified in the National Curriculum subject orders.

4.9.4 The legislative initiatives to provide care provides opportunities to extend the use of facilities in schools before and beyond the school day in conjunction with other agencies and for the benefit of families and communities.

### **Education for 3 – 7-year-old Children in Ceredigion**

#### ***The background***

4.9.5 Education of 3 – 7-year-old children in Ceredigion is provided in a variety of institutions and by a variety of providers as follows:

#### a.Schools providing for the whole 3 – 7 age range

Eight Nursery Units were established across Ceredigion during the 1970s. Most of these units are in schools of a substantial size and in the populous areas of the County. An exception to this is Ysgol y Dderi which was established as an area School to serve a number of rural areas when their schools were closed and Cenarth School which gained nursery provision when a new School was built in the 70s of the last century.

#### b.Educational Provision for 4 to 7-year-old children.

All Primary Schools (except Cardigan Junior School) provide full-time education for children from the term following their 4th birthday. These classes vary according to the number of pupils:

- Reception Class – 4 – 5-year-old children;
- Year 1 Class;
- Year 2 Class – each class led by a different teacher.
- Reception Class and Year 1 (4 – 6-year-old children) – one teacher.
- Reception Class, Year 1 and Year 2 (4 – 7-year-old children.) – one teacher.

#### c.Educational provision for 3 – 4-year-old children other than those named in (a) above.

Each LEA is required to provide opportunities to access early years education for children 4 – 5 years old and also 3 – 4 years old.

Following the introduction of the 'Learning Country' document all Local Authorities were urged to work in partnership with institutions providing childcare / early education before a child attends a school for the provision of part-time education free of charge for children following their 3rd birthday.



There are now 33 institutions funded by the Education Authority (January 2008) to provide this service. The provision is made by Mudiad Ysgolion Meithrin, Waes PPA, and Private Day Nurseries.

These institutions are located in various buildings as noted in the table ranging from dedicated buildings, mobiles on School campuses, village or church halls and rooms within a School.

### **The Learning Country – Foundation Phase 3 – 7 years old**

#### ***Buildings, rooms and resources.***

4.9.6 In Wales poor buildings and a lack of resources are a feature within a number of locations for the early years (3 to 7 years old). Where they are found the deficiencies will harmfully affect the children's physical and mental development and the standards they achieve. They limit the experiences available for children and therefore have a damaging effect on the development of perseverance and the willingness of the children to participate in more challenging activities. The deficiencies also limit self-directed play and discussions with peers and adults and it has the effect of lowering the children's standards of achievement.

There is a need for -

- indoor and outdoor environments which are exciting, stimulating and secure and promote children's development and their natural curiosity to explore and learn through direct and indirect experiences;
- an environment which promotes discovery and independence and the placing of more emphasis on the use of the outdoor environment as a resource for teaching children.
- the setting up of bright areas for stimulating play and activities e.g.
  - rôle play
  - small world play
  - creative / artistic space
  - sound and music space
  - small and large physical play space (e.g. climbing frame, slide, gross motor skills e.g. bikes and scooters; tunnels, )
- quiet areas and study areas and teaching areas for older and more able children e.g.
  - quiet space for a story / collective activities
  - an attractive little library
  - a focus for marking / writing
  - sensory resource e.g. dark room full of interesting lights.
  - Retreat / private space for a child needing peace and quiet
  - Tables and resources for children to concentrate on more structured tasks.
- uninterrupted access to the outside 'class' which will include the same facilities as are found inside (the ideal would be to reflect that which was created in the pilot School (Ysgol y Dderi)
- a room / retreat for the staff to meet with workload requirements as well as creating resources and holding meetings.
- An attractive, welcoming and dedicated entrance for the parents
- A suitable floor for artistic / wet activities as well as a floor which is warm and comfortable to work on.
- Indoor facilities outside the room for the material from outside throughout the year.

#### ***Current state of buildings belonging to Ceredigion schools and Pre-School Education providers.***

4.9.7 When considering the educational requirements of the Foundation Phase the issues below come to the fore –

*a.sufficient internal space to hold the various activities which need to be provided.*

- an environment which promotes discovery and independence and the placing of greater emphasis on the use of the outdoor environment as a resource for teaching children.
- a suitable floor for artistic / wet activities as well as a floor which is warm and comfortable to work on.
- rôle play

- small world play
- creative / artistic space
- sound and music space
- small and large physical play space (e.g. climbing frame, slide, gross motor skills e.g. bikes and scooters; tunnels, )
- quiet space for a story / collective activities
- an attractive little library
- a centre for marking / writing
- sensory resource e.g. dark room full of interesting lights.
- retreat / private space for a child needing peace and quiet
- tables and resources for children to concentrate on more structured tasks.

*b.sufficient / suitable space directly outside the classroom which will offer the appropriate educational opportunities and safely.*

- an environment which promotes discovery and independence and the placing of greater emphasis on the use of the outdoor environment as a resource for teaching children.
- rôle play
- small world play
- creative / artistic space
- sound and music space
- small and large physical play space (e.g. climbing frame, slide, gross motor skills e.g. bikes and scooters; tunnels, )
- a space for fostering curiosity about the world around them e.g. a garden to foster the senses, sand, water
- a suitable floor for artistic / wet activities as well as a floor which is warm and comfortable to work on.

*c.Ease of access between inside and outside.*

- uninterrupted access to the outside 'class' which will include the same facilities as are found inside (the ideal would be to reflect that which was created in the pilot School (Ysgol y Dderi)

*d.Care of the reception class.*

- No more than two age groups within the same class e.g.nursery / reception

*e.Educational provision at three years old and childcare conveniently to hand.*

- Education for 3-year-olds which is provided by e.g. MYM on the school site.
- Wraparound care for part-time children provided by a nearby nursery

*f.Working environment.*

- A room / retreat for the staff to meet with workload requirements as well as creating resources and holding meetings.
- An attractive, welcoming and dedicated entrance for the parents

### **Issues for futher consideration**

1. The creation of a Nursery Unit in the charge of a teacher in the institutions which have reception classes only.
2. The creation of a Nursery Unit in each of the main towns of Ceredigion's Spatial Plan. Llandysul, Cardigan and Tregaron in addition to the schools in the other Spatial towns which have a Nursery Unit – Aberystwyth, Aberaeron and Lampeter.
3. Accepting pupils full time, following their 4th birthday in all of Ceredigion's Primary Schools.(rather than the term following their 4th birthday)

### **Advantages**

- a. Evaluation report on Foundation Phase pilot institutions (December 2006) notes the need for individuals with the highest possible qualification to lead Under 5 educational establishments. It is noted that the quality of provision led by a teacher is substantially higher than that of institutions led by individuals who do not have an appropriate qualification.

- b. An opportunity to give appropriate status to individuals who have made great efforts to gain a degree qualification.
- c. A number of schools with specific classes for children between 4 -5 years old. The inclusion of 3-year-old pupils in these classes would lead to a specific class for children Under 5. This would increase the number of children receiving uninterrupted Education from 3 to 5 in the charge of a qualified teacher.
- d. An opportunity to appoint sufficient ancillary teaching staff according to the 1:8 ratio from September 2008 on. This would ensure that the teaching groups were not large and that a teacher would be responsible for a specific team of individuals for the benefit of the children's education.
- e. Less pressure on pre-School Education providers who are feeling considerable pressure after coming under the education system.
- f. Great need for wraparound childcare provision in addition to education. An opportunity for voluntary organisations to provide care outside school hours for the part-time children and for the children of 2 to 3+ years old.
- g. An opportunity for parents to have (sessional) childcare to enable them to target work.
- h. Two of these schools have acquired wraparound provision - Integrated Centres – Cardigan and Llandysul – pre-School Education facilities meet the needs of the Foundation Phase and Wraparound Care.

#### **4.10 Integrated Children's Centres**

4.10.0 An approach to implementing elements of a holistic child centred provision is the establishment of Integrated Children's Centres

##### **Integrated Centres**

4.10.1 Integrated Children's Centres (ICCs) are based on the concept that providing integrated education, care, family support and health services is a key factor in determining good outcomes for children and their parents, ensuring the best start in life.

4.10.2 In our communities there can be an enormous range of activities taking place relating to families, their education, health and wellbeing. These activities are delivered in all sorts of ways by the statutory and voluntary sectors. Children's Centres are about building what's already good and aiming to make it even better by ensuring all the agencies and organisations involved in delivering services are working in a joined-up way and keeping the child's needs central at all times.

##### **Provision at Integrated Children's Centres**

4.10.3 Each ICC will have at its core:

- Early Years Education
- Childcare
- Open Access Play
- Community Education and Training
- Flying Start where appropriate

Which will enable to be accessed:

- A range of professional childcare services
- Family support type activities including parenting classes
- Play sessions
- Tailored sessions on family nutrition and health
- A toy library facility for families
- Access to a range of adult education courses
- Advice sessions on finding a job and benefits

- A learning environment
- A network of childminders working in your area

4.10.4 An ICC will act as a service hub within the community for a wide range of activities relating to child and family health and wellbeing.

4.10.5 Ceredigion County Council has established two centres, one in Cardigan and the other in Llandysul . Others are to be planned throughout the Authority.

## **4.11 Special Education**

4.11.1 The educational needs of 99.9% of Ceredigion pupils are currently met within the LEA's schools and the four Specialist Units which are located on mainstream campuses. This means that Ceredigion is one of the most inclusive LEAs in Wales.

4.11.2 Of relevance to the development of education in Ceredigion is the issue of access of which there are three principal aspects:

### ***a) Access to buildings***

4.11.3 When consideration is given to building any 'new school' the LEA, in line with regulations will ensure that there is physical access to all areas both within and around the school for those who are wheelchair bound. It will be important also to ensure that there is appropriate access to toilets and changing facilities.

4.11.4 Currently a large proportion of older schools are not able to offer access to wheelchairs and are not disabled friendly. They would not be able to meet the needs of a small number of the school population who require wheelchair access. In such cases, where an admission request is received, each case will be considered and the requirements assessed to ascertain whether reasonable adjustments could be made making efficient use of resources.

4.11.5 If it is not possible to admit a child to the school of choice then the LEA will offer the nearest school that can best meet the child's needs. The LEA will be responsible for funding transport if the distance to the school offered is greater.

4.11.6 With regard to 'access to buildings' for pupils who have sensory needs, advice is sought from the LEA Sensory Service regarding reasonable adjustments.

4.11.7 In certain circumstances it may be appropriate for the Authority to plan provision for certain kinds of physical disabilities and conditions at specifically designated schools which may serve particular localities.

### ***b) Access to the Curriculum***

4.11.8 Ceredigion LEA supports schools in ensuring that each pupil may access the curriculum at an appropriate level according to their age, ability and where relevant their special educational needs. In accordance with the Authority's Special Educational Needs Policy, funding will be made available to schools in accordance with published criteria so that teachers and support staff are able to ensure curricular access through e.g. differentiating the curriculum.

### ***c) Access to print***

4.11.9 The LEA employs Specialist Staff who are able to offer advice and guidance to all schools with regard to the most appropriate font / print size and / or specialist equipment that some pupils may require in order to gain access to print. In general terms, the Local Authority has advised that all print should be Ariel font size 12 as default.

## 4.12 Secondary Education

4.12.1 Consideration for the development of education in Ceredigion must of essence include the provision for secondary education, which because of the nature of the county and the inter-relationships with the primary sector not only in terms of transition from the Key Stage 2 to key Stage 3 but because of the potential, in certain localities to develop common integrated and coherent learning approaches but also to deliver and share services.

4.12.2 Whilst opportunities will exist for collaborative approaches and strategies, the secondary phase is faced with significant challenges to develop and expand learning opportunities for young people particularly from 14 -19 and specifically post 16. Through the WAG Learning Pathways 14-19 initiative, collaborative approaches are being encouraged across schools, Further Education and Higher Education to provide a broad range of learning and experiences, academic and vocational, in order develop learners' maximum potential and to deliver the published goal of:

*"95 per cent of young people by the age of 25 to be ready for high skilled employment or higher education by 2015".*

4.12.3 Estyn suggests that to have effective collaboration teaching and training partners need to:

- reflect an agreed common vision;
- establish partnerships that respond to the needs of the learners and the wider community;
- adopt an ethos of mutual trust and respect;
- establish common quality assurance measures for all provision;
- strive to establish best practice across the Network and avoid unnecessary duplication

4.12.4 This agenda is being reviewed separately which, inevitably, will influence the overall provision of education in Ceredigion. Currently a study is being commissioned to consider secondary school issues and particularly 14 – 19 provision. Where appropriate this strategic document will make reference to options and opportunities within particular localities, where constructive and tangible collaboration between secondary schools and their neighbouring primary schools may prove possible.

## 4.13 Information Technology

4.13.1 In this rapidly changing world of Information Communication Technology (ICT) it is paramount that we provide the opportunities and the resources for pupils and staff within Ceredigion to embrace its full potential. It will be necessary to ensure that all resources are updated to meet the demands of the 21<sup>st</sup> century and that staff are given opportunities to develop their own professional development. This, in-turn, will have a great impact upon the teaching and learning which will take place within education throughout Ceredigion. ICT will be utilised to enhance all subjects of the National Curriculum in Wales. It should motivate, support and challenge pupils and it can have a great impact upon their teaching and learning.

4.13.2 It will be necessary to provide opportunities for pupils, parents and schools to embrace ICT as a means of communication amongst each other and for parents, pupils and teachers to have access to learning resources and materials from any location. Schools and teachers will also be encouraged to use ICT as a means of sharing good practice and lesson resources.

4.13.3 To achieve these goals IT management, support and infrastructure will be enhanced, to ensure IT equipment can be fully maintained and supported, that data is stored and secured correctly and that printing facilities are networked.

## 5: Possible Patterns

5.0 In the context of our vision for the future of education in Ceredigion and the current challenges faced by schools, we propose, below, possible patterns for educational provision which will support our pupils and meet the needs of all learners in the 21<sup>st</sup> century.

5.1 The School Review Policy adopted by the Authority in July 2006 and ammended in January 2009, included a number of options for the future development of schools. These options, and the language used to describe them, are open to various interpretations. For clarity, this section provides definitions of the various organisational models which are being considered by the authority. These have been clearly described by Estyn in its report 'Small Schools in Wales' 2006, and the authority is broadly in agreement with the definitions provided.

5.2 At the present time, the schools in the county can be grouped into these categories:

- Schools in formal clusters
- Schools in informal federations – shared headship
- One Area School – Ysgol y Dderi

5.3 The more detailed definitions are as follows:

- Schools in formal clusters – collaboration / cooperation

The majority of the county's schools are organised in formal clusters and headteachers and staff work together at a local level on a range of planning and curricular issues. e.g. sharing of INSET days and developing joint policies and schemes of work. It also provides access to wider professional development opportunities and mutual support to reduce workload. Some clusters have developed partnership working further by introducing arrangements for sharing teachers in specialist areas, administrative support and resources.

Headteachers also attend the termly meetings of the area 'family of schools' based on secondary school catchment areas, where various strategies e.g. primary to secondary transition arrangements, assessment, professional development are discussed and developed. Headteachers also attend termly county conferences to discuss county and national curricular and organisational issues.

- Schools in informal federations – shared headship

In this type of arrangement a larger neighbouring school takes responsibility for the leadership and management in the small school. This arrangement is introduced following the vacancy of the headship of the small school. This type of arrangement has been introduced over the past 4 years and at present (April 2008) there are six shared headships in the county –

- Cwrtnewydd / Capel Dewi;
- Penparc / Llechryd
- Pennant / Cilcennin
- Talgarreg / Caerwedros
- Penllwyn / Sir John Rhys / Capel Seion
- Rhydlewis / Glynarthen

At present, to meet statutory legislation, each school has to have a governing body and headteacher. In November 2008, the Welsh Assembly Government, published a consultation document on the future organisation of federations. If the recommendations are accepted, it will allow informal federations to have one Governing Body for the group, without having to follow the statutory process as in a formal federation. The Governing Body of the school with the vacant headship can decide to either have its own headteacher or headteacher in charge from a neighbouring school. This decision is taken, in consultations with the authority, after due consideration of pupil numbers and future plans for the school. The post of headteacher at the second school is taken by an Assistant Headteacher. This arrangement leads to an increased workload for

the Headteacher in charge working with two governing bodies, and unless clearly defined could provide difficulties with accountability and decision-making responsibilities in areas of personnel management and budget setting. Schools, which have entered into this arrangement, have been provided with the county's agreed job description document, which clearly defines the roles and responsibilities of the Headteacher in Charge and also the Assistant Headteacher at the second school.

- Area School – Ysgol y Dderi.

Ysgol y Dderi, Llanybi is an area community school. It was opened as an area school in 1976 following the closure of the schools at Cellan, Llanfair Clydogau, Betws Bledrws, Silian and Llanybi. Pupils from Gartheli School, which closed in 1984, also attend Ysgol y Dderi.

5.4 A number of possible options are being suggested for future arrangements of school organisation:

- Collaboratives (Non-Statutory)
- Informal or Soft Federation (Non-Statutory)
- Soft Governance Federation (Statutory)
- Formal or Hard Federations (Statutory)
- Area schools (Statutory)

The different types of federations with possible organisational models are as follows. The following information is taken from the Education Act 2002, section 24, and also the School Governance (Federations) Regulations, on the assumption that the orders for school federations from Welsh Assembly Government will be of a similar nature.

5.5 Collaboratives (Non-Statutory)

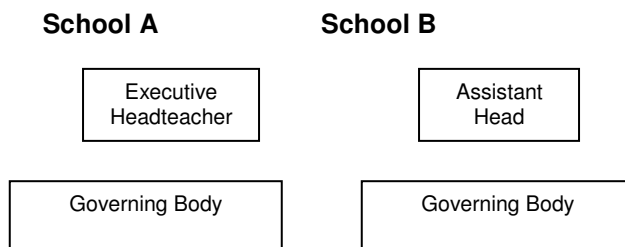
Collaboratives are many and varied and schools often find these easy to operate within, as there are no fixed legal arrangements or structures, therefore allowing for easy networking and sharing. Schools retain their present structures and organisation but collaborate in clusters to develop specific activities as required.

5.6 Informal or Soft Federation (Non-Statutory)

These schools have made a formalized commitment to work together, for example by creating overarching or joint committees on any aspect of teaching and learning or leadership, but each member school retains a degree of autonomy. Some have delegated responsibilities from individual governing bodies to joint committees but they must follow the guidance in the School Governance (Collaboration) Regulations. Under the Regulations, two or more governing bodies may arrange for any of their functions to be discharged jointly; and they may delegate any of their functions (subject to certain restrictions on delegation) to a joint committee.

- Executive Headteacher / Assistant Head and separate governing bodies

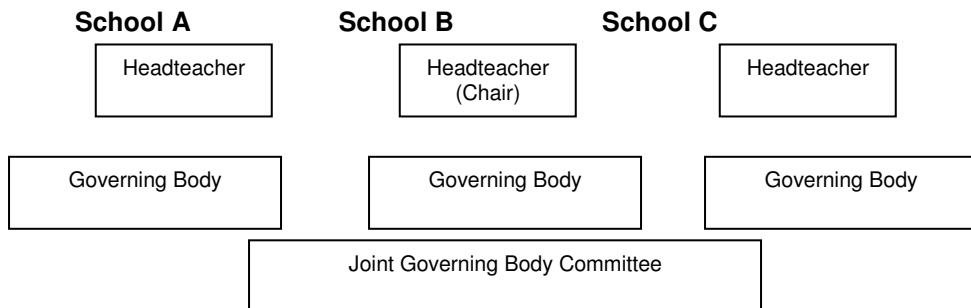
The informal federations (two schools with a shared headship and separate governing bodies) which have been established within the county should be considered as short term organisational models, leading eventually to more formal federations.



In the case of a larger sized school being part of the federation, a deputy head may also be part of the Senior Management Team.

- Separate headteachers (Co-Heads) and separate governing bodies

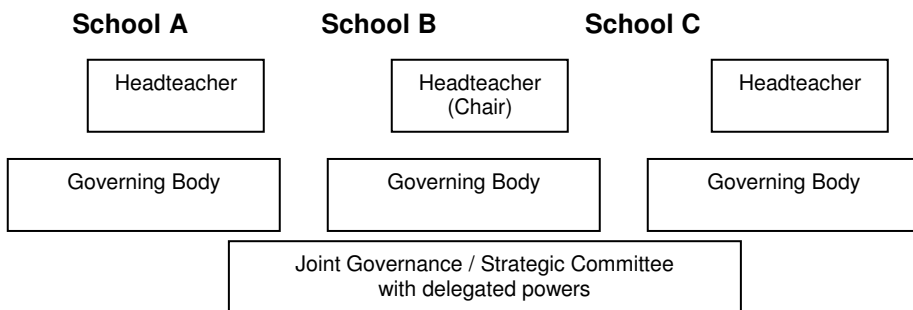
This model - separate headteachers (Co-Heads) and separate Governing Bodies should also be considered an interim step towards the establishment of either a formal federation or an Area School.



### 5.7 Soft Governance Federation (Statutory)

Soft governance federations are established using Collaboration Regulations, made under Section 26 Education Act 2002. Each school has its own governing body, but the federation has a **joint governance / strategic committee with delegated power**.

All schools share common goals and the joint committee can make joint decisions in some areas, but not all. There is no common budget, but if JSC has budgetary powers delegated to it, they can make prompt budgetary decisions for the group of schools.

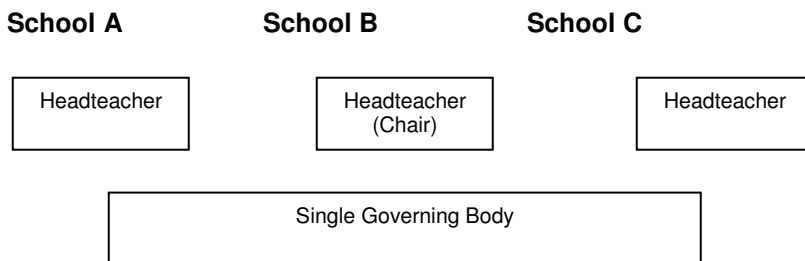


### 5.8 Formal or Hard Federations (Statutory)

These are single legal entities, with a single governing body across all schools in the federation. This is in accordance with the Education Act 2002, section 24, and also the School Governance (Federations) Regulations. They allow all categories of maintained schools to federate under one governing body, subject to the procedures stated in the Regulations.

#### a. **Separate headteachers (Co-Heads) and a single governing body**

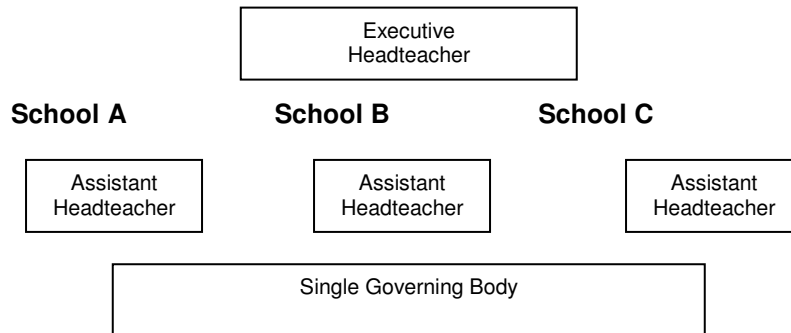
The provisions in section 24 and 25 of the Education Act 2002 allows for a formal federation with a single governing body with the schools remaining as separate legal entities with their own head teacher.





## b. Executive headteacher and a single governing body

In establishing this type of federation, two or more schools are 'closed' to create a single 'split – site' school with one head teacher and one governing body. The governing body can continue to operate each school as separate units to include the Foundation Stage and Key Stage 2 in each unit, or it can organize schools so that the pupils are grouped by age - Foundation Stage in one school and Key Stage 2 in the other school. This type of grouping offers clear advantages with regard to planning and curriculum development but these could possibly be offset by increased costs and travel. Where Foundation Phase and Key stage 2 are on different sites, care is needed in ensuring continuity between the key phases.



5.9 Federations are able to provide schools with many new and exciting opportunities to enable them to respond to the challenges of the 21st Century. It enables schools to explore new leadership and management models and develop new structures, roles and responsibilities

It also provides an effective and efficient way of delivering services for children, families and the community including: childcare, recreational activities, health and social care; and adult education.

As federations are established across the Authority, members of staff and governors will be offered training courses, regarding the organisation and development of federations in the future.

5.10 The following lists some of the opportunities and also the challenges that may be faced in developing successful collaboration between schools.

### OPPORTUNITIES

#### For Pupils

- Sharing of staff expertise will be reflected in improved planning and preparation of schemes of work, quality of provision and monitoring of subjects
- Greater opportunities for learning with pupils of the same age from other schools
- Improved opportunities for participating in social, cultural and sporting activities with pupils from other schools
- Increased opportunities to access links with the wider community e.g. International Dimension – (Wide Minds –WiMi)

#### Staff

- Enhanced performance management provision
- Improved professional development and increased opportunity for leadership for teachers
- Improved teacher morale
- More consultation, shared decision making and teamwork
- Sharing of experience and expertise
- Models of good practice to improve teaching and learning and inclusion

#### For the heads

- Improved work-life balance
- Less sense of isolation – increased support and joint decision making
- Less stress
- Enhanced professional stimulation and enjoyment
- Saving on planning and administrative time

**For the school:**

- A structured way for schools to collaborate, learn from each other and share best practice
- Cost effectiveness – economies of scale
- A basis for further partnerships, including cross-phase and with other providers (e.g. 14-19, community services etc).
- A greater base of expertise and knowledge to draw upon for school development
- More adaptable responses to the multiple demands, complexity and ambiguity of the role
- Different perspectives on difficult issues promote better decision-making
- More creative and collaborative leadership
- More completed projects
- Immediate head teacher cover in case of illness or absence
- Recruitment and retention – retaining experienced head teachers whilst attracting more new head teachers
- Developing individuals whilst sustaining continuity of leadership

**CHALLENGES**

- To have effective and clear communication
- To ensure a clear understanding of roles, responsibilities and accountability
- To establish a positive, professional working relationship between heads
- To have clear and effective communication between stakeholders in setting up the new arrangement.
- To secure the support and commitment of all stakeholders

5.11 Schools in Ceredigion which have worked collaboratively in clusters will be further along the Federation Continuum than schools which have no experience of joint working.

5.12 Small schools of the future will need to collaborate so that they:

- maintain the ‘family’ ethos that characterises small schools, whilst achieving greater efficiencies through cross-site management and administration;
- .share expertise and resources and improve opportunities for specialist teaching;
- .provide a wider range of learning opportunities and extra-curricular activities; and secure wider social benefits for pupils from isolated rural areas.

5.13 In 2005 the DfES Innovation Unit brought together a group of experienced federation heads to write a guide for those who might want to federate. In this, the authors identified what they considered to be the conditions for a successful federation partnership:

- A sense of **shared identity** between the schools. Geographical proximity and having common aims on curricular and non-curricular activities are extremely beneficial.
- A **common purpose**. Schools need a shared sense of what needs to be done and how, with a joint vision for improving attainment and achievement levels.
- **Leadership**. Partnership working requires strong leadership and federations will benefit from developing and sustaining leadership at all levels.
- A strong **management structure**. Schools must understand and co-operate with this for effective partnerships to grow.
- **Trust**. Trust is fundamental to effective collaboration and should be fostered at every level of management. There has to be a real sense of openness and a willingness to operate in a joined-up way amongst governors, heads and all other staff.

- **A system of review.** Good monitoring / evaluation systems are needed to show what anticipated benefits of federation are achieved.
- **Commitment.** Both time and resources are needed to ensure that the federation is effective and sustainable.
- **Communication.** Excellent communication mechanisms are required when introducing change, particularly where lots of schools are involved. Federations may develop intranets and various other e-forums.
- **Sustainability.** There must be a clear sustainability strategy in place to enable a collaboration to cope with changes. For example: if the leadership of one of the schools changes; if additional schools wish to join in; if existing schools wish to leave.
- If committing to contracts or expenditure for any length of time, **financial sustainability** is vital.

#### 5.14 Area schools

To establish an area school, two or more schools may be closed and replaced by a new larger school. The new area school may be located either on one of the old school sites or in a new central location

## **6: Specific principles and policy recommendations**

### **Principles**

6.1 The document seeks to present a strategy for the development of education provision based on the following principles:-

#### **i.Integrated Learning Communities**

- to develop Integrated Learning Communities as a focus for providing co-ordinated lifelong learning opportunities through out Ceredigion

#### **ii.Standards.**

- to ensure the continued improvement of high standards of service in order to support equally high achievements for the learner

#### **iii.Resources.**

- to provide resources which are effectively and efficiently deployed at a time of financial constraints and falling pupil rolls

#### **iv.Funding.**

- to review the funding approaches for schools

#### **v.Facilities.**

- to provide facilities of quality to meet both the demands of learning, economic and social initiatives and needs of communities for the 21<sup>st</sup> Century

#### **vi.Structures.**

- to establish structures for collaborative working across respective agencies, providers for school in order to maximise the efficient deployment of resources and effective utilisation of expertise.

#### **vii.Staff professional development**

- to ensure opportunities for the continuous professional development of staff by establishing structures which will also afford the development of leadership and management at all levels thus protecting the work-life balance of all employees

#### **viii.Buildings.**

- to establish a programme of capital investment which will ensure that school based accommodation and facilities are fit for purpose

#### **ix.Strategy.**

- to gain the commitment of all stakeholders to adopt and implement the strategy.

### **Policies**

6.2 Emanating from the principles, the analyses, the proposed structures and overall strategy are the confirmation and, where necessary, the formulation of policies:-

- to develop integrated learning communities
- to review the funding models of schools
- to reduce surplus places by reorganising school structures on the basis of units, either singularly or collaboratively, with a minimum admission number of half a class size
- to develop a position over time where no class shall contain more than 30 pupils and incorporate more than two age groups

- to provide schools, where necessary on a federated basis, of a minimum of 100 pupils thereby ensure management by a single governing body, leadership by one headteacher and supported by an appropriate teaching and non-teaching staffing structure which would afford a range of complementary expertise and professional development opportunities
- to pursue as necessary the statutory procedures for school reorganisation which include school closure, amalgamations and federations
- to maximise commitment to capital investment by a range of funding approaches including the authority's capital programme, borrowing regimes applicable at the time, external sources such as grants available from the Government in order to plan and resource effectively a strategy for ensuring that accommodation and facilities are fit for purpose
- to establish a corporate structure and encourage partnership relationships with external agencies to promote strategies and programmes benefiting the whole learner
- to review and implement the strategy for bi-lingual education
- to promote early years learning and the implementation of the foundation phase with providers at appropriate locations in order to maximise the provision for participants
- to effect a coherent and cohesive transition from one phase to another
- to encourage effective collaboration between secondary school with feeder primary schools
- to ensure effective collaboration between secondary schools and other education sectors to provide alternative pathways for learners 14 – 19.
- to continue to undertake regular reviews of schools and amend as deemed necessary the trigger criteria for review.
- to implement the authority's transport policy in accordance with statutory requirements in circumstances of school closure.

## 7: Development process

The process for implementing the development strategy will be as follows

### Draft

- Cabinet adoption / approval of consultative document ( May/June 2008)
- Scrutiny Committee (June / July 2008)
- Council approval adoption / approval of consultative document (June / July 2008)

### Consultation

- Children and Young People's Partnership
- Public consultation ( September – December 2008)
  - (i) Publication of draft strategy
  - (ii) Promotion of publication
  - (iii) Public meetings based on Secondary School areas (begin September 2008)
  - (iv) Formal invitation for responses from Governing Bodies, School staff, Community Councils, Staff Associations, Voluntary and Statutory providers, WAG and other relevant bodies
  - (v) Responses by 15<sup>th</sup> December 2008

### Final approval/. Adoption

- Cabinet approval / adoption ( January 2009)
- Council approval/ adoption (February 2009)

### Implementation Phase.

The document – 'Possible future options - discussion document' remains a discussion document , which will be used as a basis for discussions with Governing Bodies and other interested parties . Discussions in some areas are at an advanced stage whilst others areas have yet to begin the process. It should be stressed that these discussions need to be held over a suitable period of time so that all the issues can be fully considered before decisions are made.

### Statutory process

#### ***Federations***

Embodied in the Education Act 2002 and Regulations awaited

#### ***School closures/change in the nature of the school***

Where school closures or changes in the nature of the school are anticipated in relation to amalgamations and establishment of new schools such as the provision of area schools the following processes, which can take at least a year, will be instituted:-

- Proposal to proceed in accordance with the Developing Education in Ceredigion Plan agreed by Cabinet and Council i.e. schools will be reviewed in line with the 'School Review Policy' on an annual basis when they meet the criteria identified within the policy
- Consultation with Governors, Staff, Parents and Community.
- Invite the written observations of Governors, staff and parents together with neighbouring schools likely to be affected by the proposals
- Report to and confirmation / approval by Cabinet
- Publication of statutory notices - invitation for written objection [*2 months*]
- If **no** objections received Cabinet to confirm action and Council notified, or if **there are** objections the proposal is to be presented to the Minister for Lifelong Learning at the Wales Assembly Government for decision. [*two terms prior to proposed closure: one for deliberation + one term's notice to parents*]

## 8: The way forward

### Developing the provision of Education Provision in Ceredigion : conclusion and summary

8.1. In order to address these challenges the restructuring of education provision must be a prime focus for the Children and Young People's Plan (2008 – 2011) Developments must be viewed within the context of the Council's Community Strategy "Ceredigion 2020".

8.2. Consequently the short, medium and long term goals to achieve restructuring are outlined below

#### **Long term: (2015-2020)**

- The concept of Integrated Learning Communities realised in all six areas – Cardigan, Llandysul, Tregaron, Aberaeron, Lampeter and Aberystwyth.
  - schools work in collaboration either in clusters or as an area group
  - there is multi agency provision of services, including child care facilities
  - there is a range of life long learning activities and opportunities for people in the community.
- Multi-agency working providing activities and services to meet the needs of the pupils, their families and the community at school, cluster and area level. (Core Aims 1 – 7)
- All schools in the County - area schools, federations and clusters of schools - functioning as Community Focused Schools

#### **Medium term: (2011-2015)**

- Continue to implement agreed plans and pursue as necessary the statutory procedures for school reorganisation which include the establishment of federations, area schools and clusters:
  - area schools provided where appropriate and practical
  - federations established with primary schools grouped under the same management team and governing body
  - primary and secondary families of schools established in order to plan and present education as a seamless progression
- Continue to implement the school Review Policy when schools meet the points for action.
- Continue to develop all schools in the County - area schools, federations and clusters of schools - as Community Focused Schools
- Secondary school resources for 14-19 improved
- Each school has a staffing structure in place.

#### **Short term: (2008-2011)**

- Develop strategy documents for developing and restructuring the education provision in Ceredigion (Primary and Secondary)
- Proposal agreed by Cabinet and Council
- Consultation with Governors, Staff, Pupils, Parents and Community
  - suggestions for school structures in each area presented and discussed
- Implement agreed plans and pursue as necessary the statutory procedures for school reorganisation which include the establishment of federations, area schools and clusters:
- Continue to implement the school Review Policy when schools meet the points for action.
- Implement the Authority's new Language Strategy for schools.

- Federal schools or schools that merge, as well as any new primary or secondary schools that will be established in the future will be defined, in accordance with Welsh Assembly Government Documentation 2007, as 'Welsh Medium' schools, which are schools that provide 100% Welsh medium education at Foundation Phase and at least 70% Welsh medium education at Key Stage 2.  
( see 'Ceredigion Language Strategy Document')
- Provide schools with guidance and support to develop as community focused schools, so that they and their communities work together to:
  - develop local quality services responsive to local need
  - become increasingly involved in the decision making process on the provision of those services and the life of neighbourhoods
  - to work together to deliver the outcomes for the locality  
(See COMMUNITY FOCUSED SCHOOLS Development Strategy)
- Plans for remodelling school staff are in place
- A school places strategy provided which includes the Foundation Phase and the 14-19 provision.
- To establish a corporate structure and encourage partnership relationships with external agencies to promote strategies and programmes benefiting the whole learner

#### *Financial Requirements*

8.3 A programme to provide appropriate and adequate facilities might be conservatively estimated to cost in the region of £11m for repair and maintenance and a further £30m for major capital projects.

8.4 In addition any restructuring of the organisation of service provision will have an impact on the modelling of the workforce, an element which is difficult to quantify until strategies and proposals are planned and costed.



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## Cyngor Sir CEREDIGION County Council

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>2 May 2023</b>
<b>LOCATION:</b>	<b>Hybrid</b>
<b>TITLE:</b>	<b>Feedback from the Learning Communities Overview and Scrutiny Committee on sustainable infrastructure principles for education</b>
<b>PURPOSE OF REPORT:</b>	<b>To provide feedback from the Learning Communities Overview and Scrutiny Committee held on 30 March 2023</b>

### **BACKGROUND:**

The Learning Communities Overview and Scrutiny Committee considered the sustainable infrastructure principles for education report at its meeting on 30<sup>th</sup> March 2023.

In November 2018, the Welsh Government updated its statutory code in terms of school organisation and introduced a presumption against closure clause for rural schools. The definition of a rural school has been determined by the Welsh Government using the rural and urban categories of the Office for National Statistics, and as a result, 28 schools in Ceredigion have been defined as rural schools.

The Committee were informed that it is timely to present a document that outlines the principles of the service for the future.

Currently, the statutory code requires Local Authorities to follow a series of more detailed procedures and requirements when drawing up a proposal to close a visible school, when consulting on that proposal, and when deciding whether the proposal to close a rural school should be implemented.

Before deciding whether to proceed with a consultation, a proposal paper must be prepared and submitted to the Learning Communities Work Stream. Following the meeting of the Scrutiny Work Stream, the proposal paper is submitted to the Cabinet to consider whether to:

- a) Approve the proposal and proceed to conduct a statutory consultation
- b) Reject the proposal
- c) Offer an alternative option

The proposal paper would then be presented to the Learning Communities Scrutiny Committee before holding a Statutory Consultation.

Any decision will be based on the Principles in Appendix A together with the requirements of the School Organisation Code (<https://www.gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf> )

Following questions from the floor, it was AGREED to:

- i. recommend that the Cabinet approve the Sustainable infrastructure Principles Document for education; and
- ii. confirm the membership of the cross-party work stream which would discuss any proposal papers brought forward in accordance with the School Organisation Handbook.

The workstream will be the already established workstream 'Ensure an effective and efficient infrastructure to meet our priorities' that comprises of the following members:

- Councillor Endaf Edwards
- Councillor Chris James
- Councillor Meirion Davies
- Councillor Eryl Evans
- Councillor Gareth Lloyd

**Councillor Endaf Edwards**  
***Chairman of the Learning Communities Overview and Scrutiny Committee***