

**Matter which the Chairman has decided is urgent by reason of the need to make a determination by 25<sup>th</sup> March, 2019 in line with the requirements of Section 53 of the School Standards and Organisation (Wales) Act 2013 and relevant provisions of the School Organisation Code 2013.**

Agenda Item No. 17

THE VALE OF GLAMORGAN COUNCIL

CABINET: 18<sup>TH</sup> MARCH 2019

REFERENCE FROM LEARNING AND CULTURE SCRUTINY COMMITTEE:  
12<sup>TH</sup> MARCH, 2019

“ PROPOSED RECONFIGURATION OF PRIMARY PROVISION IN THE WESTERN VALE (REF) –

Cabinet had on 4<sup>th</sup> March, 2019, been advised of the outcome of the statutory notice to reconfigure primary provision in the Western Vale and the process to be followed to allow a determination to be made and had referred the report to the Scrutiny Committee for its consideration.

The Head of Service for Strategy, Community Learning and Resources, in presenting the report to the Committee made specific reference to the proposal advising that in determining any proposal the School Organisational Code 2013 states decision makers:

- Must consider whether there are any other related proposals;
- Must ensure that the statutory consultation has been conducted in accordance with the Code <http://wales.gov.uk/topics/educationandskills/publications/guidance/school-organisation-code/?lang=en>
- Must ensure that the proposal has been published in accordance with the Code;
- 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 response to the notice supporting the proposals.

The School Organisation Code clearly also stated that "where a local authority's proposals have received objections, and require determination under section 53 of the 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 light of the factors set out in section 1.3 - 1.6 of this code". The factors being as follows:

- Quality and standards in education.

- Need for places and the impact and accessibility of schools.
- Resourcing of education and other financial implications.

The Head of Service advised that 102 objections had been received by the closing date of 3<sup>rd</sup> December 2018, and the objections had been outlined across 26 themes in the objection report which had been attached as an Appendix to the report.

Following the completion of the period of statutory notice, a decision was then required on whether to implement the proposal to reconfigure primary provision in the Western Vale.

The Head of Service also drew Members attention to paragraph 4.32 on the findings of the Equality Impact Assessment in which the section referred to the positive impact in relation to age, disability and gender reassignment and the neutral impact on marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation and the Welsh language.

Paragraph 4.33 referred to the fact that a key driver to all school reorganisation proposals was to improve educational outcomes for children and young people in all phases and help to narrow the inequalities in achievement between advantaged and disadvantaged groups and individuals. The specific perspectives to be taken into account in the proposals to add or remove nursery classes were referred to in paragraphs 4.35 and 4.36, and having regard to objections received, in accordance with the Act 2013, Cabinet had been required to give full consideration to such objections.

Following careful planning and considered management, the report stated that there was no reason why the implementation of the proposal would not be able to at the very least maintain the current level of provision, however it was also anticipated that the proposal would significantly enhance the learning environments for pupils, and therefore contribute to raising standards.

The Chairman, in seeking reassurance from Committee Members that they had all read the report, having been advised that they had requested the Head of Service to take the Committee through the five themes that had been referred to as issues out of the 102 responses received which had not been raised previously. In noting that they had however been addressed in the objection report as follows:

- Issue 7 – Previous concerns not responded to satisfactorily/ ignored
- Issue 8 – travel distances incorrect
- Issue 9 – Reimburse parents that funded school hall
- Issue 11 – Abracadabra play group was not included in the consultation process
- Issue 25 – Change in the intervention rate for Band B funding.

The Head of Service commenced by advising that having regard to Issue 7, the proposals had been discussed and considered by Cabinet and the Scrutiny Committee three times and extensive consultation had also taken place with staff, pupils and members of the community. The necessary documents having also

included a comprehensive Community Impact Assessment and the views expressed by Estyn with regard to the proposal.

With regard to Issue 8 – travel distances being incorrect, the Head of Service advised that the distances for the suggested routes to the transferred site in Rhoose are approximate measurements and any final routes and transport arrangements would be confirmed the term before these arrangements would take place.

Referring to Issue 9 – reimburse parents that funded the school hall, it was noted that the issue had been raised with officers and investigated a number of months previously. The school was awarded a WG grant under the class size reduction scheme some 18 years ago and wanted to use the funding to build a school hall. Additional support was provided by some parents and the wider community. Following a review of the claims it was determined that no records existed at the school nor did the Council have any records of signed agreements regarding funding or loans. The Head of Service indicated that there was no evidence that any outstanding funds due to be reimbursed to parents, and that any funds which may have been previously donated or invested into the school had been to the benefit of the pupils. There were also no no statutes of limitations in place in regard to repayment of any funding following a school reorganisation.

In referring to issue 11 and the reference to the Abracadabra play group not having been included in the consultation process, it was noted a representation had been received in time for the meeting and which had been circulated prior to the meeting to Committee Members and tabled at the meeting. The play group had not been identified as a specific consultee as part of the consultation process due to the fact that it had not had a direct link to the school. The playgroup was located within a separate catchment area and use of this playgroup by local residents was an expression of parental preference. All prescribed consultees, including the Early Years Development and Childcare Partnership (EYDCP) had been consulted on the proposal of which Abracadabra was a member of the partnership as a registered provider.

Issue 25 – Change in the intervention rate for Band B funding, the Head of Service stated that since the beginning of the consultation process Welsh Government had changed the intervention rate for schemes within Band B of the 21<sup>st</sup> Century Schools programme. This change in intervention however did not alter the overall funding envelope for scheme, and as such there was no need to reassess all individual schemes forming part of the programme.

Having regard to the written representation that had been received for the Committees consideration in relation to the playgroup, the Chairman sought assurance from the Committee that this should also be forwarded to Cabinet for their consideration, which was subsequently agreed.

Following consideration of the report, in conclusion, the Chairman stated that the proposals had also been given a very comprehensive airing at recent meetings of the Scrutiny Committee, however noted with disappointment that the Cabinet had not taken the opportunity to further engage with the community. The Chairman stated that she however, accepted that it was a Cabinet decision and having noted that the

Cabinet had taken account of the Committee's concerns, recognised that due process had been undertaken. It was subsequently

RECOMMENDED – T H A T the report detailing the implementation of the proposal to reconfigure primary provision in the Western Vale and the written representation received by the Committee be forwarded to Cabinet for their final determination.

Reason for recommendation

Having regard to the written representations received, the detail provided in the report and the explanations provided by the Head of Service at the meeting”

Attached as Appendix:

- Written Representation to Learning and Culture Scrutiny Committee - 12<sup>th</sup> March, 2019

**LEARNING & CULTURE SCRUTINY COMMITTEE: Tuesday 12<sup>th</sup> March, 2019.**

**WRITTEN REPRESENTATION**

**AGENDA ITEM 5**

**From:** [REDACTED]  
**Sent:** 11 March 2019 11:54  
**To:** Democratic <[Democratic@valeofglamorgan.gov.uk](mailto:Democratic@valeofglamorgan.gov.uk)>  
**Cc:** Burnett, Lis (Cllr) <[LBurnett@valeofglamorgan.gov.uk](mailto:LBurnett@valeofglamorgan.gov.uk)>  
**Subject:** Representation made to the Learning and Culture Scrutiny Committee Meeting 12.03.2019

Dear Sir/Madam,

in accordance with Section 14 of the Council's published guidance, 'Scrutiny, Public Participation Guide, 2016', I would ask for my written submission to receive due consideration at the meeting of the Learning and Culture Scrutiny Committee to be held tomorrow (12/03/2019), Agenda Item 5, Proposed Reconfiguration of Primary Provision in Western Vale.

As you will see below, I have already made these comments available to my local Councillors and members of the Cabinet but I should like to present them again as part of the Scrutiny process since I believe that the Council has failed to act in accordance with The School Organisation Code, July 2013.

I would be grateful if you could acknowledge receipt of my email.

Kind regards,

[REDACTED]

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Mar 4, 2019 at 2:09 PM  
**Subject:** Proposed Reconfiguration of Western Vale Primary Provision/Objection Report  
**To:** Bird, Jonathan (Cllr) <[jbird@valeofglamorgan.gov.uk](mailto:jbird@valeofglamorgan.gov.uk)>, Penrose, Bob (Cllr) <[BPenrose@valeofglamorgan.gov.uk](mailto:BPenrose@valeofglamorgan.gov.uk)>, <[leader@valeofglamorgan.gov.uk](mailto:leader@valeofglamorgan.gov.uk)>, <[aparker@valeofglamorgan.gov.uk](mailto:aparker@valeofglamorgan.gov.uk)>, <[gckemp@valeofglamorgan.gov.uk](mailto:gckemp@valeofglamorgan.gov.uk)>, <[hjarvie@valeofglamorgan.gov.uk](mailto:hjarvie@valeofglamorgan.gov.uk)>, <[gacox@valeofglamorgan.gov.uk](mailto:gacox@valeofglamorgan.gov.uk)>, <[artdavies@valeofglamorgan.gov.uk](mailto:artdavies@valeofglamorgan.gov.uk)>

Dear Councillors,

The School Organisation Code, July 2013 stipulates that consultation reports, or email links to the reports, **must** be provided to specified persons/groups etc

In the case of proposals affecting nursery provision, any independent providers who may be affected; and 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;

During the objection period I highlighted the relationship that Abracadabra Playgroup has with the Llancarfan Primary School catchment area with a number of children over the years attending the playgroup before transferring to the school. Since the playgroup may be affected by the proposal to extend the age range of children at the school to include a nursery, it should have been consulted, but this has not occurred.

I would therefore like to bring to your attention Objection Theme 11 ahead of today's Cabinet meeting to discuss the Objection Report :-

'Respondents indicated concern that Abracadabra playgroup wasn't included in the consultation process, and that the proposal would have a direct impact on its provision, and therefore the playgroup should have been consulted. Council's response to the concerns raised: Abracadabra is located north east of Cowbridge, approximately 5.4 miles from Llancarfan and lies within the catchment area of Y Bont Faen Primary School in Cowbridge. The playgroup provides high quality childcare and education for under fives in Welsh St Donats. The playgroup is not within the catchment area for Llancarfan, and therefore does not identify it as being linked to the Llancarfan area. There are other playgroups that are in closer proximity to Llancarfan. No children living in the Llancarfan area attended the playgroup during the academic year 2017/18. The Early Years Development and Childcare Partnership (EYDCP) were consulted on the proposal of which Abracadabra is a member of the partnership as a registered provider. The playgroup were therefore not excluded from consultation and there was no reason why they couldn't have provided an opinion on the proposal. An independent nursery provider was consulted in Rhoose, who is not part of the EYDCP, as additional provision in the Rhoose area could potentially affect playgroup numbers in future as a result of parental preference, no other playgroups were considered to be directly affected by the proposal.'

██ since my own child attended in 2012, 27 children have fed into Llancarfan Primary School. For the Council to draw on one single year to provide evidence that there are no links between the Llancarfan PS catchment and the playgroup is disingenuous. Furthermore, ████████████████████, one child from Llancarfan PS catchment area did attend the playgroup with their place being funded by the Council.

The information provided in the Objection Report is potentially incorrect and I would urge this to be scrutinized further.

I would also suggest that it is not appropriate to rely on data from a single year (and not even the current year) to demonstrate that there was no need to consult with Abracadabra Playgroup. This is not robust.

When the Council prepared its consultation report for instance, they examined the number of children in attendance at the school for a number or preceding years to establish what the general pattern was. I believe that figures from 2014/15 onwards were presented.

In the response to Objection Theme 11 – it is also advised that whilst the Playgroup itself had not been consulted, the EYDCP had been, and as a member of the partnership, Abracadabra could have responded through them.

Again I would highlight the specific requirement of the School Organisation Code, 2013 to consult with both.

I look forward to receiving your view on the points I raise.

Regards,

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