



**Background Pack**

**Statutory Consultation**

**Ysgol Abersoch**

**12 January – 23 February 2021**

<b>Order</b>	<b>Document</b>
1	School Organisation Code 011/2018
2	School Standards and Organisation (Wales) Act 2013
3	Excellent Primary Education for Children in Gwynedd
4	Statistics Pack 2020-21
5	Language Impact Assessment Report
6	Community Impact Assessment Report
7	Equality Assessment Report
8	Report on the assessment of the likely impact on different travelling arrangements
9	Report on the assessment of the likely impact on the Quality and Standards in Education
10	Well-being Assessment Report
11	Local Meetings
12	Cabinet Report and Decision Notice 17 September 2019
13	Cabinet Report and Decision Notice 15 September 2020
14	Education and Economy Scrutiny Committee Report and Decision Notice 8 October 2020
15	Cabinet Report and Decision Notice 3 November 2020

# 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

Cathays Park

Cardiff

CF10 3NQ

Tel: 0300 025 1356/0300 025 7710

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



@WG\_Education



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## 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.

Column 1	Column 2
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: [Schoollmanagementdivision3@gov.wales](mailto:Schoollmanagementdivision3@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) careers 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 Hedd Wyn	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
6622012	Ysgol Betws y Coed	Conwy
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
6623021	Ysgol Llangelynnin	Conwy
6623032	Ysgol Ysbyty Ifan	Conwy
6623039	Ysgol Llanddoged	Conwy
6623340	Ysgol y Plas	Conwy
6632070	Ysgol Bodfari	Denbighshire
6632124	Ysgol Cefn Meiriadog	Denbighshire
6632164	Ysgol Gellifor	Denbighshire
6632168	Ysgol Pentrecelyn	Denbighshire
6632214	Ysgol Betws Gwerful Goch	Denbighshire
6632216	Ysgol Caer Drewyn	Denbighshire
6632267	Ysgol Bro Dyfrdwy	Denbighshire
6633044	Ysgol Llanbedr	Denbighshire
6633045	Ysgol Llanfair Dyffryn Clwyd	Denbighshire
6633057	Ysgol Pant Pastynog	Denbighshire
6642050	Rhos Helyg C.P. School	Flintshire
6642064	Ysgol y Foel	Flintshire
6642065	Brynford C.P. School	Flintshire
6652140	Llanarmon D.C. School	Wrexham
6653042	Eyton V.C. School	Wrexham
6653054	Borderbrook V.C. School	Wrexham
6653326	St Chad's V.A. School	Wrexham
6653347	St Paul's V.A. School	Wrexham
6662002	Abermule C.P. School	Powys
6662003	Arddleen C.P. School	Powys
6662004	Ysgol Gynradd Gymunedol Dyffryn Banw	Powys

6662005	Berriew C.P. School	Powys
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
6662021	Ysgol Gynradd Llanfair Caereinion	Powys
6662033	Meifod C.P. School	Powys
6662041	Ysgol Pontrobert	Powys
6662044	Ysgol Dyffryn Trannon	Powys
6662049	Guilsfield C.P. School	Powys
6662051	Buttington Trewern C.P. School	Powys
6662053	Brynhafren C.P. School	Powys
6662054	Churchstoke C.P. School	Powys
6662057	Ysgol Gynradd Llanfyllin	Powys
6662058	Ysgol Gynradd Glantwymyn	Powys
6662059	Ysgol Pennant	Powys
6662066	Franksbridge C.P. School	Powys
6662068	Llanbister C.P. School	Powys
6662071	Llanfihangel Rhydithon C.P. School	Powys
6662076	Radnor Valley C.P. School	Powys
6662077	Crossgates C.P. School	Powys
6662084	Ysgol Dolafon	Powys
6662092	Sennybridge C.P. School	Powys
6662115	Cradoc C.P. School	Powys
6662122	Irfon Valley C.P. School	Powys
6662129	Ysgol Rhiw-Bechan	Powys
6662146	Llanrhaeadr ym Mochnant C.P. School	Powys
6663000	Llanfechain School	Powys
6663002	Montgomery School	Powys
6663016	Forden School	Powys
6663021	Llandysilio School	Powys
6663022	Castle Caereinion School	Powys
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
6663301	St. Michael's School	Powys
6663303	Llansantffraid School	Powys
6663316	Llanbedr School	Powys
6663317	Archdeacon Griffiths Primary School	Powys
6665200	Ysgol Gynradd Llanerfyl	Powys
6672284	Ysgol Cilcennin	Ceredigion
6672285	Ysgol Ciliau Parc	Ceredigion

6672288	Ysgol Gynradd Dihewyd	Ceredigion
6672289	Ysgol Felinfach	Ceredigion
6672291	Ysgol Gynradd Llanarth	Ceredigion
6672293	Ysgol Llannon	Ceredigion
6672298	Ysgol Talgarreg	Ceredigion
6672303	Ysgol Comins Coch	Ceredigion
6672308	Ysgol Llanfarian	Ceredigion
6672309	Ysgol Llanfihangel-y-Creuddyn	Ceredigion
6672310	Ysgol Llangwryfon	Ceredigion
6672311	Ysgol Gynradd Llanilar	Ceredigion
6672312	Ysgol Mynach	Ceredigion
6672313	Ysgol Penllwyn	Ceredigion
6672315	Ysgol Syr John Rhys	Ceredigion
6672316	Ysgol Rhydypennau	Ceredigion
6672317	Ysgol Tal y bont	Ceredigion
6672320	Ysgol Beulah	Ceredigion
6672323	Ysgol Gynradd Llechryd	Ceredigion
6672324	Ysgol Gynradd Penparc	Ceredigion
6672345	Ysgol Trewen	Ceredigion
6672353	Ysgol Pontrhydfendigaid	Ceredigion
6672362	Ysgol Craig yr Wylfa	Ceredigion
6672363	Ysgol Penrhyn coch	Ceredigion
6672366	Ysgol Y Dderi	Ceredigion
6672367	Ysgol Cenarth	Ceredigion
6672369	Ysgol Bro Siôn Cwilt	Ceredigion
6672371	Ysgol T Llew Jones	Ceredigion
6672372	Ysgol Rhos Helyg	Ceredigion
6672373	Ysgol Dyffrfryn Cledlyn	Ceredigion
6673058	Ysgol Myfenydd	Ceredigion
6682209	Ysgol Eglwysrwr	Pembrokeshire
6682223	Ysgol Brynconin	Pembrokeshire
6682231	Ysgol Llanychllwydog	Pembrokeshire
6682233	Ysgol Maenclochog	Pembrokeshire
6682250	Puncheston C.P. School	Pembrokeshire
6682253	St Dogmaels C.P. School	Pembrokeshire
6682254	Wolfscastle C.P. School	Pembrokeshire
6682261	Templeton C.P. School	Pembrokeshire
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
6683035	Cilgerran School	Pembrokeshire
6683036	Cosheston School	Pembrokeshire
6683050	Spittal School	Pembrokeshire



6683058	Ger Y Llan School	Pembrokeshire
6683315	St.Aidan's School	Pembrokeshire
6683321	St Oswalds School	Pembrokeshire
6692002	Ysgol Maesybont	Carmarthenshire
6692014	Ysgol Gynradd Peniel	Carmarthenshire
6692034	Bancyfelin C.P. School	Carmarthenshire
6692037	Meidrim C.P. School	Carmarthenshire
6692065	Talley C.P. School	Carmarthenshire
6692067	Ysgol Cwrt Henri	Carmarthenshire
6692080	Llangadog C.P. School	Carmarthenshire
6692104	Ysgol Gynradd Brynsaron	Carmarthenshire
6692109	Llanpumsaint School	Carmarthenshire
6692119	Llanmiloe C.P. School	Carmarthenshire
6692166	Ysgol Llansteffan	Carmarthenshire
6692170	Abernant C.P. School	Carmarthenshire
6692180	Beca School	Carmarthenshire
6692182	Ysgol Gynradd Hafodwenog	Carmarthenshire
6692184	Ysgol Llanybydder	Carmarthenshire
6692185	Ysgol y Fro	Carmarthenshire
6692187	Cynwyl Elfed School	Carmarthenshire
6692384	Ysgol Griffith Jones	Carmarthenshire
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 Standards and Organisation (Wales) Act 2013

**2013 anaw 1**

An Act of the National Assembly for Wales to reform the powers of local authorities and the Welsh Ministers to intervene in the conduct of schools maintained by local authorities that are causing concern; to reform the powers of the Welsh Ministers to intervene in the exercise of education functions by local authorities; to provide for school improvement guidance; to reform the statutory arrangements for the organisation of maintained schools; to provide for Welsh in education strategic plans; to make miscellaneous provision in relation to maintained schools; and for connected purposes. [4 March 2013]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## **PART 1**

### INTRODUCTION

#### **1 Overview of this Act**

- (1) This Act has 6 Parts.
- (2) Part 2 is divided into 3 Chapters containing provisions concerned with maintaining and improving standards—
  - (a) in maintained schools, and
  - (b) in the exercise of education functions by local authorities.
- (3) Chapter 1 of Part 2 (including Schedule 1 )—
  - (a) sets out the grounds for intervention by local authorities and the Welsh Ministers in the conduct of maintained schools that are causing concern, and

- (b) provides a range of intervention powers to enable local authorities and the Welsh Ministers to deal with the causes of concern.
- (4) Chapter 2—
  - (a) sets out the grounds for intervention by the Welsh Ministers in the exercise of education functions by local authorities that are causing concern, and
  - (b) provides a range of intervention powers to enable the Welsh Ministers to deal with the causes of concern.
- (5) Chapter 3 makes provision for the Welsh Ministers to give guidance to the governing bodies of maintained schools, the head teachers of such schools and local authorities on how functions should be exercised with a view to improving the standard of education provided in maintained schools.
- (6) Part 3 is divided into 6 Chapters containing provision about the organisation of maintained schools.
- (7) Chapter 1 of Part 3 provides for a School Organisation Code about the exercise of functions under Part 3.
- (8) Chapter 2 (including Schedules 2 to 4) makes provision requiring the establishment, alteration and discontinuance of maintained schools in accordance with a specified process.
- (9) Chapter 3 provides for the rationalisation of school places if the Welsh Ministers are of the opinion that there is excessive or insufficient provision for primary or secondary education in maintained schools.
- (10) Chapter 4 provides for the making of regional provision for special educational needs.
- (11) Chapter 5 provides for powers for the Welsh Ministers to re-structure sixth form education.
- (12) Chapter 6 provides for miscellaneous and supplemental matters relating to school organisation.
- (13) Part 4 makes provision for Welsh in education strategic plans, which are to be—
  - (a) prepared by local authorities,
  - (b) approved by the Welsh Ministers, and
  - (c) published and implemented by local authorities (sections 84, 85 and 87).
- (14) Part 4 also provides a power exercisable by regulations for the Welsh Ministers to require local authorities to carry out an assessment of the demand among parents for Welsh medium education for their children (section 86).
- (15) Part 5 makes provision about miscellaneous functions relating to maintained schools, including provision—
  - (a) requiring local authorities to provide breakfasts for pupils at maintained primary schools at the request of the governing bodies of those schools (sections 88 to 90);
  - (b) amending the existing powers of local authorities and governing bodies to charge for school meals, so that—
    - (i) a related requirement to charge every person the same price for the same quantity of the same item is removed, and

- (ii) a new requirement that the price charged for an item does not exceed the cost of providing that item is imposed (section 91);
  - (c) requiring local authorities to secure reasonable provision for a service providing counselling in respect of health, emotional and social needs for specified school pupils and other children (section 92);
  - (d) requiring governing bodies of maintained schools to hold a meeting if requested to do so by parents in a petition (section 94) and repealing an existing duty to hold an annual parents' meeting (section 95);
  - (e) repealing the Welsh Ministers' duty to issue a code of practice for securing effective relationships between local authorities and maintained schools (section 96).
- (16) Part 6—
- (a) introduces Schedule 5, which makes minor and consequential amendments to other legislation arising from the provisions of this Act;
  - (b) contains definitions that apply for the purposes of this Act generally and an index of definitions that apply to a number of provisions, but not the whole Act (section 98);
  - (c) contains other provisions which apply generally for the purposes of this Act.

## PART 2

### STANDARDS

#### CHAPTER 1

##### INTERVENTION IN CONDUCT OF MAINTAINED SCHOOLS

###### *Grounds for intervention*

## 2 Grounds for intervention

For the purposes of this Chapter, the grounds for intervention in the conduct of a maintained school are as follows—

GROUND 1 -The standards of performance of pupils at the school are unacceptably low.

For this purpose, the standards of performance of pupils are low if they are low by reference to any one or more of the following—

- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain;
- (b) where relevant, the standards previously attained by them;
- (c) the standards attained by pupils at comparable schools.

GROUND 2 - There has been a breakdown in the way the school is managed or governed.

GROUND 3 - The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.

GROUND 4 - The safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

GROUND 5 - The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.

GROUND 6 - The governing body or head teacher has acted, or is proposing to act, unreasonably in the exercise of any of its or his or her functions under the Education Acts.

GROUND 7 - Her Majesty's Chief Inspector of Education and Training in Wales ("the Chief Inspector") has given a notice under section 37(2) of the Education Act 2005 that the school requires significant improvement and that notice has not been superseded by—

- (a) the Chief Inspector giving notice under that section that special measures are required to be taken in relation to the school, or
- (b) a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires significant improvement.

GROUND 8 - Her Majesty's Chief Inspector of Education and Training in Wales has given a notice under section 37(2) of the Education Act 2005 that special measures are required to be taken in relation to the school and that notice has not been superseded by a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires special measures.

### *Intervention by a local authority*

## **3 Warning notice**

- (1) If a local authority is satisfied that one or more of grounds 1 to 6 exist in relation to one of its maintained schools, the authority may give a warning notice to the governing body of the school.
- (2) The local authority must specify each of the following in the warning notice—
  - (a) the grounds for intervention;
  - (b) the reasons why the authority is satisfied that the grounds exist;
  - (c) the action the authority requires the governing body to take in order to deal with the grounds for intervention;
  - (d) the period within which the action is to be taken by the governing body ("the compliance period");
  - (e) the action the authority is minded to take if the governing body fails to take the required action.
- (3) If the local authority gives a warning notice to the governing body of a school, it must at the same time give a copy of the warning notice to—
  - (a) the head teacher;
  - (b) if the school is a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body;
  - (c) the Welsh Ministers.

## **4 Power to intervene**

- (1) A local authority has the power to intervene in the conduct of one of its maintained schools under this Chapter if subsection (2), (3) or (4) applies.
- (2) This subsection applies if—
  - (a) the local authority has given a warning notice under section 3 to the governing body of the school, and
  - (b) the governing body has failed to comply, or secure compliance, with the notice to the authority's satisfaction within the compliance period.
- (3) This subsection applies if the local authority is satisfied that one or more of grounds 1 to 6 exist in relation to the school and it has reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (4) This subsection applies if—
  - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
  - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the local authority under section 37(2) of the Education Act 2005, subject to subsection (5).
- (5) The Welsh Ministers may, in relation to a particular school, determine that subsection (4) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (6) Where a local authority has the power to intervene, it must keep the circumstances giving rise to the power under review.
- (7) If the authority concludes that the grounds for intervention have been dealt with to its satisfaction or that exercise of its powers under this Chapter would not be appropriate for any other reason, it must notify the governing body of its conclusion in writing.
- (8) If a local authority gives notice under subsection (7), it must at the same time send a copy of the notice to—
  - (a) in the case of a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body, and
  - (b) the Welsh Ministers.
- (9) A local authority's power to intervene continues in effect until one of the following events takes place—
  - (a) the authority gives notice under subsection (7);
  - (b) the Welsh Ministers determine that the power to intervene is no longer in effect and give notice in writing to the local authority and the governing body of their determination;
  - (c) the Welsh Ministers give a warning notice to the governing body of the school under section 10.
- (10) A local authority which has the power to intervene is not limited to taking the action it said it was minded to take in a warning notice.

## **5 Power to require governing body to secure advice or collaborate**

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following—
  - (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
  - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the local authority must consult—
  - (a) the governing body of the school, and
  - (b) in the case of a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

## **6 Power to appoint additional governors**

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may appoint as many additional governors to the governing body of the school as it thinks fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in regulations under section 19 of the Education Act 2002).
- (3) The local authority may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the local authority must consult—
  - (a) the person who appoints the foundation governors, and
  - (b) if the school has a religious character, the appropriate religious body.
- (5) A governor appointed under this section is to hold office for a period determined by the local authority.
- (6) A governor nominated by the local authority to be the chair of the governing body is to be the chair for a period determined by the local authority.
- (7) The local authority may pay remuneration and allowances to governors appointed under this section.

## **7 Power of local authority to constitute governing body of interim executive members**

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may give the governing body of the school a notice in writing stating that, as from a date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the local authority must—
  - (a) consult the governing body of the school,
  - (b) in the case of a foundation or voluntary school, consult—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body, and
  - (c) obtain the consent of the Welsh Ministers.

## **8 Power of local authority to suspend right to delegated budget**

- (1) This section applies if—
  - (a) a local authority has the power to intervene in the conduct of a maintained school, and
  - (b) the school has a delegated budget within the meaning of Part 2 of the School Standards and Framework Act 1998.
- (2) The local authority may suspend the governing body's right to a delegated budget by giving the governing body notice of the suspension.
- (3) The suspension of the right to a delegated budget takes effect on receipt of the notice by the governing body.
- (4) If the local authority gives a notice suspending the right to a delegated budget, it must give a copy of the notice to the head teacher at the same time.
- (5) A suspension imposed under this section has effect for the purposes of Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools) as if made under paragraph 1 of Schedule 15 to that Act (suspension of financial delegation).

## **9 General power to give directions and take steps**

- (1) This section applies if the local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) If the local authority thinks it is appropriate for the purposes of dealing with the grounds for intervention, the authority may—
  - (a) give directions to the governing body or head teacher, or
  - (b) take any other steps.



### *Intervention by the Welsh Ministers*

## **10 Warning notice**

- (1) The Welsh Ministers may give a warning notice to the governing body of a maintained school if—
  - (a) they are satisfied that one or more of grounds 1 to 6 exist in relation to the school, and
  - (b) the local authority that maintains the school either—
    - (i) has not given a warning notice to the governing body under section 3 on one or more of those grounds, or
    - (ii) has given a warning notice, but in terms that are inadequate in the opinion of the Welsh Ministers.
- (2) The Welsh Ministers must specify each of the following in the warning notice—
  - (a) the grounds for intervention;
  - (b) the reasons why they are satisfied that the grounds exist;
  - (c) the action they require the governing body to take in order to deal with the grounds for intervention;
  - (d) the period within which the action is to be taken by the governing body (“the compliance period”);
  - (e) the action they are minded to take if the governing body fails to take the required action.
- (3) If the Welsh Ministers give a warning notice to the governing body of a school, they must at the same time as they give the warning notice to the governing body give a copy of the warning notice to—
  - (a) the local authority;
  - (b) the head teacher;
  - (c) if the school is a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body.

## **11 Power of the Welsh Ministers to intervene**

- (1) The Welsh Ministers have the power to intervene in the conduct of a maintained school under this Chapter if subsection (2), (3), (4) or (5) applies.
- (2) This subsection applies if—
  - (a) the local authority has given a warning notice under section 3 to the governing body of the school,
  - (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers’ satisfaction within the compliance period, and
  - (c) the Welsh Ministers are satisfied that the local authority has not taken, and is not likely to take, adequate action for the purposes of dealing with the grounds for intervention.
- (3) This subsection applies if—
  - (a) the Welsh Ministers have given a warning notice under section 10 to the governing body of the school, and

- (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period.
- (4) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 6 exist in relation to the school and they have reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (5) This subsection applies if—
  - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
  - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the Welsh Ministers under section 37(2) of the Education Act 2005, subject to subsection (6).
- (6) The Welsh Ministers may, in relation to a particular school, determine that subsection (5) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (7) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
- (8) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the governing body and the local authority of their conclusion in writing.
- (9) If the Welsh Ministers give notice under subsection (8) in relation to a foundation or voluntary school, they must at the same time, send a copy of the notice to—
  - (a) the person who appoints the foundation governors, and
  - (b) if the school has a religious character, the appropriate religious body.
- (10) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (8).
- (11) Where the Welsh Ministers have the power to intervene they are not limited to taking the action they said they were minded to take in a warning notice.

## **12 Power to require governing body to secure advice or collaborate**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following—
  - (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
  - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the Welsh Ministers must consult—
  - (a) the governing body of the school, and

- (b) in the case of a foundation or voluntary school—
  - (i) the person who appoints the foundation governors, and
  - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

### **13 Power of Welsh Ministers to appoint additional governors**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may appoint as many additional governors to the governing body of the school as they think fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in the regulations under section 19 of the Education Act 2002).
- (3) The Welsh Ministers may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the Welsh Ministers must consult—
  - (a) the person who appoints the foundation governors, and
  - (b) if the school has a religious character, the appropriate religious body.
- (5) A governor appointed under this section is to hold office for a period determined by the Welsh Ministers.
- (6) A governor nominated by the Welsh Ministers to be the chair of the governing body is to be the chair for a period determined by the Welsh Ministers.
- (7) The Welsh Ministers may pay remuneration and allowances to governors appointed under this section.
- (8) Where the Welsh Ministers have exercised their power under this section in relation to any school—
  - (a) the local authority may not suspend the governing body's right to a delegated budget under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998, and
  - (b) if the local authority has already exercised that power or its power under section 8, the Welsh Ministers may revoke the suspension.
- (9) Where the Welsh Ministers have exercised their power under this section in relation to a voluntary aided school, nothing in regulations under section 19 of the Education Act 2002 is to be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Welsh Ministers under this section.
- (10) The revocation of a suspension under subsection (8)(b)—
  - (a) must be notified to the local authority in writing, and
  - (b) takes effect from the date specified in that notification.

## **14 Power of Welsh Ministers to constitute governing body of interim executive members**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may give the governing body of the school a notice in writing stating that, as from the date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the Welsh Ministers must consult—
  - (a) the local authority that maintains the school,
  - (b) the governing body of the school, and
  - (c) in the case of a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body.
- (4) The Welsh Ministers are not obliged to consult the persons mentioned in subsection (3) (b) and (c) if the local authority has consulted them about the constitution of a governing body under section 7 on the basis of a power to intervene brought to an end by effect of section 4(9)(b) or (c).

## **15 Power of Welsh Ministers to direct federation of schools**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school (“the school causing concern”).
- (2) The Welsh Ministers may direct any of the following persons to provide for one or more of the arrangements set out in subsection (3)—
  - (a) a local authority;
  - (b) a governing body of a maintained school;
  - (c) a governing body of a federation.
- (3) The arrangements are—
  - (a) the federation of the school causing concern and one or more maintained schools;
  - (b) the federation of the school causing concern and an existing federation;
  - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
  - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
  - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
  - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
  - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (4) Before giving a direction under subsection (2), the Welsh Ministers must consult—
  - (a) the local authority,
  - (b) the governing bodies concerned, and

- (c) in the case of a foundation or voluntary school—
  - (i) the person who appoints the foundation governors, and
  - (ii) if the school has a religious character, the appropriate religious body.
- (5) In this section “federation” has the meaning given by section 21(1) of the Education (Wales) Measure 2011.

## **16 Power of Welsh Ministers to direct closure of school**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school on the basis of ground 8 (school requiring special measures).
- (2) The Welsh Ministers may give a direction to the local authority requiring the school to be discontinued on a date specified in the direction.
- (3) Before giving a direction under subsection (2), the Welsh Ministers must consult—
  - (a) the local authority that maintains the school,
  - (b) the governing body of the school,
  - (c) in the case of a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body,
 and
  - (d) any other persons the Welsh Ministers consider appropriate.
- (4) On giving a direction to discontinue the school, the Welsh Ministers must also give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where the local authority is given a direction under subsection (2), it must discontinue the school in question on the date specified in the direction; and nothing in Part 3 applies to the discontinuance of the school under this section.
- (6) In this section any reference to the discontinuance of a maintained school is to the local authority ceasing to maintain it.

## **17 General power to give directions and take steps**

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) If the Welsh Ministers think it is appropriate for the purposes of dealing with the grounds for intervention, the Welsh Ministers may—
  - (a) give directions to the governing body or head teacher, or
  - (b) take any other steps.

### *Supplementary*

## **18 Governing bodies consisting of interim executive members**

Schedule 1 (appointment of members of interim executive boards, the functions of boards, their procedures and related matters) has effect.

## **19 Directions**

- (1) A governing body of a maintained school or a head teacher subject to a direction under this Chapter must comply with it.
- (2) This includes a direction to exercise a power or duty that is contingent upon the opinion of the governing body or head teacher.
- (3) A direction under this Chapter—
  - (a) must be in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the person who gave the direction.

## **20 Guidance**

In exercising its functions under this Chapter, a local authority must have regard to guidance given by the Welsh Ministers.

# **CHAPTER 2**

## **INTERVENTION IN LOCAL AUTHORITIES**

### *Grounds for intervention*

## **21 Grounds for intervention**

For the purposes of this Chapter, the grounds for intervention in the exercise by a local authority of its education functions are as follows—

GROUND 1 - The local authority has failed, or is likely to fail, to comply with a duty that is an education function.

GROUND 2 - The local authority has acted, or is proposing to act, unreasonably in the exercise of an education function.

GROUND 3 - The local authority is failing, or is likely to fail, to perform an education function to an adequate standard.

### *Warning notice*

## **22 Warning notice**

- (1) The Welsh Ministers may give a warning notice to a local authority if they are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority.
- (2) The Welsh Ministers must specify each of the following in the warning notice—
  - (a) the grounds for intervention;
  - (b) the reasons why they are satisfied that the grounds exist;
  - (c) the action they require the local authority to take in order to deal with the grounds for intervention;
  - (d) the period within which the action is to be taken by the local authority (“the compliance period”);

- (e) the action they are minded to take if the local authority fails to take the required action.

### *Powers of intervention*

## **23 Power of Welsh Ministers to intervene**

- (1) The Welsh Ministers have the power to intervene under this Chapter in the exercise of education functions by a local authority if subsection (2) or (3) applies.
- (2) This subsection applies if—
  - (a) the Welsh Ministers have given a warning notice, and
  - (b) the local authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers’ satisfaction within the compliance period.
- (3) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority and they have reason to believe that—
  - (a) there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter, or
  - (b) the local authority is unlikely to be able to comply, or secure compliance, with a warning notice.
- (4) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
- (5) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the local authority of their conclusion in writing.
- (6) The Welsh Ministers’ power to intervene continues in effect until they give notice under subsection (5).
- (7) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

## **24 Power to require local authority to obtain advisory services**

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may direct the local authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class for the provision to the authority or the governing body of a school maintained by it (or both), of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section “specified” means specified in a direction under this section.

**25 Power to require performance of functions by other persons on behalf of authority**

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may give such directions to the local authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.
- (3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.

**26 Power to require performance of functions by Welsh Ministers or nominee**

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.
- (3) If a direction is made under subsection (2), the local authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

**27 Power to direct exercise of other education functions**

- (1) If the Welsh Ministers think it is expedient, a direction under section 25 or 26 may relate to the performance of education functions in addition to the functions to which the grounds for intervention relate.
- (2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to education functions other than functions relating to the grounds for intervention.

**28 General power to give directions and take steps**

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may—
  - (a) give directions to the local authority or any of its officers, or
  - (b) take any other steps.

*Supplementary*

**29 Directions**

- (1) A local authority, or an officer of an authority, subject to a direction or instruction under this Chapter must comply with it.



- (2) This includes a direction or an instruction to exercise a power or duty that is contingent upon the opinion of the local authority or an officer of the authority.
- (3) A direction under this Chapter—
  - (a) must be in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

### **30 Duty to co-operate**

- (1) A local authority and the governing body of a maintained school must give the Welsh Ministers and any person specified in subsection (3) as much assistance in connection with the exercise of functions under or by virtue of this Chapter as they are reasonably able to give.
- (2) The governing body of a maintained school and the local authority that maintains the school must also secure, so far as reasonably practicable, that persons who work at the school do the same.
- (3) The specified persons are—
  - (a) any person authorised for the purposes of this section by the Welsh Ministers;
  - (b) any person acting under directions under this Chapter;
  - (c) any person assisting—
    - (i) the Welsh Ministers, or
    - (ii) a person mentioned in paragraph (a) or (b).

### **31 Powers of entry and inspection**

- (1) A person falling within subsection (2) has at all reasonable times—
  - (a) a right of entry to the premises of the local authority in question and any school maintained by it;
  - (b) a right to inspect, and take copies of, any records or other documents kept by the authority or any school maintained by it, and any other documents containing information relating to the authority or any such school, which the person considers relevant to the exercise by the person of functions under or by virtue of this Chapter.
- (2) The following persons fall within this subsection—
  - (a) the person specified in a direction under section 24 or, where the direction specifies a class of persons, the person with whom the local authority enter into the contract or other arrangement required by the direction;
  - (b) the person specified in a direction under section 25;
  - (c) the Welsh Ministers in pursuance of a direction under section 26;
  - (d) the person nominated by direction under section 26.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person (“P”)—
  - (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and

- (b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form)—
  - (i) the person by whom or on whose behalf the computer is or has been so used;
  - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.
- (5) In this section “document” and “records” each include information recorded in any form.

## CHAPTER 3

### SCHOOL IMPROVEMENT GUIDANCE

#### **32     Meaning of “school authority”**

In this Chapter “school authority” means—

- (a) a local authority in the exercise of its education functions;
- (b) the governing body of a maintained school;
- (c) the head teacher of a maintained school.

#### **33     Power to issue school improvement guidance**

- (1) The Welsh Ministers may issue guidance to a school authority on how the authority should exercise its functions with a view to improving the standard of education provided by any maintained school in respect of which the authority exercises functions (“school improvement guidance”).
- (2) The Welsh Ministers—
  - (a) may issue school improvement guidance to school authorities generally or to one or more particular authorities;
  - (b) may issue different school improvement guidance to different school authorities;
  - (c) may revise or revoke school improvement guidance by further guidance;
  - (d) may revoke school improvement guidance by issuing a notice to the school authorities to which it is directed.
- (3) The Welsh Ministers must ensure that school improvement guidance, or a notice revoking such guidance, states—
  - (a) that it is issued under this section, and
  - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for school improvement guidance, or a notice revoking such guidance, to be published.

**34 Consultation and National Assembly for Wales procedures**

- (1) Before issuing or revising school improvement guidance, the Welsh Ministers must consult the following persons on a draft of the guidance—
  - (a) school authorities likely to be affected by the guidance,
  - (b) Her Majesty's Chief Inspector of Education and Training in Wales, and
  - (c) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- (4) If no such resolution is made before the end of that period, the Welsh Ministers must issue the guidance (or revised guidance) in the form of the draft.
- (5) The 40 day period—
  - (a) begins on the day on which the draft is laid before the National Assembly, and
  - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of proposed guidance or proposed revised guidance from being laid before the National Assembly.

**35 Duty to follow school improvement guidance**

- (1) A school authority must follow the course set out in school improvement guidance issued to it in accordance with this Chapter when exercising a power or duty (including a power or duty that is contingent upon the opinion of the school authority); but this is subject to the following provisions of this section.
- (2) A school authority that is a local authority is not subject to the duty under subsection (1) so far as—
  - (a) the authority thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
  - (b) it decides on an alternative policy for the exercise of its functions in respect of the subject matter of the guidance, and
  - (c) a policy statement issued by the authority in accordance with section 36 is in effect.
- (3) A school authority that is the governing body of a maintained school or its head teacher is not subject to the duty under subsection (1) so far as—
  - (a) the governing body thinks there is good reason for it or the head teacher not to follow the guidance in particular categories of case or at all,
  - (b) the governing body decides on an alternative policy for the exercise of its, or the head teacher's, functions in respect of the subject matter of the guidance, and
  - (c) a policy statement issued by the governing body in accordance with section 36 is in effect.
- (4) Where subsection (2) or (3) applies in the case of a school authority, the authority—
  - (a) must follow the course set out in the policy statement, and

- (b) is subject to the duty under subsection (1) only so far as the subject matter of the school improvement guidance is not displaced by the policy statement.
- (5) The duties in subsections (1) and (4) do not apply to a school authority so far as it would be unreasonable for the authority to follow the school improvement guidance or policy statement in a particular case or category of case.

### **36 Policy statements: requirements and ancillary powers**

- (1) A policy statement issued under section 35(2) or (3) must set out—
  - (a) how the local authority or governing body (as the case may be) proposes that functions should be exercised differently from the course set out in the school improvement guidance, and
  - (b) the authority's or the body's reasons for proposing that different course.
- (2) An authority or body that has issued a policy statement may—
  - (a) issue a revised policy statement;
  - (b) give notice revoking a policy statement.
- (3) A policy statement (or revised statement) must state—
  - (a) that it is issued under section 35(2) or (3) (as the case may be), and
  - (b) the date on which it is to take effect.
- (4) The authority or body that issues a policy statement (or revised statement), or gives a notice under subsection (2)(b), must—
  - (a) arrange for a statement or notice to be published;
  - (b) send a copy of any statement or notice to the Welsh Ministers.

### **37 Directions**

- (1) Subsection (2) applies if, in relation to a policy statement issued by a school authority, the Welsh Ministers consider that the authority's alternative policy for the exercise of functions (in whole or in part) is not likely to improve the standard of education provided at a school to which the policy statement relates.
- (2) The Welsh Ministers may direct the school authority to take any action which the Welsh Ministers consider appropriate for the purpose of securing the exercise of functions by the authority in accordance with the school improvement guidance issued to the authority in accordance with this Chapter.
- (3) A school authority subject to a direction under this section must comply with it.
- (4) This includes a direction to exercise a power or duty that is contingent upon the opinion of the school authority.
- (5) A direction under this section—
  - (a) must be given in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

## PART 3

### SCHOOL ORGANISATION

#### CHAPTER 1

##### SCHOOL ORGANISATION CODE

#### **38 School Organisation Code**

- (1) The Welsh Ministers must issue, and may from time to time revise, a code on school organisation (“the Code”).
- (2) The Code is to contain provision about the exercise of the functions of the following persons under this Part—
  - (a) the Welsh Ministers;
  - (b) local authorities;
  - (c) governing bodies of maintained schools;
  - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (3) The Code may impose requirements, and may include guidelines setting out aims, objectives and other matters.
- (4) The persons referred to in subsection (2) must, when exercising functions under this Part—
  - (a) act in accordance with any relevant requirements contained in the Code, and
  - (b) have regard to any relevant guidelines contained in it.
- (5) The duty imposed by subsection (4) also applies to a person exercising a function for the purpose of the discharge of functions under this Part by—
  - (a) the Welsh Ministers,
  - (b) a local authority,
  - (c) the governing body of a maintained school, or
  - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (6) The Welsh Ministers must publish the Code for the time being in force on their website.
- (7) The Welsh Ministers may make separate provision (by means of separate codes) in relation to different functions under this Part of the persons mentioned in subsection (2).
- (8) References in this section to “the Code” or to functions under this Part have effect, in relation to a separate code, as references to that code or to functions under this Part to which it relates.

#### **39 Making and approval of School Organisation Code**

- (1) Before issuing or revising a code under section 38, the Welsh Ministers must consult the following persons on a draft of the code (or revised code)—
  - (a) each local authority,

- (b) the governing body of each maintained school,
  - (c) Her Majesty's Chief Inspector of Education and Training in Wales, and
  - (d) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the code, the Welsh Ministers must not issue the proposed code in the form of that draft.
- (4) If no such resolution is made before the end of that period—
  - (a) the Welsh Ministers must issue the code (or revised code) in the form of the draft, and
  - (b) the code (or revised code) comes into force on the date appointed by order of the Welsh Ministers.
- (5) The 40 day period—
  - (a) begins on the day on which the draft is laid before the National Assembly for Wales, and
  - (b) does not include any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of a proposed code from being laid before the National Assembly.
- (7) References in this section to a proposed code include a proposed revised code.
- (8) The requirement to consult imposed by subsection (1) may be satisfied by consultation undertaken before the coming into force of this Part even though the code issued under section 38(1) takes account (to any extent) of any provision made by this Part.

## CHAPTER 2

### SCHOOL ORGANISATION PROPOSALS

#### *Establishment, alteration and discontinuance of maintained schools*

#### **40 Restriction on establishment, alteration and discontinuance of maintained schools**

- (1) A new community school, voluntary school or community special school may be established in Wales only in accordance with this Part.
- (2) No new foundation school or foundation special school may be established in Wales.
- (3) A maintained school may be discontinued only in accordance with this Part.
- (4) An alteration which is a regulated alteration in relation to the type of school in question may be made to a maintained school only in accordance with this Part.
- (5) No alteration may be made to a maintained school that changes the religious character of the school or causes a school to acquire or lose a religious character.

(6) Subsection (3) has effect subject to section 16(5) (power of Welsh Ministers to direct closure of school).

(7) Schedule 2 (which describes regulated alterations) has effect.

#### **41 Proposals to establish mainstream schools**

(1) A local authority may make proposals to establish—

- (a) a new community school, or
- (b) a new maintained nursery school.

(2) Any person may make proposals to establish a new voluntary school.

#### **42 Proposals to alter mainstream schools**

(1) A local authority may make proposals—

- (a) to make a regulated alteration to a community school;
- (b) with the consent of the Welsh Ministers, to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school;
- (c) to make an alteration described in paragraph 10, 11, 12 or 13 of Schedule 2 (increasing and reducing capacity) to a voluntary or foundation school if that school does not have a religious character;
- (d) to make a regulated alteration to a maintained nursery school.

(2) The governing body of a foundation or voluntary school may make proposals to make a regulated alteration to the school.

#### **43 Proposals to discontinue mainstream schools**

(1) A local authority may make proposals to discontinue—

- (a) a community, foundation or voluntary school, or
- (b) a maintained nursery school.

(2) The governing body of a foundation or voluntary school may make proposals to discontinue the school.

#### **44 Proposals to establish, alter or discontinue community special schools**

A local authority may make proposals—

- (a) to establish a new community special school,
- (b) to make a regulated alteration to such a school, or
- (c) to discontinue such a school.

#### *Changes of category*

#### **45 Proposals to change a school's category**

(1) The governing body of a community school may make proposals for the school to become a voluntary aided school or a voluntary controlled school.

- (2) The governing body of a voluntary aided school may make proposals for the school to become a community school or a voluntary controlled school (but see subsection (5)).
- (3) The governing body of a voluntary controlled school may make proposals for the school to become a community school or a voluntary aided school (but see subsection (5)).
- (4) The governing body of a foundation school may make proposals for the school to become a community school, a voluntary aided school or a voluntary controlled school (but see subsection (5)).
- (5) No proposals may be made for a foundation or voluntary school which has a religious character to become a community school.

#### **46 Restrictions on changing category of school**

- (1) A maintained school within one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 may become a school within another of those categories (except a foundation school or foundation special school) only in accordance with this Part.
- (2) A school may not change category to become a voluntary aided school unless the governing body of the school satisfies the Welsh Ministers that it will be able to carry out its obligations under Schedule 3 to the School Standards and Framework Act 1998 (funding of voluntary aided schools) for a period of at least five years following the date on which it is proposed that the change of category is to take place.
- (3) A voluntary or foundation school may not become a community school unless any transfer agreement and transfer of rights and liabilities agreement required by Part 3 of Schedule 4 has been entered into.

#### **47 Effect of change of category**

- (1) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising or requiring any change in the character of the school (including, in particular, any religious character of the school).
- (2) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising a school to establish, join or leave a foundation body.

#### *Publication, consultation and objections*

#### **48 Publication and consultation**

- (1) A proposer must publish proposals made under this Chapter in accordance with the Code.
- (2) Before publishing proposals made under this Chapter, a proposer must consult on its proposals in accordance with the Code.
- (3) The requirement to consult does not apply to proposals to discontinue a school which is a small school (see section 56).



- (4) Before the end of 7 days beginning with the day on which they were published, the proposer must send copies of the published proposals to—
  - (a) the Welsh Ministers, and
  - (b) the local authority (if it is not the proposer) that maintains, or that it is proposed will maintain, the school to which the proposals relate.
- (5) The proposer must publish a report on the consultation it has carried out in accordance with the Code.

#### **49 Objections**

- (1) Any person may object to proposals published under section 48.
- (2) Objections must be sent in writing to the proposer before the end of 28 days beginning with the day on which the proposals were published (“the objection period”).
- (3) The proposer must publish a summary of all objections made in accordance with subsection (2) (and not withdrawn) and its response to those objections—
  - (a) in the case of a local authority that is required to determine its own proposals under section 53, before the end of 7 days beginning with the day of its determination under section 53(1), and
  - (b) in all other cases, before the end of 28 days beginning with the end of the objection period.

#### *Approval and determination of proposals*

#### **50 Approval by Welsh Ministers**

- (1) Proposals published under section 48 require approval under this section 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 in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) 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.
- (3) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (4) to the Welsh Ministers before the end of 35 days beginning with the end of the objection period.
- (4) The documents are—
  - (a) the report published under section 48(5),
  - (b) the published proposals,
  - (c) any objections made in accordance with section 49(2) (and not withdrawn), and

- (d) where objections have been so made (and not withdrawn), the response published under section 49(3).
- (5) Where proposals require approval under this section, the Welsh Ministers may—
  - (a) reject the proposals,
  - (b) approve them without modification, or
  - (c) approve them with modifications—
    - (i) after obtaining the consent of the proposer to the modifications, and
    - (ii) (except where the governing body or local authority, as the case may be, is the proposer), after consulting the governing body (if any) of the school to which the proposals relate and the relevant local authority.
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The Welsh Ministers may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the Welsh Ministers at any time before they are approved under this section.
- (9) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (10) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

## **51 Approval by local authority**

- (1) Proposals published under section 48 require approval under this section if—
  - (a) they do not require approval under section 50,
  - (b) they have been made by a proposer other than the relevant local authority, and
  - (c) an objection to the proposals has been made in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (3) to the relevant local authority before the end of 35 days beginning with the end of the objection period.
- (3) The documents are—
  - (a) the report published under section 48(5),
  - (b) the published proposals,
  - (c) objections made in accordance with section 49(2) (and not withdrawn), and
  - (d) the response published under section 49(3).
- (4) Where proposals require approval under this section, the relevant local authority may—
  - (a) reject the proposals,
  - (b) approve them without modification, or
  - (c) approve them with any of the modifications specified in subsection (5)—

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*Status: This is the original version (as it was originally enacted).*

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- (i) after obtaining the consent of the Welsh Ministers and the proposer to the modifications, and
  - (ii) (except where the governing body is the proposer) after consulting the governing body (if any) of the school to which the proposals relate.
- (5) The relevant local authority may modify—
  - (a) the date or dates specified in the published proposals as the date or dates on which the proposals are planned to be implemented;
  - (b) the number of pupils specified in the published proposals as the number to be admitted to the school (in any age group and in any school year).
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The relevant local authority may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) The relevant local authority must make a determination under subsection (4) whether to reject or approve the proposals before the end of 16 weeks beginning with the end of the objection period.
- (9) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the relevant local authority at any time before they are approved under this section.
- (10) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (11) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

## **52 Related proposals**

- (1) A proposer must send to the Welsh Ministers proposals (“proposals B”) it has made if—
  - (a) it considers that they are related to proposals requiring approval under section 50 (“proposals A”), and
  - (b) the proposer has not determined whether to implement proposals B under section 53 before the Welsh Ministers approve or reject proposals A.
- (2) If the Welsh Ministers consider that proposals B are related to proposals A, proposals B are to be treated as requiring approval under section 50.
- (3) A proposer must send to a local authority proposals (“proposals D”) it has made if—
  - (a) it considers that they are related to proposals requiring the local authority's approval under section 51 (“proposals C”), and
  - (b) the proposer has not determined whether to implement proposals D under section 53 before the local authority approves or rejects proposals C.
- (4) If the local authority considers that proposals D are related to proposals C, proposals D are to be treated as requiring approval under section 51.
- (5) The Welsh Ministers may require any other proposals to be treated as requiring approval under section 50 if—

- (a) they consider that they are related to proposals requiring their approval under section 50, and
  - (b) the proposer has not determined whether to implement them under section 53 before the Welsh Ministers approve or reject the proposals requiring approval.
- (6) A local authority may require any other proposals to be treated as requiring approval under section 51 if—
  - (a) it considers that they are related to proposals requiring its approval under section 51, and
  - (b) the proposer has not determined whether to implement them under section 53 before the local authority approves or rejects the proposals requiring approval.
- (7) This section does not apply to proposals referred to a local inquiry under section 61 (local inquiry into proposals for the rationalisation of school places).

### **53 Determination**

- (1) Where any proposals published under section 48 do not require approval under section 50 or 51, the proposer must determine whether the proposals should be implemented.
- (2) If a determination under subsection (1) is not made before the end of 16 weeks beginning with the end of the objection period, the proposer is to be taken to have withdrawn the proposals.
- (3) Before the end of 7 days beginning with the day of its determination under subsection (1), the proposer must notify the following of the determination—
  - (a) the Welsh Ministers;
  - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
  - (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.

### **54 Referral to the Welsh Ministers**

- (1) This section applies if a local authority has—
  - (a) determined to approve or reject proposals under section 51(4), or
  - (b) determined under section 53(1) to implement proposals to which there was an objection made in accordance with section 49 (and which was not withdrawn in writing before the end of 28 days beginning with the end of the objection period).
- (2) Before the end of 28 days beginning with the day of the local authority's determination under section 51(4) or 53(1), the following may refer the proposals to the Welsh Minister—
  - (a) another local authority which is likely to be affected by the proposals;
  - (b) a local authority in England which is likely to be affected by the proposals ;
  - (c) the appropriate religious body for—
    - (i) the school to which the proposals relate if it is, or is intended to be, a school which has a religious character, or
    - (ii) any other school which has a religious character and which is likely to be affected by the proposals;

- (d) if the school to which the proposals relate is a foundation or voluntary school, the governing body of the school;
  - (e) a trust holding property for the purpose of the school to which the proposals relate;
  - (f) an institution within the further education sector which is likely to be affected by the proposals.
- (3) Whether an authority, school or institution is likely to be affected by the proposals for the purpose of subsection (2) is a question to be determined by the Welsh Ministers.
- (4) The Welsh Ministers must consider proposals referred to them under this section afresh and subsections (5) to (8) of section 50 apply as if the proposals required their approval under that section.
- (5) 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.
- (6) Proposals which the Welsh Ministers are required to consider under this section are not to be treated for the purposes of section 55 or 61 as proposals approved under section 51 or as proposals that the proposer has determined to implement under section 53.
- (7) Proposals approved in accordance with this section are to be treated for the purposes of section 55 as proposals approved under section 50.
- (8) Proposals rejected in accordance with this section are to be treated for the purposes of paragraph 35(3)(e) of Schedule 4 as proposals rejected under section 50.

## **55 Implementation**

- (1) This section applies to—
- (a) proposals approved under section 50 or 51, or
  - (b) proposals which the proposer has determined under section 53 to implement.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were approved or determined to be implemented—
- (a) in the case of proposals made under section 41, 42, 43 or 44 (establishment, alteration or discontinuance of schools), in accordance with Schedule 3;
  - (b) in the case of proposals made under section 45 (change of category), in accordance with Schedule 4.
- (3) The proposer may (subject to subsection (6)) determine to delay implementation for a period of up to three years from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented, if it is satisfied—
- (a) that implementation of the proposals on that date or those dates would be unreasonably difficult, or
  - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals on that date or those dates would be inappropriate.
- (4) In the case of proposals to discontinue a school made under section 43 or 44, the proposer may (subject to subsection (6)) determine to bring forward implementation

- by a period of up to 13 weeks from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented.
- (5) The proposer may (subject to subsection (6)) determine that subsection (2) does not apply to proposals if it is satisfied—
- (a) that implementation of the proposals would be unreasonably difficult, or
  - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals would be inappropriate.
- (6) In the case of proposals which have been approved under section 50 or 51, the proposer may only make a determination under subsection (3), (4) or (5) with the agreement of the Welsh Ministers.
- (7) Before the end of 7 days beginning with the day of the determination, the proposer must notify the following of any determination it makes under subsection (3), (4) or (5)—
- (a) the Welsh Ministers;
  - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain the school to which the proposals relate;
  - (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.
- (8) Where, by virtue of subsection (5), subsection (2) ceases to apply to any proposals, those proposals are to be treated as if they had been rejected under section 50(5)(a) or 51(4)(a) or as if the proposer had determined under section 53 not to implement them.

## **56 Interpretation of Chapter 2**

- (1) In this Chapter—
- “the Code” (“*y Cod*”) means the code on school organisation issued under section 38(1);
  - “objection period” (“*cyfnod gwrthwynebu*”) has the meaning given by section 49(2);
  - “proposer” (“*cynigydd*”), in relation to proposals made under section 41, 42, 43, 44 or 45, is the local authority, the governing body or other person who has made the proposals;
  - “regulated alteration” (“*newid rheoleiddiedig*”) means an alteration described in Schedule 2;
  - “small school” (“*ysgol fach*”) means 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.
- (2) The Welsh Ministers may by order amend the definition of “small school” in subsection (1) so as to substitute a reference to a different date for the reference to the date for the time being specified.

## CHAPTER 3

### RATIONALISATION OF SCHOOL PLACES

#### *Directions to make proposals for rationalisation of school places*

#### **57 Directions to make proposals to remedy excessive or insufficient provision**

- (1) This section applies where the Welsh Ministers are of the opinion that there is excessive provision, or that there is, or there is likely to be, insufficient provision, for primary or secondary education in maintained schools—
  - (a) in the area of a local authority, or
  - (b) in a part of such an area.
- (2) The Welsh Ministers may—
  - (a) direct the local authority to exercise its powers to make proposals to establish, alter or discontinue schools, and
  - (b) direct the governing body of a foundation or voluntary school maintained by the authority to exercise its powers to make proposals to alter its school.
- (3) A direction under subsection (2) must—
  - (a) require the proposals to be published no later than the date specified in the direction,
  - (b) require the proposals, in giving effect to the direction, to apply any principles specified in it, and
  - (c) where the Welsh Ministers are of the opinion that there is, or there is likely to be, insufficient provision, specify the additional number of pupils to be accommodated.
- (4) A direction under subsection (2)(a) may not require the proposals to relate to a named school.

#### **58 Further provision about proposals made after a direction under section 57(2)**

- (1) Proposals made in accordance with a direction under section 57(2) may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 57(2).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by a governing body of a school maintained by the authority in accordance with a direction under section 57(2) which have been approved or determined to be implemented.

*Proposals by Welsh Ministers to rationalise school places*

**59 Making and publication of proposals by Welsh Ministers**

- (1) This section applies where—
  - (a) the Welsh Ministers have made a direction under section 57(2), and
  - (b) either—
    - (i) proposals have been published in accordance with the direction, or
    - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (4) The Welsh Ministers must send a copy of the proposals—
  - (a) to the local authority for the area, and
  - (b) to the governing body of each school to which the proposals relate.

*Procedure for dealing with proposals under section 59*

**60 Objections**

- (1) Any person may object to proposals published under section 59.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

**61 Local inquiry into proposals**

- (1) This section applies where the Welsh Ministers have made proposals under section 59 (other than proposals made by virtue of section 62(1)) which they have not withdrawn.
- (2) If objections have been made in accordance with section 60(2), then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers' proposals, any other proposals the Welsh Ministers refer to the inquiry and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section 62, and sections 50, 51, 53, 54, 70 and 73 do not apply to them.
- (5) Where a local inquiry is required to be held, the Welsh Ministers must refer the proposals listed in subsection (6) to the inquiry if the proposals—
  - (a) have not been determined before the proceedings on the inquiry begin, and
  - (b) appear to the Welsh Ministers to be related to the proposals made under section 59 in respect of which the inquiry is to be held.
- (6) The proposals to be referred are—



- (a) any other proposals published under section 59 in relation to the area of the local authority (and not withdrawn);
  - (b) any proposals made by that authority in the exercise of their powers to make proposals to establish, alter or discontinue schools (and not withdrawn);
  - (c) any proposals made by the governing body of a foundation or voluntary school in the area in the exercise of its powers to make proposals to alter its school (and not withdrawn);
  - (d) any proposals made under section 68 or 71 (and not withdrawn).
- (7) If, before the proceedings on the inquiry begin, the Welsh Ministers form the opinion that any proposals should be implemented, subsection (5) does not require them to refer those proposals to the inquiry unless they form a different opinion before—
- (a) the proceedings on the inquiry are concluded, or
  - (b) (if earlier) the proposals are determined.
- (8) It is not open to the inquiry to question the principles specified in the direction under section 57(2).
- (9) References in this section to the determination of proposals are to—
- (a) a determination whether or not to adopt or approve the proposals under section 50, 51, 62, 70 or 73;
  - (b) a determination whether or not to implement the proposals under section 53;
  - (c) a determination whether or not to approve proposals referred to the Welsh Ministers under section 54.

## **62 Adoption of proposals**

- (1) Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following—
- (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers (including proposals made by them referred under section 61(5)) and considered by the inquiry;
  - (b) approve, with or without modifications, or reject any other proposals which were referred to the inquiry under section 61(5);
  - (c) make further proposals under section 59.
- (2) If the Welsh Ministers make further proposals under section 59 in accordance with subsection (1)(c), the requirement in section 61(2) to cause a local inquiry to be held does not apply.
- (3) Where the Welsh Ministers have published proposals under section 59 which are not required to be considered by a local inquiry, they may, after considering any objections made in accordance with section 60(2) (and not withdrawn)—
- (a) adopt the proposals with or without modifications, or
  - (b) determine not to adopt the proposals.
- (4) The adoption or approval of proposals may be expressed to take effect only if an event specified in the adoption or approval occurs by a date so specified.

**63 Implementation of proposals**

- (1) Proposals adopted or approved by the Welsh Ministers under section 62 have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
  - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
  - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted or approved under section 62 which have effect as mentioned in subsection (1)(b).

**CHAPTER 4****REGIONAL PROVISION FOR SPECIAL EDUCATIONAL NEEDS****64 Meaning of “regional provision” and “special education functions”**

In this Chapter—

“regional provision” (“*darpariaeth ranbarthol*”) means—

- (a) provision of education for children belonging to the areas of different local authorities, at a school maintained by one of those authorities, or
- (b) provision made by two or more local authorities for goods or services to be supplied by one of the authorities—
  - (i) to the other or others, or
  - (ii) to one or more governing bodies of schools maintained by the other authority or authorities;

“special education functions” (“*swyddogaethau addysg arbennig*”) means functions under Part 4 of the Education Act 1996 (special educational needs).

**65 Direction to consider making regional provision**

- (1) The Welsh Ministers may direct local authorities to consider whether they (or any of them) would be able to carry out their special education functions, in respect of children with the special educational needs specified in the direction, more efficiently or effectively if regional provision were made.
- (2) The authorities to whom a direction is given must report their conclusions to the Welsh Ministers no later than the time specified in the direction.
- (3) A direction under this section may be given to local authorities generally or to one or more authorities specified in the direction.

**66 Directions to make proposals to secure regional provision**

- (1) This section applies where the Welsh Ministers are of the opinion that two or more local authorities would be able to carry out their special education functions, in respect

of children falling within a particular description, more effectively or efficiently if regional provision were made in relation to the areas of those authorities.

- (2) The Welsh Ministers may give one or more of the directions specified in subsection (3) for the purpose of securing that regional provision is made in relation to the description of children from the areas specified in the direction.
- (3) The directions are—
  - (a) that a local authority exercise its powers to make proposals to establish, alter or discontinue schools;
  - (b) that the governing body of a foundation or voluntary school exercise its powers to make proposals to alter its school;
  - (c) that two or more local authorities make arrangements under which—
    - (i) provision for education is made by one of the authorities in respect of persons from the area (or areas) of the other authority (or authorities), and
    - (ii) provision is made for determining the payments to be made under the arrangements in respect of the provision of that education;
  - (d) that two or more local authorities make arrangements that provide for one of those authorities to supply to the other (or others) goods or services to be specified in the arrangements on terms (including terms as to payment) to be so specified;
  - (e) that a local authority and the governing bodies of one or more foundation or voluntary schools make arrangements that provide for the authority to supply to the governing bodies goods or services to be specified in the arrangements, on terms (including terms as to payment) to be so specified.
- (4) Where the Welsh Ministers give a direction under subsection (3)(c) and a direction under subsection (3)(a) or (3)(b), the payments to which subsection (3)(c) refers may include an amount in respect of the costs connected with the establishment, alteration or discontinuance of the school in question.
- (5) A direction under subsection (3)(a) or (3)(b)—
  - (a) must require the proposals in question to be published no later than the date specified in the direction, and
  - (b) must require the body making the proposals to send a copy of the published proposals, together with other information (of a kind specified in the direction) in connection with those proposals to the Welsh Ministers.

## **67 Further provision about proposals made after a direction under section 66**

- (1) Proposals made in accordance with a direction under section 66 may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by the governing body of a school maintained by it in making proposals in accordance with a direction under section 66.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals

made by the governing body of a school maintained by the authority in accordance with a direction under section 66 which have been approved or determined to be implemented.

## **68 Proposals by Welsh Ministers**

- (1) This section applies where—
  - (a) the Welsh Ministers have given a direction under section 66, and
  - (b) either—
    - (i) proposals have been published in accordance with the direction, or
    - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) Before publishing proposals under this section, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (4) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (5) The Welsh Ministers must send a copy of the proposals to—
  - (a) local authorities whose areas are affected by the proposals, and
  - (b) the governing body of each school to which the proposals relate.

## **69 Objections**

- (1) Any person may object to proposals published under section 68.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

## **70 Adoption of proposals**

- (1) The Welsh Ministers may, after considering any objections made in accordance with section 69 (and not withdrawn)—
  - (a) adopt the proposals with or without modifications, or
  - (b) determine not to adopt the proposals.
- (2) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (3) Proposals adopted by the Welsh Ministers have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
  - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
  - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must

meet the cost of implementing proposals adopted under subsection (1) which have effect as mentioned in subsection (3)(b).

## **CHAPTER 5**

### **PROPOSALS FOR RESTRUCTURING SIXTH FORM EDUCATION**

#### *Making and determining proposals*

#### **71 Welsh Ministers’ powers to restructure sixth form education**

- (1) The Welsh Ministers may make proposals under this section for—
  - (a) the establishment by a local authority of one or more new community or community special schools to provide secondary education suitable to the requirements of sixth formers (and no other secondary education);
  - (b) an alteration described in paragraph 6 of Schedule 2 to one or more maintained schools;
  - (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of sixth formers (and no other secondary education).
- (2) A “sixth former” is a person who is above compulsory school age but below the age of 19.

#### **72 Consultation, publication and objections**

- (1) Before publishing proposals made under section 71, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (2) The Welsh Ministers must publish proposals made under section 71 in accordance with the code issued under section 38(1) for the time being in force.
- (3) Any person may object to the proposals.
- (4) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

#### **73 Determination by Welsh Ministers**

- (1) After the end of the 28 days referred to in section 72(4), the Welsh Ministers must determine whether to—
  - (a) adopt the proposals, with or without modifications, or
  - (b) withdraw the proposals.
- (2) In making a determination under subsection (1), the Welsh Ministers must have regard to any objections made in accordance with section 72(4) and not withdrawn.
- (3) Before adopting proposals subject to modifications, the Welsh Ministers must consult such persons as they consider appropriate.

- (4) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (5) If the event does not occur by the specified date the Welsh Ministers must reconsider their determination under subsection (1).
- (6) The Welsh Ministers may withdraw their proposals at any time before they make a determination under subsection (1).

#### *Implementation of proposals for restructuring sixth form education*

### **74 Form of implementation**

- (1) This section applies to proposals which have been adopted by the Welsh Ministers under section 73.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were adopted.
- (3) At the request of a specified body, the Welsh Ministers—
  - (a) may modify proposals adopted under section 73 after consulting the specified bodies, and
  - (b) where the adoption of proposals was expressed to take effect subject to the occurrence of a specified event, may specify a later date by which that event must occur.
- (4) The Welsh Ministers may determine that subsection (2) does not apply to the proposals if they are satisfied, after consulting the specified bodies—
  - (a) that implementation of the proposals would be unreasonably difficult, or
  - (b) that circumstances have so altered since the proposals were adopted that implementation of the proposals would be inappropriate.
- (5) Each of the following is a “specified body” for the purposes of subsections (3) and (4)—
  - (a) the governing body of the school to which the proposals relate;
  - (b) in the case of a proposal to establish a new school, the temporary governing body constituted in accordance with arrangements made under section 34 of the Education Act 2002;
  - (c) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
  - (d) where the school to which the proposals relate is a community special school each local authority which maintains a statement of special educational needs under Part 4 of the Education Act 1996 in respect of a registered pupil at the school.

### **75 Responsibility for implementation**

- (1) Proposals to establish a school must be implemented by the local authority that it is proposed will maintain the school.
- (2) Proposals to make an alteration described in paragraph 6 of Schedule 2 must be implemented—

- (a) in the case of proposals relating to a community school, by the local authority that maintains the school;
  - (b) in the case of proposals relating to a voluntary aided school—
    - (i) so far as relating to the provision of any relevant premises, by the local authority that maintains the school, and
    - (ii) otherwise, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so;
  - (c) in the case of proposals relating to any other school, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so.
- (3) In subsection (2) “relevant premises” means—
- (a) playing fields, or
  - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (4) Proposals to discontinue a school must be implemented—
- (a) in the case of proposals relating to a community or community special school, by the local authority that maintains the school, and
  - (b) in any other case, by the local authority that maintains the school and the governing body of the school.
- (5) If a school changes category from a community school after proposals have been published under section 72 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority that maintains the school (despite subsections (2) and (4)).

## **76 Further provision as to implementation**

- (1) Where a local authority is required by virtue of section 75 to provide a site for a foundation or voluntary controlled school, paragraph 7 of Schedule 3 (provision of site and buildings for foundation or voluntary controlled school) applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- (2) Paragraph 8 of Schedule 3 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under section 75(2)(b) (ii) as it applies in relation to the obligations referred to in paragraph 8(1)(a) of that Schedule.
- (3) Paragraph 9 of Schedule 3 (assistance from local authority in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in that paragraph 9, and paragraph 11 of that Schedule (duty on local authority to transfer interest in premises provided under paragraph 9 or 10) applies accordingly.

### *Supplementary*

## **77 Consequential amendments to inspection reports on sixth form education**

After section 44 of the Education Act 2005 insert—

*“Sixth forms requiring significant improvement in Wales*

**44A Schools with sixth forms**

- (1) Sections 44B to 44D apply to a maintained school in Wales which—
  - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
  - (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
  - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

**44B Inspection reports on schools with sixth forms requiring significant improvement**

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

**44C Report after area inspection on schools with sixth forms requiring significant improvement**

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

**44D Copies of report and action plan**

- (1) This section applies to a report of an inspection under Chapter 3 which—
  - (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
  - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.



- (2) The person making the report must send a copy (together with a copy of the summary, if there is one)—
  - (a) to the Welsh Ministers, and
  - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies—
  - (a) section 38(2) (additional copies),
  - (b) section 38(4) (publication by appropriate authority),
  - (c) section 39 (action plan by appropriate authority), and
  - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions—
  - (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
  - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

#### **44E Report on sixth form schools causing concern after area inspection**

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that—
  - (a) special measures are required to be taken in relation to a sixth form school, or
  - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which—
  - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

#### **44F Interpretation of sections 44A to 44E**

In sections 44A to 44E—

“the appropriate authority”, in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.”

## **CHAPTER 6**

### **MISCELLANEOUS AND SUPPLEMENTAL**

#### **78 Federated schools**

Proposals made under this Part to establish a new school may relate to the establishment of the school as a federated school (within the meaning given by section 21(1) of the Education (Wales) Measure 2011).

#### **79 Prohibition on local authorities establishing schools in England**

No proposals may be made for the establishment of a school in England which is proposed to be maintained by a local authority in Wales.

#### **80 Notice by governing body to discontinue foundation or voluntary school**

- (1) The governing body of a foundation or voluntary school may discontinue the school by giving the Welsh Ministers and the local authority that maintains the school two years’ notice of its intention to do so.
- (2) The Welsh Ministers’ consent is required before giving a notice under this section if expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
  - (a) by the Welsh Ministers, or
  - (b) by any local authority.
- (3) The governing body must consult the Welsh Ministers before giving a notice under this section if discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19.
- (4) If, while a notice under this section is in force, the governing body informs the local authority that it is unable or unwilling to carry on the school until the notice expires, the authority—
  - (a) may conduct the school for all or part of the unexpired period of the notice as if it were a community school, and
  - (b) is entitled to use the school premises free of charge for that purpose.
- (5) While the school is being so conducted—
  - (a) the authority must keep the school premises in good repair, and
  - (b) any interest in the premises which is held for the purposes of the school is to be treated, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, as vested in the authority.
- (6) Despite subsection (5) the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if it had continued to carry on the school during the unexpired period of the notice.

- (7) A notice under subsection (1) may not be withdrawn without the consent of the local authority.
- (8) If a foundation or voluntary school is discontinued under this section, the duty of the local authority to maintain the school as a foundation or voluntary school ceases.
- (9) Nothing in section 43 applies in relation to the discontinuance of a foundation or voluntary school under this section.
- (10) Subsection (11) applies where—
  - (a) land occupied by the school is held by any trustees for the purposes of the school,
  - (b) the trustees (being entitled to do so) intend to give notice to the governing body of the school to terminate the school's occupation of that land, and
  - (c) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.
- (11) The notice given by the trustees to the governing body to terminate the school's occupation of the land must be at least two years; but if, during the first twelve months of that notice period, the governing body gives notice under subsection (1), the trustees' notice does not have the effect of terminating the school's occupation of the land until the expiry of the governing body's notice.
- (12) A copy of the trustees' notice must also be given to the Welsh Ministers and the local authority at the time when the notice is given to the governing body.
- (13) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (10)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.
- (14) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (10)(c) (including a question as to whether subsection (13) applies in any particular circumstances), it is to be determined by the Welsh Ministers.

## **81 Direction requiring discontinuance of community special school**

- (1) The Welsh Ministers may direct a local authority to discontinue a community special school maintained by it on a specified date, if they consider it expedient to do so in the interests of the health, safety or welfare of pupils at the school.
- (2) A direction under subsection (1) may require the local authority to notify specified persons or a specified class of persons.
- (3) Before giving a direction under subsection (1), the Welsh Ministers must consult—
  - (a) the local authority,
  - (b) any other local authority that would in their opinion be affected by the discontinuance of the school, and
  - (c) any other persons the Welsh Ministers consider appropriate.

- (4) On giving a direction under subsection (1), the Welsh Ministers must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) A local authority to which a direction is given under subsection (1) must discontinue the school in question on the date specified in the direction.
- (6) Nothing in section 44 applies to the discontinuance of a school under this section.

## **82 Transitional exemption orders for purposes of Equality Act 2010**

- (1) This section applies to proposals for a school to cease to be a single-sex school.
- (2) The making of such proposals under section 59, 68 or 71 is to be treated as an application by the responsible body to the Welsh Ministers for a transitional exemption order under the 2010 Act, and the Welsh Ministers may make such an order accordingly.
- (3) In this section—
  - “the 2010 Act” (“*Deddf 2010*”) means the Equality Act 2010;
  - “make” (“*gwneud*”), in relation to a transitional exemption order, includes vary or revoke;
  - “the responsible body” (“*y corff sy’n gyfrifol*”) has the same meaning as in section 85 of the 2010 Act;
  - “single-sex school” (“*ysgol un rhyw*”) has the same meaning as in paragraph 1 of Schedule 11 to the 2010 Act;
  - “transitional exemption order” (“*gorchymyn esemptio trosiannol*”) has the same meaning as in paragraph 3 of Schedule 11 to the 2010 Act.

## **83 Interpretation of Part 3**

- (1) In this Part—
  - “powers to make proposals to establish, alter or discontinue schools” (“*pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion*”) means all or any of the powers of a local authority to make proposals under section 41, 42, 43 or 44;
  - “powers to make proposals to alter its school” (“*pwerau i wneud cynigion i newid ei ysgol*”), in relation to the governing body of a foundation or voluntary school, means its powers to make proposals under section 42(2).
- (2) A reference in this Part to a school’s category means one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 (and references to a change of category are to be read accordingly).
- (3) A reference in this Part to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

## PART 4

### WELSH IN EDUCATION STRATEGIC PLANS

#### 84 Preparation of Welsh in education strategic plans

- (1) A Welsh in education strategic plan is a plan which contains—
  - (a) a local authority’s proposals on how it will carry out its education functions to—
    - (i) improve the planning of the provision of education through the medium of Welsh (“Welsh medium education”) in its area;
    - (ii) improve the standards of Welsh medium education and of the teaching of Welsh in its area;
  - (b) the local authority’s targets for improving the planning of the provision of Welsh medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;
  - (c) a report on the progress made to meet the targets contained in the previous plan or previous revised plan.
- (2) A local authority must prepare a Welsh in education strategic plan for its area.
- (3) A local authority must keep its plan under review, and if necessary, revise it.
- (4) In preparing a Welsh in education strategic plan or revised plan, a local authority must consult—
  - (a) its neighbouring local authorities;
  - (b) the head teacher of each school maintained by it;
  - (c) the governing body of each school maintained by it;
  - (d) each institution within the further education sector in its area;
  - (e) in relation to any foundation or voluntary school in its area—
    - (i) the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, the appropriate religious body;
  - (f) other prescribed persons.
- (5) If a local authority carries out an assessment of the demand for Welsh medium education in accordance with regulations under section 86, it must take the results of that assessment into account when it next prepares or revises its Welsh in education strategic plan.

#### 85 Approval, publication and implementation of Welsh in education strategic plans

- (1) A local authority which has prepared a Welsh in education strategic plan must submit it to the Welsh Ministers for their approval.
- (2) The Welsh Ministers may—
  - (a) approve the plan as submitted,
  - (b) approve the plan with modifications, or
  - (c) reject the plan and prepare another plan which is to be treated as the authority’s approved plan.
- (3) If a local authority wishes to amend its plan, it must submit a revised plan to the Welsh Ministers.

- (4) The Welsh Ministers may approve the revised plan, with or without modifications.
- (5) The Welsh Ministers must consult a local authority before—
  - (a) they modify its plan under subsection (2)(b),
  - (b) they prepare another plan to replace the authority's plan under subsection (2)(c), or
  - (c) they modify its revised plan under subsection (4).
- (6) A local authority must publish its approved Welsh in education strategic plan (or revised plan).
- (7) A local authority must take all reasonable steps to implement its approved Welsh in education strategic plan (or revised plan).

## **86 Assessing demand for Welsh medium education**

- (1) The Welsh Ministers may require a local authority, in accordance with regulations, to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.
- (2) Regulations under subsection (1) may (among other things) make provision about when and how to make an assessment.

## **87 Regulations and guidance**

- (1) The Welsh Ministers may make regulations about Welsh in education strategic plans.
- (2) The regulations may make further provision about the following matters (among other things)—
  - (a) the form and content of a plan;
  - (b) the timing and duration of a plan;
  - (c) keeping a plan under review and its revision;
  - (d) consultation during the preparation and revision of a plan;
  - (e) the submission of a plan for approval;
  - (f) when and how to publish a plan.
- (3) The regulations may make provision enabling the preparation of a joint plan by two or more local authorities, and any such regulations may modify any provision of this Part in its application to joint plans.
- (4) A local authority must, in the exercise of its functions under this Part, have regard to any guidance issued by the Welsh Ministers.

## PART 5

### MISCELLANEOUS SCHOOLS FUNCTIONS

#### *Free breakfasts in primary schools*

#### **88 Duty to provide free breakfasts for pupils in primary schools**

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if—
  - (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
  - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies—
  - (a) the governing body has asked the authority in writing to stop providing breakfasts;
  - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result—
    - (i) it is not going to provide breakfasts, or
    - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section—
  - (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
  - (b) must be provided free of charge;
  - (c) must be available on the school's premises;
  - (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.

#### **89 Transitional provision**

- (1) Where a local authority that maintains a primary school, or its governing body, is already providing breakfast for pupils of the school at the time section 88 comes into force, that section applies in relation to the school as if—
  - (a) a request had been made under that section for provision of breakfasts by the governing body,
  - (b) 90 days have passed, beginning with the day following the day on which the request was received, and

- (c) each pupil for whom breakfast is already being provided has made a request to the authority.
- (2) Subsection (3) applies where, before the coming into force of section 88, a request in writing for the provision of breakfasts for pupils has been made by the governing body of the primary school to the local authority that maintains the school, but neither the local authority nor the governing body has been providing breakfast for pupils of the school.
- (3) The request made before the coming into force of section 88 has effect as a request under that section made on the day that the section came into force.

## **90 Interpretation of sections 88 and 89**

In sections 88 and 89—

- “primary school” (“*ysgol gynradd*”) means a school that provides primary education (whether or not it also provides other kinds of education);
- “provide” (“*darparu*”) includes arranging provision;
- “pupil” (“*disgybl*”) means a child receiving primary education at the school (whether or not the child is a registered pupil).

### *Power to charge for meals*

## **91 Amendment to power to charge for school meals etc**

- (1) Part 9 of the Education Act 1996 (ancillary functions) is amended as set out in subsections (2) and (3).
- (2) In section 512ZA (power to charge for meals etc)—
  - (a) in subsection (1A), omit “in England”;
  - (b) omit subsection (2).
- (3) In section 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc)—
  - (a) in subsection (3A), omit “in England”;
  - (b) omit subsection (4).

### *School-based counselling*

## **92 Independent counselling services for school pupils and other children**

- (1) A local authority must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs (an “independent counselling service”) for—
  - (a) registered pupils receiving secondary education at—
    - (i) schools maintained by the authority, and
    - (ii) other schools in its area;
  - (b) other persons belonging to the authority’s area who have attained the age of 11 but not the age of 19;



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*Status: This is the original version (as it was originally enacted).*

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- (c) registered pupils undertaking their final academic year of primary education at—
    - (i) schools maintained by the authority, and
    - (ii) other schools in its area;
  - (d) such other persons receiving primary education as the Welsh Ministers may specify in regulations.
- (2) In securing provision of an independent counselling service under this section, a local authority must have regard—
- (a) to the principle that the service is to be independent of—
    - (i) the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and
    - (ii) the management of a school at which a person to whom the service is provided is receiving education;
  - (b) to guidance given by the Welsh Ministers.
- (3) A local authority must secure that an independent counselling service is provided on the site of each school maintained by the authority that provides secondary education (whether or not it also provides other kinds of education).
- (4) A local authority may secure the provision of an independent counselling service at other locations.
- (5) The Welsh Ministers may by regulations require the provision of an independent counselling service at other locations.

### **93 Information about independent counselling services**

- (1) A local authority must comply with a direction given by the Welsh Ministers to the authority—
- (a) to compile information about the independent counselling service it secures under section 92;
  - (b) to provide information about that service to the Welsh Ministers.
- (2) A direction under subsection (1) may include instructions to compile or provide information in a way, and at a time, specified in the direction.
- (3) A direction under subsection (1) may not require a local authority—
- (a) to provide information about an identified individual;
  - (b) to provide information in a way that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.
- (4) If the person providing an independent counselling service is not the local authority—
- (a) the local authority must give the person providing the service a copy of any direction given to the authority under subsection (1), and
  - (b) the person providing the service must compile the information necessary for compliance with the direction, and provide it to the local authority, in a way that does not identify the individuals to whom it relates, or enable them to be identified (either by itself or in combination with other information).
- (5) A direction under this section—
- (a) must be in writing;

- (b) may be varied or revoked by a later direction;
- (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

### *Parents' meetings*

## **94 Duty of governing body of maintained schools to hold meetings following petition by parents**

- (1) The governing body of a maintained school must hold a meeting (“the meeting”) if it receives a petition from parents of registered pupils at the school requesting a meeting and it is satisfied that each of the following four conditions is satisfied.
- (2) The first condition is that the petition contains the signatures of the required minimum number of parents of registered pupils at the school.
- (3) The required minimum number of parents is the lower of the following—
  - (a) the parents of 10% of registered pupils, or
  - (b) the parents of 30 registered pupils.
- (4) For the purpose of subsection (3), the number of registered pupils is to be calculated by reference to the number of registered pupils on the day the petition is received.
- (5) The second condition is that the meeting requested is for the purpose of discussing a matter relating to the school.
- (6) The third condition is that, should a meeting be held, there would be no more than three meetings held under this section during the school year in which the petition is received.
- (7) The fourth condition is that there are enough school days left in the school year for the requirement in subsection (8) to be complied with.
- (8) The meeting must be held before the end of a 25 day period.
- (9) For the purpose of subsection (8), the 25 day period—
  - (a) begins on the first day after the day on which the petition is received (subject to subsection (10)), and
  - (b) does not include any day which is not a school day.
- (10) If another meeting required to be held under this section as a result of a different petition (“the other meeting”) is held on a day during the 25 day period in subsection (9), but before the day on which the meeting is held, the 25 day period begins on the first day after the day on which the other meeting is held.
- (11) The meeting is to be open to—
  - (a) all parents of registered pupils at the school,
  - (b) the head teacher, and
  - (c) other persons invited by the governing body.
- (12) The governing body must, as soon as it reasonably can after receiving a petition that requires a meeting to be held, notify the parents of all registered pupils at the school in writing of the date of the meeting and the matter to be discussed.

- (13) In exercising its functions under this section, the governing body of a maintained school must have regard to guidance given by the Welsh Ministers.

**95 Repeal of duty to hold annual parents' meeting**

Section 33 of the Education Act 2002 is repealed.

*Code of practice on local authority school relations*

**96 Repeal of provision for code of practice for local authority school relations**

Section 127 of the School Standards and Framework Act 1998 (code of practice for securing effective relationships between local authorities and maintained schools in Wales) is repealed.

## **PART 6**

### **GENERAL**

**97 Orders and regulations**

- (1) A power of the Welsh Ministers to make an order or regulations under this Act is to be exercised by statutory instrument.
- (2) A power of the Welsh Ministers to make an order or regulations under this Act includes power—
  - (a) to make different provision for different cases or classes of case, different areas or different purposes;
  - (b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
  - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing regulations made under this Act or an order under section 56(2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) A statutory instrument containing an order under paragraph 26(1) of Schedule 2 must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

**98 General interpretation and index of defined expressions**

- (1) The provisions of this Act and those of the Education Act 1996 are to be read as if they were all contained in the Education Act 1996.
- (2) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of the Education Act 1996.

(3) In this Act—

“appropriate diocesan authority” (*“awdurdod esgobaethol priodol”*) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“appropriate religious body” (*“corff crefyddol priodol”*) means—

- (a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and
- (b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section 69(3) of the School Standards and Framework Act 1998;

“Church in Wales school” (*“un o ysgolion yr Eglwys yng Nghymru”*) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“the Code” (*“y Cod”*) in Chapter 2 of Part 3 means the code on school organisation issued under section 38(1);

“foundation body” (*“corff sefydledig”*) has the same meaning as in section 21(4)(a) of the School Standards and Framework Act 1998;

“foundation governor” (*“llywodraethwr sefydledig”*), in relation to a foundation school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;

“local authority” (*“awdurdod lleol”*) (except in section 54(2)(b)) means a county or county borough council in Wales;

“maintained school” (*“ysgol a gynhelir”*) means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“objection period” (*“cyfnod gwrthwynebu”*) is defined in section 49(2) for the purposes of Chapter 2 of Part 3;

“powers to make proposals to alter its school” (*“pwerau i wneud cynigion i newid ei ysgol”*) is defined in section 83 for the purposes of Part 3;

“powers to make proposals to establish, alter or discontinue schools” (*“pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion”*) is defined in section 83 for the purposes of Part 3;

“prescribed” (*“rhagnodedig”*) means prescribed by regulations;

“primary school” (*“ysgol gynradd”*) is defined in section 90 for the purposes of sections 88 and 89;

“proposer” (*“cynigydd”*) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“provide” (*“darparu”*) is defined in section 90 for the purposes of sections 88 and 89;

“pupil” (*“disgybl”*) is defined in section 90 for the purposes of sections 88 and 89;

“regional provision” (*“darpariaeth ranbarthol”*) is defined in section 64 for the purposes of Chapter 4 of Part 3;

“regulated alteration” (*“newid rheoleiddiedig”*) in Chapter 2 of Part 3 means an alteration described in Schedule 2;

“regulations” (*“rheoliadau”*) means regulations made by the Welsh Ministers;

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*Status: This is the original version (as it was originally enacted).*

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“Roman Catholic Church school” (“*un o ysgolion yr Eglwys Gatholig Rufeinig*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“school authority” (“*awdurdod ysgol*”) is defined in section 32 for the purposes of Chapter 3 of Part 2;

“small school” (“*ysgol fach*”) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“special education functions” (“*swyddogaethau addysg arbennig*”) is defined in section 64 for the purposes of Chapter 4 of Part 3.

(4) For references in Part 3 to—

- (a) the discontinuance of a maintained school, see section 83;
- (b) a school’s category, see section 83.

(5) A reference in this Act to a school which has a religious character is to a school which is designated as having such a character by an order under section 69(3) of the School Standards and Framework Act 1998.

## **99 Minor and consequential amendments**

Schedule 5 contains minor and consequential amendments.

## **100 Commencement**

(1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—

- section 1;
- this section;
- section 101.

(2) The following provisions come into force on 1 April 2013—

- sections 88 to 90;
- sections 92 and 93.

(3) The following provisions come into force at the end of the period of two months beginning on the day on which this Act receives Royal Assent—

- Chapter 3 of Part 2; section 91;
- sections 94 and 95;
- paragraphs 31, 33, 34(1) and (3), 35 and 36 of Part 3 of Schedule 5 (and section 99 in so far as relating to those paragraphs).

(4) The remaining provisions of this Act are to come into force on a day appointed by the Welsh Ministers in an order.

## **101 Short title and inclusion as one of the Education Acts**

(1) The short title of this Act is the School Standards and Organisation (Wales) Act 2013.

(2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

## SCHEDULE 1

(introduced by section 18)

### GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS

#### *Interpretation of Schedule*

1 (1) In this Schedule—

“the appropriate authority” (“*yr awdurdod priodol*”) means—

- (a) where this Schedule applies by virtue of a notice under section 7, the local authority that gave the notice, and
- (b) where this Schedule applies by virtue of a notice under section 14, the Welsh Ministers;

“existing governors” (“*llywodraethwyr presennol*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the governors who hold office immediately before the governing body becomes constituted in accordance with this Schedule;

“the interim period” (“*y cyfnod interim*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the period during which the governing body is constituted in accordance with this Schedule;

“a normally constituted governing body” (“*corff llywodraethu a gyfansoddwyd yn normal*”) means a governing body constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 (governing bodies).

- (2) In this Schedule any reference to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

#### *Governing body to consist of members appointed by appropriate authority*

- 2 (1) The governing body of the school is to consist of members appointed by the appropriate authority, instead of being constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002.

- (2) In the following provisions of this Schedule—

- (a) the governing body as constituted in accordance with this Schedule is referred to as “the interim executive board”, and
- (b) the members of the governing body as so constituted are referred to as “interim executive members”.

#### *Effect of notice under section 7 or 14*

- 3 (1) On the date specified in the notice under section 7 or 14, the existing governors vacate office.
- (2) Sub-paragraph (1) does not prevent the appointment of an existing governor as an interim executive member.
- (3) During the interim period, any reference in any provision contained in, or made under, the Education Acts to a governor or foundation governor of a school has effect, in relation to the school, as a reference to an interim executive member.

- (4) During the interim period, section 83 of the School Standards and Framework Act 1998 (modification of provisions making governors of foundation or voluntary school ex officio trustees) has effect in relation to the school with the substitution for paragraphs (a) to (c) of a reference to the interim executive members.

*Number of interim executive members*

- 4 (1) The number of interim executive members must not be less than two.
- (2) The initial appointment of interim executive members must be made so as to take effect on the date specified in the notice under section 7 or 14.
- (3) The appropriate authority may appoint further interim executive members at any time during the interim period.

*Terms of appointment of interim executive members*

- 5 (1) Every appointment of an interim executive member must be made by an instrument in writing setting out the terms of the appointment.
- (2) An interim executive member—
- (a) holds office in accordance with the terms of the appointment and subject to paragraph 16, and
  - (b) may at any time be removed from office by the appropriate authority for incapacity or misbehaviour.
- (3) The terms of appointment of an interim executive member may provide for the appointment to be terminable by the appropriate authority by notice.

*Duty of appropriate authority to inform other persons*

- 6 (1) The appropriate authority must give a copy of the notice under section 7 or 14 and of every instrument of appointment of an interim executive member—
- (a) to every interim executive member,
  - (b) to every existing governor of the school,
  - (c) where the local authority is the appropriate authority, to the Welsh Ministers,
  - (d) where the Welsh Ministers are the appropriate authority, to the local authority, and
  - (e) in the case of a foundation or voluntary school—
    - (i) to the person who appoints the foundation governors, and
    - (ii) if the school has a religious character, to the appropriate religious body.
- (2) A failure to comply with sub-paragraph (1) does not invalidate the notice or appointment.

*Power to specify duration of interim period*

- 7 The appropriate authority may specify the duration of the interim period in the notice under section 7 or 14.

*Chair*

- 8           The appropriate authority may nominate one of the interim executive members to be chair of the interim executive board.

*Remuneration and allowances*

- 9           The appropriate authority may pay to any interim executive member such remuneration and allowances as the appropriate authority may determine, subject to any regulations made under paragraph 13(2).

*Duty of interim executive board*

- 10       (1) During the interim period, the interim executive board must conduct the school so as to secure, so far as is practicable to do so, the provision of a sound basis for future improvement in the conduct of the school.
- (2) Sub-paragraph (1) does not affect the other duties of the interim executive board as governing body.

*Proceedings of interim executive board*

- 11       (1) The interim executive board may determine its own procedure.
- (2) The interim executive board may make such arrangements as it thinks fit for the discharge of its functions by any other person.
- (3) This paragraph is subject to regulations made under paragraph 13(2).

*Effect on suspension of delegated budget*

- 12       (1) If immediately before the date specified in a notice under section 7 or 14 the school does not have a delegated budget, the suspension of the governing body's right to a delegated budget is by virtue of this sub-paragraph revoked with effect from that date.
- (2) If a notice under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998 (suspension of delegated budget for mismanagement etc) has been given to the governing body before the date specified in a notice under section 7 or 14 but has not yet taken effect, the notice ceases to have effect on that date.
- (3) During the interim period, the local authority may not exercise the power conferred by section 8 (power to suspend right to delegated budget).
- (4) Sub-paragraph (1) is to be construed in accordance with section 49(7) of the School Standards and Framework Act 1998.

*Exclusion of certain statutory provisions*

- 13       (1) Regulations made under section 19(2) or (3) of the Education Act 2002 (governing bodies) do not apply in relation to the interim executive board.
- (2) But regulations made under section 19(3)(f), (g), (i), (j), (k) or (l) of the Education Act 2002 (other than regulations under section 19(3)(l) relating to the constitution of governing bodies) may be applied in relation to the board (with or without modifications) by regulations.



- (3) The instrument of government of the school does not have effect in relation to the interim executive board in so far as it relates to the constitution of the governing body.
- (4) During the interim period—
  - (a) the local authority may not exercise any power conferred by section 6 (power to appoint additional governors), and
  - (b) the Welsh Ministers may not exercise any power conferred by section 13 (power to appoint additional governors).

#### *Closure of school*

- 14 (1) At any time during the interim period, the interim executive board may, if it thinks fit, make a report to the local authority and the Welsh Ministers recommending that the school be discontinued, and stating the reasons for that recommendation.
- (2) The interim executive board may not—
  - (a) publish under section 43 proposals to discontinue the school, or
  - (b) serve notice under section 80.
- (3) Sub-paragraph (4) applies if during the interim period—
  - (a) the Welsh Ministers give a direction under section 16 or 81 in relation to the school, or
  - (b) the local authority determine to discontinue the school.
- (4) The interim period is to continue until the discontinuance date, even where it would otherwise end before that date.
- (5) In this paragraph “the discontinuance date” means one of the following (as the case may be)—
  - (a) the date on which proposals for discontinuing the school are implemented under Part 1 of Schedule 3;
  - (b) the date on which the school is discontinued under section 80;
  - (c) the date specified in the direction under section 16 or 81(1).

#### *Notice of resumption of government by normally constituted governing body*

- 15 (1) The following sub-paragraph applies if—
  - (a) the notice under section 7 or 14 does not specify the duration of the interim period, and
  - (b) paragraph 14(4) does not apply.
- (2) The appropriate authority may give notice to the persons mentioned in sub-paragraph (3) specifying a date on which the governing body are to become a normally constituted governing body.
- (3) Those persons are—
  - (a) every interim executive member,
  - (b) where the local authority is the appropriate authority, the Welsh Ministers,
  - (c) where the Welsh Ministers are the appropriate authority, the local authority, and
  - (d) in the case of a foundation or voluntary school—
    - (i) the person who appoints the foundation governors, and

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- (ii) if the school has a religious character, the appropriate religious body.

*Time when interim executive members cease to hold office*

- 16 (1) The interim executive members are to vacate office—
- (a) in a case where sub-paragraph (4) of paragraph 14 applies, on the discontinuance date within the meaning of that paragraph,
  - (b) in a case where that sub-paragraph does not apply and the notice under section 7 or 14 specified the duration of the interim period, at the end of the specified period, and
  - (c) in any other case, on the date specified under paragraph 15(2).
- (2) Sub-paragraph (1) does not prevent the termination of the appointment of an interim executive member at any earlier time under paragraph 5(2)(b) or in accordance with the terms of the appointment.

*Establishment of normally constituted governing body*

- 17 (1) Where interim executive members are to vacate office on the date referred to in paragraph 16(1)(b) or (c), the local authority must make arrangements providing for the constitution of the governing body on and after that date.
- (2) The Welsh Ministers may by regulations make provision with respect to the transition from an interim executive board to a normally constituted governing body, and may in connection with that transition—
- (a) modify any provision made under any of sections 19, 20 and 23 of the Education Act 2002 or by Schedule 1 to that Act,
  - (b) apply any such provision with or without modifications, and
  - (c) make provision corresponding to or similar to any such provision.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes, among other things, provision enabling governors to be elected or appointed, and to exercise functions, before the end of the interim period.

SCHEDULE 2

(Introduced by section 40)

REGULATED ALTERATIONS

PART 1

ALL MAINTAINED SCHOOLS

- 1 Paragraphs 2 and 3 describe regulated alterations in relation to community, foundation, voluntary schools, community special schools, and maintained nursery schools.

*Site transfers*

- 2 The transfer of a 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 a main entrance of the school on its current site or sites.

*Mixed sex and single-sex schools*

- 3 (1) An alteration to a school so that—
- (a) a school which admitted pupils of one sex only admits pupils of both sexes, or
  - (b) a school which admitted pupils of both sexes admits pupils of one sex only.
- (2) For the purposes of this paragraph a school is to be treated as admitting pupils of one sex only if the admission of pupils of the other sex—
- (a) is limited to pupils over compulsory school age; and
  - (b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

**PART 2****ALL MAINTAINED SCHOOLS OTHER THAN MAINTAINED NURSERY SCHOOLS**

- 4 Paragraphs 5 to 8 describe regulated alterations in relation to community, foundation and voluntary schools, and community special schools.

*Age range*

- 5 (1) The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school.
- (2) The alteration by a year or more of the highest age of pupils for whom education is normally provided at a school where the school, both before and after the alteration, provides education suitable to the requirements of pupils of compulsory school age and does not provide full time education suitable to the requirements of pupils over compulsory school age.

*Sixth form provision*

- 6 (1) The introduction of the provision of full-time education suitable to the requirements of pupils over compulsory school age at a school which provides full time education suitable to the requirements of pupils of compulsory school age.
- (2) The ending of the provision of full time education suitable to the requirements of pupils over compulsory school age at a school which is to continue to provide full time education suitable to the requirements of pupils of compulsory school age.

*Language medium – primary education*

- 7 (1) This paragraph applies to—
- (a) primary schools,
  - (b) special schools but only in relation to the provision of primary education to pupils at the schools, and

- (c) middle schools but only in relation to the provision of primary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of a class of pupils in an age group (or groups) at a school falls within a description in an entry in column 1 of table 1 below, and it is proposed to alter the teaching of the corresponding class of pupils in that age group (or those age groups) so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph—
- (a) “age group” means—
- (i) a year group of the foundation phase (within the meaning given by section 102 of the Education Act 2002), or
- (ii) a year group of the second key stage (within the meaning given by section 103 of the Education Act 2002);
- (b) a reference to the teaching of a class of pupils does not include a school assembly or other school activities usually conducted with large groups of pupils.

TABLE 1

1	2
At least 20% but no more than 80% of the teaching is conducted through the medium of English	An increase or a 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 a 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 teaching is conducted through the medium of Welsh
No teaching is conducted through the medium of English	More than 10% of 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

*Language medium - secondary education*

- 8 (1) This paragraph applies to—
- (a) secondary schools,
  - (b) special schools but only in relation to the provision of secondary education to pupils at the schools, and
  - (c) middle schools but only in relation to the provision of secondary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of pupils in a year group at a school falls within a description in an entry in column 1 of table 2 below, and it is proposed to alter the teaching of pupils in that year group so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph a “relevant subject” is any subject other than English and Welsh which is taught at the school to pupils in the year group concerned.

TABLE 2

1	2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils	A decrease by four or more 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 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

**PART 3****COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS**

- 9 Paragraphs 10 to 17 describe regulated alterations in relation to community, foundation and voluntary schools.

### *Alterations to premises*

- 10 (1) An enlargement of the premises of the school 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.
- (2) In determining an increase in capacity for the purpose of sub-paragraph (1), all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement.
- (3) The "appropriate date" is the latest of—
- (a) the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
  - (b) the date when the school first admitted pupils;
  - (c) the date (or latest date) of implementation of proposals to make an alteration to the school consisting of an enlargement of its premises which proposals were published under—
    - (i) section 48, 59, 68 or 72, or
    - (ii) section 28 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.
- (4) References in this paragraph to an enlargement do not include a temporary enlargement.
- 11 (1) An enlargement of the premises of the school which would increase the capacity of the school if the date on which it is planned to implement the proposals to make the enlargement falls within the period described in sub-paragraph (2).
- (2) The period is five years beginning with the date (or latest date) of implementation of proposals falling within paragraph 13 (reducing a school's capacity).
- (3) "Enlargement" does not include a temporary enlargement.
- 12 The making permanent of a temporary enlargement which at the time of its making would have fallen within paragraph 10 (but for the fact that it was temporary).
- 13 An alteration of the premises of the school which would reduce the capacity of the school, where the proposed capacity would be lower than the highest number of registered pupils at the school at any time during the two years before the date on which the proposer formed the intention to make the proposed alteration.
- 14 For the purposes of paragraphs 10 to 13—
- (a) references to the capacity of a school are to the number of pupils the school can accommodate as determined in accordance with guidance given by the Welsh Ministers, and
  - (b) a "temporary enlargement" is an 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.

### *Special educational needs*

- 15 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

*Admission arrangements*

- 16 The introduction of admission arrangements to which section 101(1) of the School Standards and Framework Act 1998 (pupil banding) applies.

*Boarding provision*

- 17 (1) The introduction or ending of provision for boarding accommodation.
- (2) The alteration of provision for boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 50 pupils or more or by 50% or more.

**PART 4****SPECIAL SCHOOLS**

- 18 Paragraphs 19 to 21 describe regulated alterations in relation to community special schools.

*Increase in pupils*

- 19 (1) Except where the school is established in a hospital, an increase in the number of pupils for whom the school makes provision which, when taken with all previous increases since the appropriate date, would increase the number of pupils at least by 10% or by the relevant number as compared with the number of pupils on the appropriate date.
- (2) In this paragraph—
- the “appropriate date” (“*dyddiad priodol*”) is the latest of—
- (a) 19 January 2012;
- (b) the date when the school first admitted pupils;
- (c) the date (or latest date) of implementation of proposals to make an alteration to the school to increase the number of pupils for whom the school makes provision which proposals were published under—
- (i) section 48, 59, 68 or 72, or
- (ii) section 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act; and
- “relevant number” (“*y nifer perthnasol*”) in relation to the number of pupils at a school, is—
- (a) where the school provides boarding accommodation only, 5, and
- (b) in any other case, 20.

*Boarding provision*

- 20 The alteration of the provision of boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 5 pupils or more.

*Special educational needs provision*

- 21 A change in the type of special educational needs for which the school is organised to make provision.

## PART 5

### MAINTAINED NURSERY SCHOOLS

- 22 Paragraphs 23 to 25 describe regulated alterations in relation to maintained nursery schools.

#### *Teaching space*

- 23 (1) An enlargement of the teaching space, other than a temporary enlargement, by 50% or more.
- (2) The making permanent of a temporary enlargement of the teaching space by 50% or more.
- (3) In this paragraph—
- “teaching space” (“*man addysgu*”) means any area used wholly or mainly for the provision of nursery education excluding—
- (a) any area used wholly or mainly for the education of pupils whose educational needs are being assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act;
  - (b) any area constructed, adapted or equipped so as to be unsuitable for general teaching purposes;
  - (c) any area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;
  - (d) any part of an area which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;
- a “temporary enlargement” (“*ehangu dros dro*”) is an enlargement of the teaching space which it is anticipated, at the time of its making, will be in place for fewer than three years.

#### *Special educational needs*

- 24 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

#### *Language medium*

- 25 (1) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of English.
- (2) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of Welsh.



## PART 6

### SUPPLEMENTARY

#### *Power to amend*

- 26 (1) The Welsh Ministers may by order amend any provision of this Schedule.
- (2) An order under sub-paragraph (1) may make consequential amendments to any provision of Part 3 of this Act.

## SCHEDULE 3

(Introduced by section 55)

### IMPLEMENTATION OF STATUTORY PROPOSALS

## PART 1

### RESPONSIBILITY FOR IMPLEMENTATION

#### *Interpretation*

- 1 In this Part of this Schedule—
- (a) “proposals” means proposals falling to be implemented under section 55;
  - (b) a reference to a local authority in relation to a school or proposed school is a reference to the local authority that maintains, or that will maintain, that school.

#### *Proposals relating to community or maintained nursery schools*

- 2 (1) This paragraph applies to proposals relating to a community or maintained nursery school or a proposed community or maintained nursery school.
- (2) Proposals made by a local authority under section 41, 42 or 43 must be implemented by the local authority.

#### *Proposals relating to foundation or voluntary controlled schools*

- 3 (1) This paragraph applies to proposals relating to a foundation or voluntary controlled school or a proposed voluntary controlled school.
- (2) Proposals made by a local authority under section 41(2) or 43(1)(a) must be implemented by the authority.
- (3) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented by both the authority and governing body to the extent (if any) that the proposals provide for each of them to do so.
- (4) Proposals made under section 41(2) (other than by a local authority) must be implemented by the local authority and by the person who made the proposals to the extent (if any) that the proposals provide for each of them to do so.

- (5) Proposals made by a governing body under section 42(2) must be implemented by the local authority and by the governing body to the extent (if any) that the proposals provide for each of them to do so.
- (6) Proposals made by a governing body under section 43(2) must be implemented by both the governing body and the local authority.

*Proposals relating to voluntary aided schools*

- 4 (1) This paragraph applies to proposals relating to a voluntary aided school or a proposed voluntary aided school.
- (2) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented—
  - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
  - (b) otherwise by both the authority and the governing body to the extent (if any) that the proposals provide for each of them to do so.
- (3) Proposals made under section 41(2) must be implemented—
  - (a) where the local authority is the proposer, by the local authority, and
  - (b) where the local authority is not the proposer—
    - (i) so far as relating to the provision of relevant premises for the school, by the local authority, and
    - (ii) otherwise by the person who made the proposals.
- (4) Nothing in sub-paragraph (3)(b) requires a local authority to provide relevant premises where—
  - (a) the new voluntary aided school is to be established in place of one or more existing independent, foundation or voluntary schools falling to be discontinued on or before the date of implementation of the proposals, and
  - (b) those premises were part of the premises of any of the existing schools but were not provided by the authority.
- (5) Proposals made by a governing body under section 42(2) must be implemented—
  - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
  - (b) otherwise by the governing body.
- (6) “Relevant premises” means—
  - (a) playing fields, or
  - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (7) Proposals made by a local authority under section 43(1) must be implemented by the authority.
- (8) Proposals made by the governing body under section 43(2) must be implemented by both the governing body and the local authority.

*Proposals relating to community special schools*

- 5      (1) This paragraph applies to proposals relating to a community special school or a proposed community special school.
- (2) Proposals made by a local authority under section 44 must be implemented by the authority.

*Change of category*

- 6      If a school changes category from a community school after proposals have been published under section 48 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority (despite paragraphs 3 and 4).

## PART 2

### PROVISION OF PREMISES AND OTHER ASSISTANCE

*Provision of site and buildings for foundation or voluntary controlled school*

- 7      (1) This paragraph applies where a local authority is required by virtue of paragraph 3(2), (3), (4) or (5) to provide a site for a foundation or voluntary controlled school or a proposed voluntary controlled school.
- (2) The authority must transfer its interest in the site and in any buildings on the site which are to form part of the school premises—
- (a) to the school's trustees, to be held by them on trust for the purposes of the school, or
- (b) if the school has no trustees, to the school's foundation body or (in the absence of such a body) to the governing body, to be held by that body for the relevant purposes.
- (3) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer, it must be made to such persons as the Welsh Ministers think proper.
- (4) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (5) Sub-paragraph (6) applies where—
- (a) a transfer is made under this paragraph, and
- (b) the transfer is made to persons ("the transferees") who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school.
- (6) The transferees must notify the local authority that sub-paragraph (5)(b) applies to them and they or their successors must pay to the local authority so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the authority or, in default of agreement, by the Welsh Ministers.
- (7) In sub-paragraph (5)(b) the reference to proceeds of the sale of other premises includes a reference to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent, and
  - (b) interest which has accrued in respect of any such consideration.
- (8) Any sum paid under sub-paragraph (6) is to be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (9) A determination may be made under sub-paragraph (6) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) if (and only if)—
  - (a) the determination is made by the Welsh Ministers, and
  - (b) they are satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.
- (10) Sub-paragraph (6) applies for the purpose of compensating the authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (5)(b) (if any) as remains after the application of paragraphs 1 to 3 of Schedule 22 to the School Standards and Framework Act 1998 (disposals of land - foundation, voluntary and foundation special schools) to that sum.
- (11) In this paragraph—
  - “the relevant purposes” (“*y dibenion perthnasol*”) means—
    - (a) in relation to a transfer to a school’s foundation body, the purposes of the schools comprising the group for which that body acts, or
    - (b) in relation to a transfer to a school’s governing body, the purposes of the school;
  - “site” (“*safle*”) does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.

*Grants in respect of certain expenditure relating to existing or proposed voluntary aided school*

- 8
- (1) This paragraph applies where—
    - (a) the governing body of a voluntary aided school is required by virtue of paragraph 4(5) to implement proposals to make a regulated alteration to the school, or
    - (b) a person is required by virtue of paragraph 4(3)(b) to implement proposals to establish a new voluntary aided school.
  - (2) Paragraph 5 of Schedule 3 to the School Standards and Framework Act 1998 (grants to voluntary aided schools in respect of expenditure on premises or equipment)—
    - (a) applies in relation to the school mentioned in sub-paragraph (1)(a), and
    - (b) applies in relation to the new school mentioned in sub-paragraph (1)(b) as it applies in relation to an existing voluntary aided school.
  - (3) In the application of that paragraph in relation to a new voluntary aided school—
    - (a) the references to the governing body, in relation to any time before the governing body is constituted, are to the person who made the proposals under section 41(2), and

- (b) where requirements are imposed in relation to grant paid by virtue of this paragraph to the person who made the proposals, the requirements must be complied with by the governing body, when it is constituted, as well as by that person.

*Assistance in respect of maintenance and other obligations relating to voluntary aided school*

- 9 A local authority may give to the governing body of a voluntary aided school such assistance as the authority thinks fit in relation to the carrying out by the governing body of any obligation arising by virtue of paragraph 4(5) in relation to proposals made by it under section 42(2).

*Assistance in respect of new voluntary aided school*

- 10 A local authority may give to persons required by virtue of paragraph 4(3)(b) to implement proposals to establish a voluntary aided school such assistance as it thinks fit in relation to the carrying out by those persons of any obligation arising by virtue of that paragraph.

*Duty to transfer interest in premises provided under paragraph 9 or 10*

- 11 (1) Where assistance under paragraph 9 or 10 consists of the provision of any premises for use for the purposes of a school, the local authority must transfer its interest in the premises—
  - (a) to the trustees of the school to be held on trust for the purposes of the school, or
  - (b) if the school has no trustees, to the school's foundation body, to be held by that body for the purposes of the schools comprising the group for which that body acts.
- (2) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer it must be made to such persons as the Welsh Ministers think proper.
- (3) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.

### PART 3

#### TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF THE EQUALITY ACT 2010

*Single-sex schools*

- 12 (1) This paragraph applies to proposals to make a regulated alteration described in paragraph 3(1)(a) of Schedule 2 (school to cease to be one which admits pupils of one sex only).
- (2) Sub-paragraph (3) applies where such proposals are made under section 42 or 44 and, in accordance with section 48(4), the proposer sends a copy of the published proposals to the Welsh Ministers.

- (3) The sending of the published proposals to the Welsh Ministers is to be treated as an application by the proposer for a transitional exemption order under the Equality Act 2010, and the Welsh Ministers may make such an order accordingly.
- (4) In this paragraph—  
“make” (“*gwneud*”), in relation to a transitional exemption order, includes vary or revoke;  
“transitional exemption order” (“*gorchymyn esemptio trosiannol*”) has the same meaning as in paragraph 3 of Schedule 11 to the Equality Act 2010.

## SCHEDULE 4

(Introduced by section 55)

### IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

#### PART 1

#### INTRODUCTORY

##### *Interpretation*

1 In this Schedule—

“group” (“*grwp*”) has the meaning given by section 21(4)(b) of the School Standards and Framework Act 1998;

“the implementation date” (“*y dyddiad gweithredu*”) means the date on which it is proposed that the change of category is to take place;

“publicly funded land” (“*tir wedi ei gyllido’n gyhoeddus*”) means land which was acquired—

- (a) from a local authority under a transfer under section 201(1)(a) of the Education Act 1996,
- (b) wholly by means of any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996),
- (c) wholly by means of a grant made under regulations made under paragraph 4 of Schedule 32 to the School Standards and Framework Act 1998,
- (d) wholly by means of expenditure incurred for the purposes of the school and treated by the local authority as expenditure of a capital nature,
- (e) under a transfer under regulations made under paragraph 5 of Schedule 8 to the School Standards and Framework Act 1998,
- (f) wholly by means of financial assistance given under section 14 of the Education Act 2002,
- (g) under a transfer under this Schedule, or
- (h) wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (a) to (g);

“transfer agreement” (“*cytundeb trosglwyddo*”), in relation to a school, means an agreement—

- (a) made between the local authority and the trustees or the foundation body or the governing body of the school, and

- (b) providing for land to be transferred to, and vest in, the local authority on the implementation date (whether or not in consideration of payment by the authority).

### *Implementation*

- 2 On the implementation date the school is to change category in accordance with the proposals.

## **PART 2**

### **TRANSFER OF STAFF**

#### *Change to voluntary aided school*

- 3 (1) This paragraph applies where a community or voluntary controlled school changes category to become a voluntary aided school.
- (2) The contract of employment between P and the local authority has effect from the implementation date as if originally made between P and the governing body.
- (3) All the local authority's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the governing body on the implementation date.
- (4) Anything done before that date by or in relation to the local authority in connection with that contract or P is to be treated from that date as having been done by or in relation to the governing body.
- (5) In this paragraph, "P" is a person who—
  - (a) immediately before the implementation date is employed by the local authority to work solely at the school in question, or
  - (b) before the implementation date, is appointed by the local authority to work at the school as from the implementation date or a later date.
- (6) But a reference to "P" does not include—
  - (a) a person whose contract of employment terminates on the day immediately preceding the implementation date, or
  - (b) a person employed by the local authority to work at the school solely in connection with the provision of meals.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.

#### *Change to community or voluntary controlled school*

- 4 (1) This paragraph applies where a foundation or voluntary aided school changes category to become a community or voluntary controlled school.
- (2) The contract of employment between P and the governing body has effect from the implementation date as if originally made between P and the local authority.

- (3) All the governing body's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the local authority on the implementation date.
- (4) Anything done before that date by or in relation to the governing body in connection with that contract or P is to be treated from that date as having been done by or in relation to the local authority.
- (5) In this paragraph, "P" is a person who—
  - (a) immediately before the implementation date is employed by the governing body to work at the school in question, or
  - (b) before the implementation date, is appointed by the governing body to work at the school as from the implementation date or a later date.
- (6) But "P" does not include a person whose contract of employment terminates on the day immediately preceding the implementation date.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.

*Change to voluntary aided school with a religious character*

- 5 (1) This paragraph applies where a voluntary controlled school or a foundation school with a religious character changes category to become a voluntary aided school with a religious character.
- (2) Sub-paragraph (3) applies if, immediately before the implementation date, a teacher at the voluntary controlled school or foundation school enjoys rights conferred by section 59(2) to (4) of the School Standards and Framework Act 1998 by virtue of section 60(2) of that Act.
- (3) That teacher is to continue to enjoy those rights while employed as a teacher at the voluntary aided school.

**PART 3**

**TRANSFER OF LAND**

*Effect of transfers*

- 6 (1) Sub-paragraph (2) applies where—
  - (a) land is transferred to and vests in a body in accordance with this Schedule, and
  - (b) the transferor enjoys or incurs any rights or liabilities immediately before the implementation date in connection with that land.
- (2) Those rights or liabilities are also transferred to, and by virtue of this Schedule, vest in, that body.
- 7 Any reference in this Part of this Schedule, in relation to a school, to land being transferred to, and vesting in, a foundation body is a reference to its being transferred



to, and vesting in, that body for the purposes of the schools comprising the group for which that body acts.

8 Transfers of land under this Schedule do not affect the rights of the governing body in relation to the land under Schedule 13 to the School Standards and Framework Act 1998.

9 In its application to transfers under this Schedule, Schedule 10 to the Education Reform Act 1988 has effect as if references in it to the transfer date were references to the implementation date.

*Change from community school to voluntary aided school*

- 10 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 11 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

*Change from community school to voluntary controlled school*

- 12 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 13 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.

- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

*Change from foundation school to community school*

- 14 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 15 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

*Change from foundation school to voluntary aided or voluntary controlled school*

- 16 (1) Sub-paragraph (2) applies where—
- (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
- (b) as from the implementation date the school will not be a member of the group.
- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 17 (1) Sub-paragraph (2) applies where—
- (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
- (b) as from the implementation date the school will be a member of the group.

- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the foundation body.
- 18 (1) Sub-paragraph (2) applies where—
- (a) proposals for a foundation school which is a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

*Change from voluntary aided school to community school*

- 19 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 20 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

*Change from voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school*

- 21 (1) Sub-paragraph (2) applies where—
- (a) proposals for a voluntary aided school or a voluntary controlled school which is not a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will be a member of such a group.

- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body.
- 22 (1) Sub-paragraph (2) applies where—
- (a) proposals for a voluntary aided school or a voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the trustees of the school to be held by them on trust for the purposes of the school.

*Change from foundation, voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school*

- 23 (1) Sub-paragraph (2) applies where—
- (a) proposals for a foundation, voluntary aided or voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled or voluntary aided school are required to be implemented under section 55(2), and
  - (b) as from the implementation date the school will be a member of the group for which another foundation body acts.
- (2) Any land which, immediately before the implementation date, was held by the foundation body mentioned in sub-paragraph (1)(a) for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body mentioned in sub-paragraph (1)(b).

*Change from voluntary controlled school to community school*

- 24 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 25 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used

for the purposes of the voluntary controlled school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

#### *Outstanding transfers*

- 26 (1) Sub-paragraph (2) applies where immediately before the implementation date in relation to any change of category occurring in respect of a school—
- (a) any land vested in a local authority is by virtue of any statutory provision required to be transferred to the governing body or any trustees of the school, but
  - (b) the land has not yet been so transferred.
- (2) Paragraphs 10 to 25 of this Schedule apply to the school as if the land had been so transferred by that time.

#### *Transfer of right to use land*

- 27 (1) Sub-paragraph (2) applies if—
- (a) paragraph 10, 11, 12 or 13 applies to a school,
  - (b) any land held by a person or body other than a local authority was, immediately before the implementation date, used for the purposes of the school, and
  - (c) the local authority enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.
- (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the trustees of the school or, if there are no trustees, the governing body.
- 28 (1) Sub-paragraph (2) applies if—
- (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
  - (b) any land held by a person or body other than the governing body of the school was, immediately before the implementation date, used for the purposes of the school, and
  - (c) the governing body enjoyed or incurred any rights and liabilities immediately before the implementation date in connection with the use of the land.
- (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority.
- 29 (1) Sub-paragraph (2) applies if—
- (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
  - (b) any land held by a person or body other than any trustees or foundation body who hold any land for the purposes of the school was, immediately before the implementation date, used for the purposes of the school, and
  - (c) the trustees or foundation body enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.

- (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority in accordance with a transfer of rights and liabilities agreement.
- (3) A “transfer of rights and liabilities agreement” means an agreement—
  - (a) made for the purposes of sub-paragraph (2) between the local authority and the trustees or foundation body, and
  - (b) providing for the rights or liabilities in question to be transferred to, and vest in, the authority on the implementation date, whether or not in consideration of the payment by the authority of such amount as may be agreed between the parties.

*Exclusions from transfer*

- 30 Nothing in paragraphs 10 to 25 has the effect of transferring to, or vesting in, any body—
  - (a) any land, rights or liabilities excluded under paragraph 31 or 32,
  - (b) any rights or liabilities under a contract of employment,
  - (c) any liability of a local authority, governing body or trustees in respect of the principal of, or any interest on, any loan, or
  - (d) any liability in tort.
- 31 (1) Sub-paragraph (2) applies if before the implementation date in relation to any change of category—
  - (a) the prospective transferee and transferor have agreed in writing that any land should be excluded from the operation of paragraphs 10 to 25, and
  - (b) the Welsh Ministers have given their written approval of the agreement.

(2) The land (and any rights or liabilities relating to it) is to be so excluded.
- 32 (1) Sub-paragraph (2) applies if in the absence of agreement under paragraph 31—
  - (a) the prospective transferee or transferor has applied to the Welsh Ministers to exclude any land from the operation of paragraphs 10 to 25, and
  - (b) the Welsh Ministers have directed its exclusion.

(2) The land (and any rights or liabilities relating to it) is to be excluded.
- 33 (1) An agreement under paragraph 31 may provide for the land to be used or held for the purposes of the school on such terms as may be specified in or determined in accordance with the agreement.
- (2) Directions under paragraph 32—
  - (a) may confer any rights or impose any liabilities that could have been conferred or imposed by an agreement under paragraph 31, and
  - (b) have effect as if contained in such an agreement.
- 34 In paragraphs 31 and 32—
  - “the prospective transferee” (“*y trosglwyddai arfaethedig*”), in relation to any land, means the body to which (apart from paragraphs 31 and 32) the land would fall to be transferred under paragraphs 10 to 25, and
  - “the prospective transferor” (“*y trosglwyddwr arfaethedig*”) is to be construed accordingly.

*Restrictions on disposal or use of land*

- 35 (1) For the purposes of paragraphs 36 and 37 the procedure for becoming a school of another category is pending in relation to a school when it has been started by the governing body in relation to the school and not terminated.
- (2) That procedure is to be regarded as started in relation to a school on receipt by the local authority of notice of a meeting of the governing body at which a motion for a resolution to consult about proposals to change category is to be considered.
- (3) That procedure is to be regarded as terminated—
- (a) if the meeting is not held,
  - (b) if the meeting is held but the motion is not moved or, though the motion is moved, the resolution is not passed,
  - (c) if consultation is not carried out in accordance with section 48,
  - (d) if the proposals in respect of which consultation was carried out are not published in accordance with section 48,
  - (e) if the proposals are rejected by the Welsh Ministers under section 50 or by a local authority under section 51 or are withdrawn or if the governing body has determined not to implement them under section 53, or
  - (f) on the date of implementation of the proposals.
- 36 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers—
- (a) dispose of any land used wholly or partly for the purposes of the school, or
  - (b) enter into a contract to dispose of such land.
- (2) Sub-paragraph (1) does not apply in relation to a disposal which is made in accordance with a contract entered into, or an option granted, before the procedure for becoming a school of another category was started in relation to the school.
- (3) Sub-paragraph (4) applies if—
- (a) proposals for becoming a school of another category are approved or the governing body has determined to implement them, and
  - (b) agreement is required to be reached under paragraph 2(1) of Schedule 10 to the Education Reform Act 1988 (identification of property, etc.) on any matter relating to any land to be transferred.
- (4) The procedure for becoming a school of another category is not to be treated as terminated for the purposes of this paragraph in relation to that land until the date on which that matter is finally determined.
- (5) A disposal or contract is not invalid or void by reason only that it has been made or entered into in breach of this paragraph and a person acquiring land, or entering into a contract to acquire land, from a local authority is not to be concerned to enquire whether any consent required by this paragraph has been given.
- (6) This paragraph has effect despite anything in section 123 of the Local Government Act 1972 (general power to dispose of land) or in any other enactment; and the consent required by this paragraph is in addition to any consent required by subsection (2) of that section or by any other enactment.
- (7) In this paragraph—
- (a) references to disposing of land include granting or disposing of any interest in land, and

- (b) references to entering into a contract to dispose of land include granting an option to acquire land or such an interest.
- 37 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers, take any action in relation to any land of the authority used or held for the purposes of the school by which the land ceases to any extent to be so used or held.
- (2) Sub-paragraph (3) applies if in the case of any school—
- (a) proposals that a school become a school of another category are approved or the governing body have determined to implement them, and
  - (b) a local authority has, in relation to any land, taken action in breach of sub - paragraph (1).
- (3) The transfer of property provisions have effect as if, immediately before the implementation date, the property were used or held by the authority for the purposes for which it was used or held when the procedure for becoming a school of another category was started.
- (4) In this paragraph—
- (a) “the transfer of property provisions” means this Schedule and section 198 of, and Schedule 10 to, the Education Reform Act 1988, and
  - (b) the references to taking action include appropriating property for any purpose.

## **PART 4**

### **SUPPLEMENTAL**

#### *School government*

- 38 (1) The Welsh Ministers may by regulations make provision in connection with the implementation of proposals to change a school’s category with respect to the government of the school.
- (2) Those regulations may (amongst other things) make provision—
- (a) about the revision and replacement of the school’s instrument of government,
  - (b) about the reconstitution of its governing body,
  - (c) applying, with or without modifications, provision made by or under Chapter 1 of Part 3 of the Education Act 2002 (government of maintained schools), and
  - (d) about transitional matters.

#### *Transitional provisions - admissions*

- 39 (1) Where a community or voluntary controlled school becomes a voluntary aided school anything done before the implementation date by the local authority as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 (admission arrangements) has effect, from the implementation date, as if done by the governing body.



- (2) Where a foundation or voluntary aided school becomes a community or voluntary controlled school anything done before the implementation date by the governing body as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 has effect, from the implementation date, as if done by the local authority.

## SCHEDULE 5

(Introduced by section 99)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### AMENDMENTS RELATING TO PART 2 (STANDARDS)

##### *Education Reform Act 1988*

- 1 (1) Section 219 of the Education Reform Act 1988 (powers of Welsh Ministers and Secretary of State in relation to certain educational institutions) is amended as follows.
  - (2) In subsection (3) after “institution” insert “in England”.
  - (3) After subsection (3) insert—
 

“(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if—

    - (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
    - (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
    - (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

##### *Education Act 1996*

- 2 (1) The Education Act 1996 is amended as follows.
  - (2) In section 409(4) (complaints and enforcement: maintained schools in Wales) for the words from “section 496” to “duties)” substitute “Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)”.
  - (3) In section 484(7) (education standards grants) for “sections 495 to 497” substitute “section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
  - (4) In section 496(2) (power to prevent unreasonable exercise of functions)—
    - (a) in paragraph (a), after “local authority” insert “in England”;

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- (b) in paragraph (b), after “school” in each place it appears insert “in England”.
- (5) In section 497(2) (general default powers for failure to discharge duty)—
  - (a) in paragraph (a), after “local authority” insert “in England”;
  - (b) in paragraph (b), after “school” in each place it appears insert “in England”.
- (6) In section 497A(1) (power to secure proper performance of functions) for “a local authority’s education functions” substitute “the education functions of a local authority in England”.
- (7) In section 560(6) (work experience in last year of compulsory schooling) after “or 496” insert “or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In paragraph 6(4) of Schedule 1 (pupil referral units) for the words from “section 496” to “powers)” substitute “Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities)”.

#### *Teaching and Higher Education Act 1998*

- 3 In section 19 of the Teaching and Higher Education Act 1998 (requirement to serve induction period) for subsection (12) substitute—
- “(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if—
    - (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
    - (b) references to the governing body of a maintained school included—
      - (i) the governing body of a special school not maintained by a local authority,
      - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
      - (iii) an appropriate body for the purposes of subsection (2);
    - (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
    - (d) sections 3 to 9 and 12 to 16 of that Act did not apply.
  - (13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

#### *School Standards and Framework Act 1998*

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) Chapter 4 of Part 1 (intervention in schools in Wales causing concern) is repealed.
  - (3) In section 51A (expenditure incurred for community purposes)—
    - (a) omit “section 17 or”;

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- (b) after “15” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 62 (reserve power to prevent breakdown of discipline)—
  - (a) in subsection (1)—
    - (i) after “local authority” insert “in England”;
    - (ii) omit “or (3)”;
  - (b) omit subsection (3).
- (5) In section 89C(2) (further provision about schemes for co-ordinating admission arrangements) for “, sections 496” to the end substitute—
  - “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
  - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) In section 142(4)(b) (general interpretation) omit “of section 16(6) or (8)”.
- (7) In section 143 (index) in the entry for “maintained school”, omit the entry beginning “(in Chapter 4 of Part 1)”.
- (8) Omit Schedule 1A (governing bodies consisting of interim executive members).
- (9) In Schedule 22 (disposal of land), in paragraph 5(1)(b)(i) for “section 19(1)” substitute “section 16 of the School Standards and Organisation (Wales) Act 2013”.

#### *Local Government Act 2000*

- 5 (1) Schedule 1 to the Local Government Act 2000 (executive arrangements in Wales) is amended as follows.
- (2) For paragraph 10 substitute—
  - “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
    - (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; an
    - (b) sections 24 to 27 of that Act did not apply.”
- (3) In paragraph 11A for “9” substitute “10”.

#### *Education Act 2002*

- 6 (1) The Education Act 2002 is amended as follows.
- (2) In section 34(7) (arrangements for government of new schools) after “State)” insert “and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales)”.

- (3) In section 35(7) (staffing of community, voluntary controlled, community special and maintained nursery schools)—
  - (a) omit “section 17 of, or”;
  - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 36(7) (staffing of foundation, voluntary aided and foundation special schools) —
  - (a) omit “section 17 of, or”;
  - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (5) In section 37(11) (payments in respect of dismissal, etc)—
  - (a) omit “section 17 of, or”;
  - (b) after “1998 (c 31)” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (6) Omit sections 55 to 59 and section 63 (powers of intervention).
- (7) In section 64 (provisions supplementary to powers to require local authorities to obtain advisory services)—
  - (a) in subsection (1)—
    - (i) omit “or 63”,
    - (ii) omit “or the National Assembly for Wales”,
    - (iii) omit “or it”,
    - (iv) omit “or the Assembly” (in both places);
  - (b) in subsection (2) omit “or 63”;
  - (c) in subsection (7) omit “or 63” and “or 63(2)”.
- (8) Omit Schedules 5 and 6 (amendments relating to schools causing concern and governing bodies consisting of interim executive members).
- (9) In Schedule 21 (minor and consequential amendments) omit paragraphs 92 to 94 and 103.
- (10) See also the amendment made by paragraph 21(11) of this Schedule to paragraph 5(2)(b)(iii) of Schedule 1 (which is in part consequential on Part 2 of this Act).

#### *Children Act 2004*

- 7 (1) The Children Act 2004 is amended as follows.
- (2) In section 50 (intervention)—
  - (a) in subsection (1) after “local authority” insert “in England”;
  - (b) in subsection (2)(c) omit “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
  - (c) in the heading after “Intervention” insert “- England”.
- (3) After section 50 insert—

### **“50A Intervention – Wales**

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority’s education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are—
  - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
  - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
  - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section—
 

“education functions” has the meaning given by section 579(1) of the Education Act 1996;

“social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

### *Education Act 2005*

- 8 (1) The Education Act 2005 is amended as follows.
- (2) Omit section 45 (power to direct closure of school).
- (3) In section 114(8) (supply of information about school workforce)—
  - (a) omit “and” at the end of paragraph (a);
  - (b) in paragraph (b) at the beginning insert “in relation to England,”;
  - (c) after paragraph (b) insert—
 

“and

    - (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
      - (i) references to a local authority included a reference to a prescribed person,
      - (ii) duties imposed by virtue of this section were education functions,
      - (iii) the only relevant ground for intervention were ground 1 in section 21, and
      - (iv) sections 24 to 27 did not apply.”

- (4) In Schedule 9 (amendments relating to school inspection) omit paragraphs 14 to 20.
- (5) See also the amendment made by paragraph 22(2)(b) of this Schedule to section 28(4)(c) of the Education Act 2005 (which is in part consequential on Part 2 of this Act).

*Education and Inspections Act 2006*

- 9 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In Schedule 7 (amendments relating to schools causing concern) omit paragraphs 3 to 14, 16, 17, 18, 19(b) and 21.
- (3) In Schedule 17 (miscellaneous amendments) omit paragraphs 1, 2 and 6.

*Childcare Act 2006*

- 10 For section 29 of the Childcare Act 2006 (powers of Welsh Ministers to secure proper performance etc) substitute—

**“29 Powers of intervention of Welsh Ministers**

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

*Equality Act 2010*

- 11 (1) Section 87 of the Equality Act 2010 (application of certain powers under Education Act 1996) is amended as follows.
- (2) At the beginning insert—
  - “(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”
- (3) After subsection (2) insert—
  - “(3) In the case of a school in Wales—
    - (a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—
      - (i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and
      - (ii) sections 3 to 9 and 12 to 16 of that Act did not apply;
    - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—

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- (i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and
  - (ii) sections 24 to 27 of that Act did not apply.
- (4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school)."

*Apprenticeships, Skills, Children and Learning Act 2009*

- 12 In the Apprenticeships, Skills, Children and Learning Act 2009 omit section 205 and Schedule 14 (powers in relation to schools causing concern).

*Education (Wales) Measure 2011*

- 13 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) Omit section 16 (federation of schools causing concern by direction of the Welsh Ministers).
- (3) In section 18(1) (federations: supplementary provisions)—
- (a) for paragraph (a) substitute—
    - “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools), or”;
  - (b) in paragraph (b) for “that Act” substitute “the School Standards and Framework Act 1998”.

## PART 2

### AMENDMENTS RELATING TO PART 3 (SCHOOL ORGANISATION)

*Education Reform Act 1988*

- 14 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 198(1) (transfers under Parts 1 and 2) after paragraph (c) insert—
- “or
- (d) Part 3 of Schedule 4 to the School Standards and Organisation (Wales) Act 2013;”.

*Diocesan Boards of Education Measure 1991*

- 15 (1) The Diocesan Boards of Education Measure 1991 is amended as follows.
- (2) In section 3 (transactions for which advice or consent of the Board is required)—
- (a) omit subsection (1)(a)(ii), (b)(ii) and (d);
  - (b) in subsection (1)(c) for “1998 Act” substitute “School Standards and Framework Act 1998 (“the 1998 Act”)”.

- (3) In section 7 (powers of Board to give directions to governing bodies of voluntary aided church schools)—
- (a) in subsection (1)—
    - (i) omit paragraphs (a)(ii), (b)(ii) and (c);
    - (ii) in paragraph (b)(i) for “1998 Act” substitute “School Standards and Framework Act 1998”;
  - (b) in subsection (1A) omit “or paragraph 2 or 3 of Schedule 8 to the 1998 Act”;
  - (c) in subsection (3)—
    - (i) in paragraph (a) omit “or section 28(2)(b) of the 1998 Act”;
    - (ii) omit paragraph (b);
    - (iii) in the words after paragraph (b) omit “the 1998 Act and”.

*Further and Higher Education Act 1992*

- 16 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 58 (reorganisation of schools involving establishment of further education corporation)—
- (a) in subsection (3), for paragraph (b) substitute—
    - “(b) a relevant alteration has been made to the school,”;
  - (b) omit subsection (4);
  - (c) at the end insert—
    - “(5) In subsection (3)(b) “relevant alteration” means—
      - (a) in the case of a school in England, a prescribed alteration within the meaning of section 18 of the Education and Inspections Act 2006, and
      - (b) in the case of a school in Wales, a regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

*Education Act 1996*

- 17 (1) The Education Act 1996 is amended as follows.
- (2) In section 5(3A)(b) (primary schools, secondary schools and middle schools)—
- (a) the words after “Wales,” become sub-paragraph (i);
  - (b) after “1998” insert—
    - “, and
    - (ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013”.
- (3) In section 394 (determination of cases in which requirement for Christian collective worship is not to apply), omit subsection (9)(b).
- (4) In section 409(2) (complaints and enforcement: maintained schools in Wales), omit “or foundation special”.
- (5) In section 529(2) (power to accept gifts on trust for educational purposes)—



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- (a) for “28 and 31 of the School Standards and Framework Act 1998” substitute “41 and 44 of the School Standards and Organisation (Wales) Act 2013”;
  - (b) for the words from “(so that” to “in Wales” substitute “and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals”.
- (6) In section 530(3)(b) (compulsory purchase of land) for the words from “paragraph 18” to the end substitute “paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act”.

#### *Education Act 1997*

- 18 (1) The Education Act 1997 is amended as follows.
- (2) In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment—
- (a) in subsection (5) in the definition of “maintained school”, omit “or foundation”;
  - (b) in subsection (6) omit “or foundation”.
- (3) In section 43(2)(c) (provision of careers education in schools in Wales), omit “or foundation”.

#### *School Standards and Framework Act 1998*

- 19 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 20(2A)(b) (new categories of maintained schools) after “this Act” insert “or sections 45 to 55 of, and Schedule 4 to, the School Standards and Organisation (Wales) Act 2013”.
- (3) In section 21(6) (kinds of foundation and voluntary schools and types of foundations) —
- (a) in paragraph (a)—
    - (i) omit “in accordance with Schedule 8 or”, and
    - (ii) after “Act 2006” insert “or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013”;
  - (b) in paragraph (f)—
    - (i) in sub-paragraph (i), omit “under paragraph 2 of Schedule 8 or” and after “Act 2006” insert “or under section 48 of the School Standards and Organisation (Wales) Act 2013”,
    - (ii) in sub-paragraph (ii), for “that paragraph or that section” substitute “either of those sections”,
    - (iii) omit sub-paragraph (iii).
- (4) Omit sections 28 and 29 (proposals for establishment, alteration and discontinuance of mainstream schools).
- (5) In section 30 (notice by governing body to discontinue foundation or voluntary school)—
- (a) in subsection (1) after “voluntary school” insert “in England”;

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- (b) in subsection (3) omit paragraph (b);
  - (c) in subsection (9) omit paragraph (a);
  - (d) in the heading after “voluntary school” insert “in England”.
- (6) Omit sections 31 to 35 (provisions relating to special schools, rationalisation of school places and change of category of schools).
- (7) In section 49(6) (maintained schools to have delegated budgets)—
  - (a) omit “paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000”;
  - (b) after “2002” insert “section 75(2)(b) of, or paragraph 4 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 82(1) (modification of trust deeds) for “or the Academies Act 2010” substitute “, the Academies Act 2010 or the School Standards and Organisation (Wales) Act 2013”.
- (9) Omit section 101(3) (permitted selection: pupil banding).
- (10) In section 103(2)(b) (permitted selection: introduction, variation or abandonment of provision for such selection) for “prescribed alteration for the purposes of section 28” substitute “regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013”.
- (11) In section 143 (index)—
  - (a) omit the entry beginning “alteration”;
  - (b) omit the entry beginning “area”;
  - (c) omit the entry beginning “discontinuing”;
  - (d) omit the entry beginning “promoters”;
  - (e) omit the entry beginning “school opening date”.
- (12) In Schedule 3 (funding of foundation, voluntary and foundation special schools)—
  - (a) in paragraph 2(2)(a)(ii), for the words from “or promoters” to “proposals” substitute “or the person by whom proposals were made is required to provide by virtue of Part 2 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (provision of premises and other assistance)”;
  - (b) in paragraph 7—
    - (i) in sub-paragraph (3)(a) after “28,” insert—
      - “(ia) the implementation of proposals made under section 42 of the School Standards and Organisation (Wales) Act 2013 to make a regulated alteration to a school,”;
    - (ii) in sub-paragraph (5) for “to the promoters” substitute—
      - “(a) in relation to England, to the promoters, and
      - (b) in relation to Wales, to the person who made the proposals under section 41(2) of the School Standards and Organisation (Wales) Act 2013”.
- (13) Omit Schedules 6 to 8 (provisions about procedure and implementation of statutory proposals, rationalisation of school places and changes of category of schools).
- (14) In Schedule 22 (disposals of land)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in paragraph 1,—
  - (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
  - (ii) after sub-paragraph (1)(a) insert—
    - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
- (b) in paragraph 2, after sub-paragraph (1)(a) insert—
  - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under either of those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
- (c) in paragraph 2A—
  - (i) in sub-paragraph (1) omit “or foundation special”;
  - (ii) after sub-paragraph (1)(a) insert—
    - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
  - (iii) in sub-paragraph (1)(b) after “(a)” insert “or (aa)”;
  - (iv) in sub-paragraph (1)(c) omit “or foundation special”;
  - (v) in sub-paragraph (2)(a)(ii) after “(a)” insert “or (aa)”;
  - (vi) in sub-paragraph (2)(b) after “(a)” insert “or (aa)”;
  - (vii) in sub-paragraph (6) omit “or foundation special”;
  - (viii) in the heading omit “or foundation special school”;
- (d) in paragraph 3—
  - (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
  - (ii) after sub-paragraph (1)(a) insert—
    - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
  - (iii) in sub-paragraph (3) after “(a),” insert “(aa),”;
  - (iv) in sub-paragraph (4)(c)(ii) after “this Act” insert “or under paragraph 7(6) of Schedule 3 to the School Standards and Organisation (Wales) Act 2013”;
  - (v) in sub-paragraph (8)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
  - (vi) in sub-paragraph (8)(b)(ii) for “foundation, voluntary or foundation special” substitute “voluntary”;
  - (vii) in sub-paragraph (12) for “, voluntary or foundation special” substitute “or voluntary”;

- (viii) in the heading for “, voluntary or foundation special” substitute “or voluntary”;
- (e) in paragraph 4(1)(a)(i) for “, voluntary or foundation special” substitute “or voluntary”;
- (f) in paragraph 5—
  - (i) in sub-paragraph (1)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
  - (ii) omit sub-paragraph (1)(b)(ii);
  - (iii) in sub-paragraph (4)(c) after “alteration” insert “or regulated alteration”;
  - (iv) in sub-paragraph (4A) omit “or foundation special” and after “(a),” insert “(aa),”;
  - (v) in sub-paragraph (4B)(b)(ii) omit “or foundation special”;
  - (vi) in sub-paragraph (4B)(d) after “alteration” insert “or regulated alteration”;
  - (vii) in sub-paragraph (6)(a) after “2A(1)(a),” insert “(aa),”;
- (g) in paragraph 6—
  - (i) in sub-paragraph (1) after “section 30(1)” insert “or section 80 of the School Standards and Organisation (Wales) Act 2013”;
  - (ii) in sub-paragraph (2)(a) after “section 30(2)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (h) in paragraph 8—
  - (i) in sub-paragraph (1) after “section 30(10)” insert “or section 80(11) of the School Standards and Organisation (Wales) Act 2013”;
  - (ii) in sub-paragraph (2) after “section 30(2)(a) to (d)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (i) in paragraph 10 after sub-paragraph (1)(e) insert—
  - “(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

### *Learning and Skills Act 2000*

- 20 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) In section 33P(3)(b)(i) (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties) omit “or foundation”.
  - (3) After section 83(9) (area inspections) insert—
    - “(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.”
  - (4) Omit sections 113 and 113A.
  - (5) In section 126(3)(b) (educational institutions: information and access) omit “or foundation”.
  - (6) Omit the following provisions—
    - (a) Schedules 7 and 7A;

- (b) paragraphs 84, 89 and 90 of Schedule 9.

### *Education Act 2002*

- 21 (1) The Education Act 2002 is amended as follows.
- (2) In section 19(2)(e) (governing bodies) omit “, a foundation special school”.
- (3) Omit section 72 (restructuring sixth form education).
- (4) In section 97 (interpretation of Part 7)—
- (a) in paragraph (b) in the definition of “maintained school” omit “or foundation”;
  - (b) in the definition of “maintained secondary school” omit “or foundation”.
- (5) In section 111(4) (development work and experiments) for “, voluntary aided or foundation special” substitute “or voluntary aided”.
- (6) In section 116N(3)(b) (application of local curriculum provisions to children who are registered pupils of special schools) omit “or foundation”.
- (7) In section 129(6)(b) (transfer of employment) after “1998” insert “or Part 3 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 153(4) (powers of local authority in respect of funded nursery education) in the definition of “maintained school” omit “or foundation”.
- (9) Omit section 154 (establishment or alteration of maintained nursery schools).
- (10) Omit sections 191 to 193 (regional provision for special educational needs).
- (11) In paragraph 5(2)(b) of Schedule 1 (incorporation and powers of governing body) for paragraphs (i) to (iii) substitute—
- “(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
  - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
  - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.
- (12) Omit Schedules 9 and 10 (proposals relating to sixth forms and establishment of schools).
- (13) In Schedule 21 (minor and consequential amendments) omit paragraphs 98, 115, 116 and 126.

### *Education Act 2005*

- 22 (1) The Education Act 2005 is amended as follows.
- (2) In section 28 (duty to arrange regular inspections of certain schools)—
- (a) in subsection (2)(b) omit “and foundation”;
  - (b) in subsection (4)—

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*Status: This is the original version (as it was originally enacted).*

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- (i) in paragraph (a) omit “or foundation”;
  - (ii) in paragraph (b) for “section 30 of the [School Standards and Framework Act 1998 \(c31\)](#)” substitute “section 80 of the School Standards and Organisation (Wales) Act 2013”;
  - (iii) in paragraph (c) omit “or foundation” and for “section 19 or 32 of that Act” substitute “section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”;
  - (iv) in paragraph (d) omit “or foundation”.
- (3) In section 31(1) (interpretation of Chapter 3) in the definition of “maintained school” omit “or foundation”.
- (4) In section 41(3) (destination of reports: non-maintained schools) omit “or foundation”.
- (5) In section 42(4) (statement to be prepared by proprietor of school) omit “or foundation”.
- (6) In section 43 (interpretation of Chapter 4) in the definition of “maintained school” omit “or foundation”.
- (7) Omit the following provisions—
  - (a) section 46 (sixth forms requiring significant improvement);
  - (b) sections 68, 69, 70, 71 (school organisation).
- (8) In paragraph 1 of Schedule 4 (school inspections in Wales under section 28) in the definition of “appropriate authority” omit “or foundation”.
- (9) Omit the following provisions—
  - (a) Schedule 5 (sixth forms requiring significant improvement);
  - (b) paragraphs 7, 8, 13 and 14 of Schedule 12 (amendments relating to school organisation).

#### *Education and Inspections Act 2006*

- 23 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) Omit section 54(1)(e) (pupil banding).
  - (3) In Schedule 3 (amendments relating to school organisation) omit paragraphs 14(b) (ii), 18, 20, 22 to 26, 33 to 36, 46 and 50.
  - (4) In Schedule 14 (minor and consequential amendments) omit paragraphs 61 and 66.

#### *National Health Service (Wales) Act 2006*

- 24 (1) The National Health Service (Wales) Act 2006 is amended as follows.
- (2) In paragraph 5(1)(a) and (b) of Schedule 1 (further provision about the Welsh Ministers and services under this Act) for “, voluntary or foundation special” substitute “or voluntary”.

#### *Learner Travel (Wales) Measure 2008*

- 25 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.

- (2) In section 24(1) (general interpretation) in the definition of “maintained school” omit “or foundation”.

*Learning and Skills (Wales) Measure 2009*

- 26 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) In section 44 (learning pathways: interpretation) in the definition of “maintained school” omit “or foundation”.

*Healthy Eating in Schools (Wales) Measure 2009*

- 27 (1) The Healthy Eating in Schools (Wales) Measure 2009 is amended as follows.
- (2) In section 11 (interpretation) in the definition of “maintained school” omit “or foundation”.

*Equality Act 2010*

- 28 (1) The Equality Act 2010 is amended as follows.
- (2) In paragraph 4 of Schedule 11 (single-sex schools turning co-educational)—
- (a) in sub-paragraph (2) for the words from “paragraph 22” to “1998” substitute “section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”;
  - (b) omit sub-paragraph (5).

*Education (Wales) Measure 2011*

- 29 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) In section 8 (interpretation of Part 1) in the definition of “maintained school” omit “or foundation”.
- (3) In section 13(b) (single governing body for federations) for the words from “Chapter 2” to the end substitute “Part 3 of the School Standards and Organisation (Wales) Act 2013 (school organisation) or in Part 3 of the School Standards and Framework Act 1998 (school admissions)”.
- (4) Omit section 20 (minor and consequential amendments to the Education Act 2005).
- (5) In section 21(1) (interpretation of Chapter 1) in the definition of “maintained school” omit “or foundation”.
- (6) Omit sections 26 to 30 (foundation schools).

*Welsh Language (Wales) Measure 2011*

- 30 (1) The Welsh Language (Wales) Measure 2011 is amended as follows.
- (2) In paragraph 2 of Schedule 6 in the definition of “governing body of a school” omit “or foundation”.

### **PART 3**

#### **AMENDMENTS RELATING TO PART 5 (MISCELLANEOUS SCHOOLS DUTIES)**

##### *Education Act 1996 and orders made under it*

- 31     (1) In section 512A(6) of the Education Act 1996 (transfer of functions under section 512 to governing bodies), omit from “and such” to the end.
- (2) In the [Education \(Transfer of Functions Concerning School Lunches\) \(Wales\) Order 1999 \(SI 1999/610\)](#), omit article 4.
- (3) In the [Education \(Transfer of Functions Concerning School Lunches\) \(Wales\) \(No. 2\) Order 1999 \(SI 1999/1779\)](#), omit article 4.

##### *Education Act 2002*

- 32        In Schedule 21 to the Education Act 2002 (minor and consequential amendments) omit paragraph 110.

##### *Education Act 2005*

- 33        In section 103 of the Education Act 2005 (annual parents’ meetings) omit subsection (2) and (3)(a)(ii).

##### *Education and Inspections Act 2006*

- 34     (1) The Education and Inspections Act 2006 is amended as follows.
- (2) Omit section 58 (code of practice as to relationships between local authorities and maintained schools).
- (3) In section 87 (power to charge for provision of meals)—
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (b).

##### *Healthy Eating in Schools (Wales) Measure 2009*

- 35        In section 8(2)(b) of the Healthy Eating in Schools (Wales) Measure 2009 (which provides for a new subsection (4A) to be inserted into section 512 of the Education Act 1996), for “7(5)” substitute “4”.

##### *Education Act 2011*

- 36        In section 35 of the Education Act 2011 (duties in relation to school meals)—
- (a) in subsection (2) omit paragraph (b);
- (b) in subsection (3) omit paragraph (b).



### 1. OUR VISION

***“Provide education of the best possible quality that will provide the county’s children with the experiences, skills and confidence to develop into bilingual, successful and well-rounded citizens.”***

### 2. OUR AIMS

To achieve the vision, the Working Group has agreed on the following aims:

- Provide the County’s children with the best possible experiences and opportunities by ensuring **classes of appropriate size** and **high quality school leadership**;
- Aim to **promote and strengthen the Welsh language** – as an educational and social medium - by presenting new proposals for primary education within the County;
- Respond **pro-actively and creatively** to the needs and opportunities provided by the current education system through fostering a collaborative, sustainable and practical **long-term plan** ;
- Ensure that children gain the greatest positive from education spending within the county by **fully utilising all available resources** – whether human, technological or financial;
- Improve resources and buildings to **create a learning environment of the best possible quality**.
- Develop our schools into **establishments that are central to community activity**.

### 3. OUR STRATEGY

3.1. The Working Group has already decided that **“change is imperative in some areas for several reasons”**. Implementing this change requires a clear and practical strategy.

3.2. The Working Group has also decided that the detailed planning work should be developed within secondary school catchment-areas. *Appendix 1* contains a list of these catchment-areas.

3.3. The Vision and Aims realisation strategy will be based on the principles that:

- The change will be planned on a catchment-area basis, prioritising those catchment-areas where the need for the change is most clearly apparent;
- The scale, nature and timetable of change will vary from one catchment-area to the next;
- The change must be planned with local representatives – in some catchment areas there will be scope to discuss several options and there will be an opportunity to consider new ideas which arise from the discussion locally;
- A clear and fair review framework is put in place for catchment-areas and individual schools - the framework will serve as an important context within which the scale, nature and time table for the change in specific catchment-areas will emerge;
- Any proposal to alter the local primary education provision maintains and improves the use of Welsh as an educational and community language amongst children.
- The Council undertakes to keep any savings which result from school reorganisation within the schools system.



## 4. CONSIDERATIONS FOR THE REVIEW FRAMEWORK

The purpose of the Review Framework is to support the process of identifying and prioritising catchment-areas where the need for change is most clearly apparent. The following considerations will be used in prioritising catchment-areas for review. In addition, they will be used to support the work of determining the scale and nature of the change required in the various catchment-areas.

### 4.1. Class Sizes

- 4.1.1. Our expectation is that there will be appropriately-sized classes in Gwynedd primary schools so that children within the county acquire the best possible experiences and opportunities.
- 4.1.2. At present, class sizes vary significantly throughout the County, affecting the educational experiences of children. Classes in some catchment-areas are large and can contain more than 30 pupils. The Council believes that very large classes have a negative impact on children's educational experiences, a view supported by recent research (Blatchford et al, Institute of Education, 2008). On the other hand, many of the County's schools have very small classes. In a report to Gwynedd Council (2004) the former Chief Inspector of Education for Wales Roy James noted that "...*(a) small number of pupils in year groups in the smallest schools lead to less academic competition and stimulation, and fewer opportunities to take advantage of a diverse range of curricular and extra-curricular experiences*". The Council will endeavour to reduce larger classes and strengthen the county's smaller classes to ensure that all pupils receive the full range of appropriate experiences and attention.
- 4.1.3. In light of the above, it is our objective to develop schemes which achieve the following in terms of class sizes:
- that pupil numbers of the same age-group in a Key Stage 2 class do not exceed 30;
  - that we will aim, over a period of years, to ensure that there is a maximum of 25 pupils of the same age-group in a primary school class;
  - Ensure that there are on average no more than 20 pupils or fewer than 12 pupils in any mixed age class.
- 4.1.4. *"Class size" will therefore be a key indicator when prioritising catchment-areas for review.*

### 4.2. Pupil Population and Numbers

- 4.2.1. Our expectation is that planning for the future of education in different catchment-areas needs to reflect trends in terms of population and primary pupil numbers.
- 4.2.2. Research conducted by Gwynedd Schools Service shows that there has been a reduction of 21% in pupil numbers across the County since 1975. A minimum reduction of 11% has occurred in every catchment-area. The reduction has varied from area to area, with a 15% reduction in Arfon, 27% in Dwyfor and 28% in Meirionnydd. There are currently over 2,000 fewer children in the County's schools (5-10 years of age) than in 1975.
- 4.2.3. The substantial reduction in pupil numbers means that the County has high levels of surplus places in its Primary schools. In January 2008, 55% of primary schools in Gwynedd operated with a surplus capacity in excess of 25%. The reduction in numbers has also led of course to an increase in the number of primary schools within the county with 39 pupils or fewer (schools within the "safety net"). There are currently 30 schools within this category.
- 4.2.4. It is however equally true that pupil numbers have grown in some communities since 1975. Some schools within these communities face substantial difficulties in trying to cope with the local growth in child population, and experience difficulties in keeping class sizes under 30.

- 4.2.5. Future population projections must be considered although this is not an exact science. The County's schools present three year projections to the LEA every September. Based on figures for individual schools in September 2008, there will be a further reduction of approximately 4% over the next 3 years. If this is realised, there will have been a reduction of almost 10% in the number of primary school pupils attending the county's primary schools between 2006-2011.
- 4.2.6. Projections up to 2016 vary, depending on the methodology used. In Appendix 2, the Council's Research Unit presents a paper that provides information on population projections for Gwynedd.
- 4.2.7. *In terms of the Review Framework, the scale of the reduction in pupil numbers since 1975 within the catchment-area is a key indicator when prioritizing catchments for further consideration.. This ensures that any substantial reduction in numbers is taken into account in future planning of primary education in various catchment-areas.*

### **4.3. The Child's Learning Environment**

- 4.3.1. Our expectation is that the "learning environment" for the County's children and teachers – in other words the condition of the school, the classroom, staffroom, play provision – meet 21<sup>st</sup> century teaching and learning requirements.
- 4.3.2. There is real concern about the condition and suitability of the County's primary schools. The buildings require substantial investment so as to address health and safety matters and achieve appropriate standards. A number of schools are in poor condition. The Council's Assets Management Plan estimates Gwynedd school maintenance accumulated costs of £12.6million. In addition, there is concern about the condition of temporary buildings in schools which may mean expenditure requirements of approximately £11million. The cost of upgrading and adapting the county schools buildings to meet new curriculum requirements and expected standards are even more substantial.
- 4.3.3. According to the 2007 Estyn report (Evaluation of schools performance prior to and after moving into new buildings or substantially renovated property) *"old school buildings which are in poor condition cannot meet modern teaching and learning requirements. Inadequate buildings make it more challenging to make improvements in standards of achievement... Improvements in quality of buildings have a very beneficial impact on quality of teaching and staff morale that has a positive impact on pupils' performance"*.
- 4.3.4. In light of the above, we aim to ensure that our plans achieve the following with regard to the child's learning environment:
- To consider the findings and implications of the Council's Assets Management Plan and the cost of repairing, renovating and adapting school buildings;
  - The opportunities to attract capital from various sources to build new schools or substantially renovate some current schools;
  - To aim to provide quality primary education buildings within the County through structured planning, providing headteachers and teachers with appropriate rooms and access to playing fields and an appropriate hall for children. Buildings will also need to comply with Foundation Phase and Curriculum 2008 requirements.
- 4.3.5. *In terms of the Review Framework, information on the condition and suitability of primary schools will be a key consideration when prioritizing catchment-areas for review.*

### **4.4. Leadership**

- 4.4.1. Our expectation is that headteachers will have a fair opportunity to provide professional leadership and management for their schools.

- 4.4.2. There is no doubt that the Headteacher's excellent leadership qualities are a key factor in creating a successful school. Enabling the County's headteachers to place an emphasis on the following factors – identified by the Welsh Assembly Government's Revised National Standards for Headteachers in Wales guidance document - would be a major contributor towards achieving our educational aims:
- The ability to create a strategy direction;
  - Provide leadership on Learning and Teaching;
  - Develop and Work With Others;
  - Manage the School;
  - Ensure Accountability;
  - Strengthen the Community based Focus.
- 4.4.3. However, one of the main threats that we face are the difficulties in recruiting new Headteachers. The Schools Service has a record of these difficulties. There is clear evidence that several schools have to re-advertise posts and consequently, several of our primary schools have an acting headteacher.
- 4.4.4. In addition, over 50% of current headteachers are or will be eligible to retire over the next 5 years. There is therefore a possibility that the situation will seriously deteriorate.
- 4.4.5. The Working Group is very concerned about this situation, mainly due to the possible impact on quality of school leadership. This matter therefore requires continued prioritisation, and steps are required to ensure an increase in the number of candidates in Gwynedd who apply for the NPQH course to prepare teachers for headteacher posts.
- 4.4.6. In terms of the Review Framework, *if difficulties in appointing headteachers have or are about to impact schools within the catchment-area, this will be a key indicator in the prioritisation of a catchment-area where the need lies for the most apparent and clear change.*

#### **4.5. The Community**

- 4.5.1. Our expectation is that the County's Primary Schools serve as a focal point for community-based activities, enriching pupils' experiences and opportunities.
- 4.5.2. As a Working Group, we would like to see the community making full use of the school, mostly after school hours, in compliance with the Assembly's programme to develop "community focused schools". There is no doubt that schools have opportunities to provide additional services or activities, e.g. play groups, sports clubs and voluntary establishments, which will in turn involve parents, members of the community and local groups.
- 4.5.3. The LEA has information on the community use of the County's schools, e.g.:
- Area regeneration officers have held a review of community facilities and there is evidence of the use made of educational establishments as well as other establishments within the community;
  - The Schools' Service held a review of the use of schools by the community in 2007 in an attempt to gauge the suitability of school buildings to host community-based activities.
- 4.5.4. We also wish to further foster and develop the links between schools and the local community, so that pupils appreciate the history, culture and development of these communities.
- 4.5.5. However, a key factor in achieving this is that the school represents and serves its community. The Working Group's concern is that over 20% of primary school pupils currently attend schools outside the catchment-area. Whilst parents have a legal right to select their child's school, the significant percentage that opts for schools from outside the catchment-area is an increasing concern in terms of strategic planning and the aim of developing community schools.

4.5.6. The Working Group is of the view that information should be gathered on the number of schools who have a substantial number of pupils from outside the catchment-area or who lose pupils to other schools/catchment-areas.

4.5.7. We wish to consider such movements within our Review Framework. The Working Group feel that *the situation should be reviewed if schools within the catchment area gain or lose more than 20% of its pupils due to the impact on the neighbouring community and the catchment-area. This will therefore be a key indicator when prioritizing catchment-areas for review.*

#### **4.6. Financial Resources**

4.6.1. Our expectation is that Gwynedd will make the best possible use of all financial resources available for the County's primary education.

4.6.2. Gwynedd already stands among the highest quartile on expenditure on education in Wales, and on devolving funding to schools. According to Estyn (2007), the Council had allocated net teaching budget per pupils (including funding which isn't devolved to schools such e.g. integration budget) for 2006-07 of £4,322 compared to an average of £4,094 for the whole of Wales (composite budgets). However, a substantial percentage of this budget goes on maintaining poor buildings, a high number of school sites across the County and on surplus places.

4.6.3. In addition, the schools service – as all other services across the Council – faces regular cuts over the next five years. Any reorganisation proposals must therefore take full account of this context and respond appropriately. However, the Council will endeavour, where appropriate, to keep any savings which result from the reorganisation of schools within the schools system.

4.6.4. There is a significant difference between expenditure per pupil in one catchment area compared with another, as well as between schools within the same catchment-area.

4.6.5. In addition, a large number of the county's schools were designed to cater for many more pupils than have attended the school for several years. Although the cost of empty places should not drive any new proposals, the impact and implications of substantial expenditure on schools which have a high percentage of empty places has to be taken into account – especially the impact and implications on the budget and on other schools.

4.6.6. At present 30 schools which have 39 pupils or fewer receive additional revenue worth £477,000 between them through the "safety net" which enables them to employ a Headteacher and a teacher. Although circumstances in these schools can vary significantly, this factor must be considered when focussing on use of resources.

4.6.7. *The Working Group has identified the following as key indicators when prioritizing catchment-areas for review:*

- *Surplus places across the catchment-area;*
- *Per capita expenditure per school greater than 10% above or below the county average*

#### **4.7. Specific request for consideration or an exceptional situation**

4.7.1. Whilst there is a desire to review school organization strategically and at a catchment-area level, individual schools have written to the Council asking the authority to review specific situations. The Council must be willing to consider and respond positively to such requests.

4.7.2. Relevant professional information should also be considered so as to draw attention to urgent situations within the County that directly impact quality of pupils' education and experiences. (e.g. very low pupil numbers within a school, very poor condition of a school building, difficulties in headteacher recruitment).

- 4.7.3. *Situations of serious and immediate concern as evidenced by relevant professional specialist information and including specific requests from individual schools will be a key consideration when prioritizing catchment-areas for review.*

#### **4.8 The Welsh language**

- 4.8.1 Our expectation is that all the county's pupils will have developed age-relevant bilingual skills which allows them to become fully participating members of the bilingual society in which they live.
- 4.8.2 A language impact study was completed on the possible language impact of the October 2007 draft plan (available on the council's website), and this information is a basis for considering educational developments in the use of Welsh outside the classroom.
- 4.8.3 Any new proposals to change the organisation of local schools must take full consideration of the possible language impact.
- 4.8.4 Supporting and improving the use of Welsh as an educational and social language among children will therefore be a key consideration in drafting proposals within individual catchment areas.

#### **4.9. Geographical Factors**

- 4.9.1. Our expectation is that every child will be entitled to have access to quality education within reasonable distance of home.
- 4.9.2. There is recognition that Gwynedd is a very rural county with considerable travelling distance between some communities. When presenting any specific proposals in a county such as Gwynedd, the distance between sites and travel time for the child will be key.
- 4.9.3. A national policy notes that up to 45 minutes of one way travel is appropriate. It is the Working Group's view that the aim should be to limit home-school travel to a maximum one-way journey of 30 minutes.
- 4.9.4. *The above will therefore be a key consideration when preparing proposals within individual catchment-areas.*

### **5. THE MATRIX**

- 5.1. A Matrix is presented in *Appendix 3* which draws together the various considerations.
- 5.2. Those catchment-areas which score highest against the key indicators will be prioritized for review. To all intents and purposes, these indicators serve as "trigger points" for review.
- 5.3. Data packs for each catchment-area will be prepared and published. We will invite comments on these packs. This is the information that will be used to complete the matrix.
- 5.4. On the basis of the assessment carried out using the Review Framework, 3 catchment areas have been identified as areas which will be subject to the initial round of the review, namely the Tywyn, Berwyn and Gader catchment areas.
- 5.5. The Review Framework will be reviewed in January 2010 as the work programme for 2010-11 is developed.

### **6. THE COUNTY CONSULTATIVE PANEL**

- 6.1. County Consultative Panel will be established by the Schools' Portfolio Leader to support her in developing proposals for each catchment in turn. In addition, the County Consultative Panel will maintain a county-wide overview.

- 6.2. The Consultative Panel's membership will include the present members of the Primary Schools Reorganisation Improvement Working Group and will meet as required and at the invitation of the Schools' Portfolio Leader.

## **7. THE CATCHMENT-AREA REVIEW PROCESS**

- 7.1. Following the completion of the catchment-area prioritization process, careful consideration will need to be given to the current provision and various options in catchment-areas of greatest concern.
- 7.2. To achieve this in an inclusive and open manner, we aim to establish a Catchment-area Review Panel. The Panel will be able to co-opt a limited number of people to support its work. While there is concern that groups which are too large could limit open discussion, it is accepted that schools will have an interest in being represented on the Panel. It is therefore proposed that the membership should be limited to a size which allows for constructive communication side by side with fair representation, but that this will be dependent on the agreement of school representatives at the first meeting within the catchment area. It is anticipated that the Catchment Area Review Panel's membership will include:
- all local elected Members;
  - the Schools Portfolio Leader (or her representative);
  - representation from among Working Group members;
  - The headteacher of the local secondary school;
  - At least one headteacher and one chair of governors drawn from the catchment area's primary schools, or the headteacher and the chair of governors (or another governor representative) of each school if that is the wish expressed locally ;
  - Denominational representative where relevant;
  - Any further members the Catchment Area Review Panel wishes to invite;
  - The work will be supported by the appropriate Council officers.
- 7.3. In essence, the role and scope of the Panel will be to collect local evidence (on a catchment area basis) and to present various ideas and options to the Schools' Portfolio Leader.
- 7.4. In establishing the Catchment Area Review Panel, a meeting will be held for the Headteachers and Chairs of Governors of each schools along with Catchment Area representatives outlines in 7.2 above. The meeting will:
- share information and check data, providing an opportunity to discuss and to challenge the evidence presented. The Panel will not move ahead to develop alternative models until any reasonable doubts on the veracity of the data has been assuaged;
  - explain the process;
  - nominate the optional members of the Catchment Area Review Panel;
  - seek comments/ideas to be discussed at the first official meeting of the Catchment Area Review Panel.
- 7.5. It is envisaged that the Catchment Area Review Panel will meet on 3/4 occasions over a 3 month period. The Panel Members will play a key role supporting the Portfolio Leader in developing proposals for each catchment area.
- 7.6. The first meeting of the Catchment Area Review Panel will agree Terms of Reference. This will include an outline of the following:

- A detailed and clear project plan including firm milestones;
- Communication and dissemination strategies for the purpose of sharing information with relevant individuals and groups.

Particular attention will be paid during the first meeting of the Catchment Area Review Panel to situations facing individual schools – and the results of the Review Framework will provide a context for these considerations. There will also be an opportunity to collect preliminary ideas put forward by members of the Catchment Area Review Panel on the basis of the discussions at the meeting noted in 7.2 above.

- 7.7. The second meeting will provide an opportunity to respond to any ideas presented and to seek consensus. This will involve the discussion of any models developed during the communication process within the catchment area in addition to the Council's preliminary ideas.
- 7.8. The County Consultative Panel will be given an opportunity to discuss and consider any proposals which have been put to the Catchment Area Review Panel.
- 7.9. The third meeting of the Catchment Area Review Panel will provide an opportunity to present the Schools' Portfolio Leader/County Consultative Panel's comments on the basis of the discussion and the factual information considered and to present final draft options
- 7.10. There will be an opportunity to examine creative models, including the development of area schools. In addition, models which engender formal co-operation will need to be considered within the catchment-area, whether co-operation between local primary schools, between the primary and secondary sectors, or with other agencies and establishments. A thorough understanding of the schools within the catchment area is key, and there will be scope to arrange visits to schools within the catchment area at the request of the Catchment Area Review Panel.
- 7.11. In presenting options, the Catchment Area Review Panel will collect the views of children and young people, parents and other local residents, local community councils and other local authorities, and local schools and nursery groups.
- 7.12. Following the contribution of the Catchment Area Review Panel and the County Consultative Panel, the Portfolio Leader will present proposals to the relevant Council committees before moving to a formal consultation. The Catchment Area Review Panel is seen as a vital link between the Portfolio Leader and community representatives.
- 7.13. The aim will be to complete the task of putting proposals in place in 3 catchment-areas between April 2009 and April 2010. We will endeavor to complete proposals for three catchment areas annually from that point on. It is essential that adequate resources are provided to the Schools Service to administer the plans.

## **8. WELSH ASSEMBLY GOVERNMENT REQUIREMENTS**

- 8.1. Any proposals which emerge from the catchment area discussions must give full and proper consideration to the requirements of the Welsh Assembly Government. The key considerations outlined in *School Organisation Proposals (Circular 23/02)* are listed below:
  - the effect on the standard of education to be provided in the area;
  - the cost-effectiveness of proposals and whether adequate financial resources are available to implement them;
  - the effect on accessibility to schools, particularly in rural areas and on journey times to school;
  - the views of those most directly affected, such as parents and other schools or providers in the area;



- the need for the particular type of provision that is proposed, for example the level of parental demand for Welsh medium education;
- any effect on the proportion of places in faith schools in the area;
- the need for LEAs to comply with their duties under the Sex Discrimination Act 1975, including those provisions relating to single-sex schools;
- the extent to which proposals would foster collaborative arrangements between providers for students aged 16+;
- any new requirements included in the revision to Circular 23/02 following a recent consultation exercise, specifically any further emphasis on ensuring that new proposals contribute to the aims of *Iaith Pawb*, the *Foundation Stage*, *Curriculum 2008*, *14-19 Learning Pathways* and any other new requirements.

## **9. COMMUNICATION ARRANGEMENTS**

- 9.1. In developing this Strategy, the Working Group has given consideration to means of communicating. Naturally, the Council is keen to listen to local opinion, to seek agreement on the way ahead with the aim that change arises from cooperation with the local community. Put simply, the intention is that all parties work collaboratively through the changes in those catchment areas which will require attention.
- 9.2. The Improvement Working Group believes that communication is required on two levels – county and catchment area. The messages – on a county and catchment area basis – must be clear and consistent, and the process must be open.
- 9.3. In terms of county-wide communication, our intention during the first part of the process will be to disseminate information among elected members and others in order to explain WHY change is needed including a synopsis of all evidence presented to the working group.
- 9.4. A conference will be held for all Council members, headteachers and governing body chairs or their representatives in order to present this information.
- 9.5. The Working Group will also ensure that Council members, headteachers, teachers, school governors, pupils, non-teaching members of staff and the public receive regular information briefings. A bespoke section of the Council website will be developed which will summarise all evidence presented to the Working Group and other relevant information.
- 9.6. In terms of communication on a catchment area basis, the Review Panel (see paragraph 6) will have a key role in facilitating mature and responsible discussions on the way ahead in each locality. Clear and consistent message will be presented on a catchment basis to explain WHY change is needed, alongside a discussion on HOW the reorganisation will happen. .
- 9.7. **After completing the above process, clear proposals will be drafted for the catchment area under review, doing so in line with the Vision, Aims and Principles presented in this Strategy.**

# ADOLYGU DARPARIAETH ADDYSG

## **Abersoch**

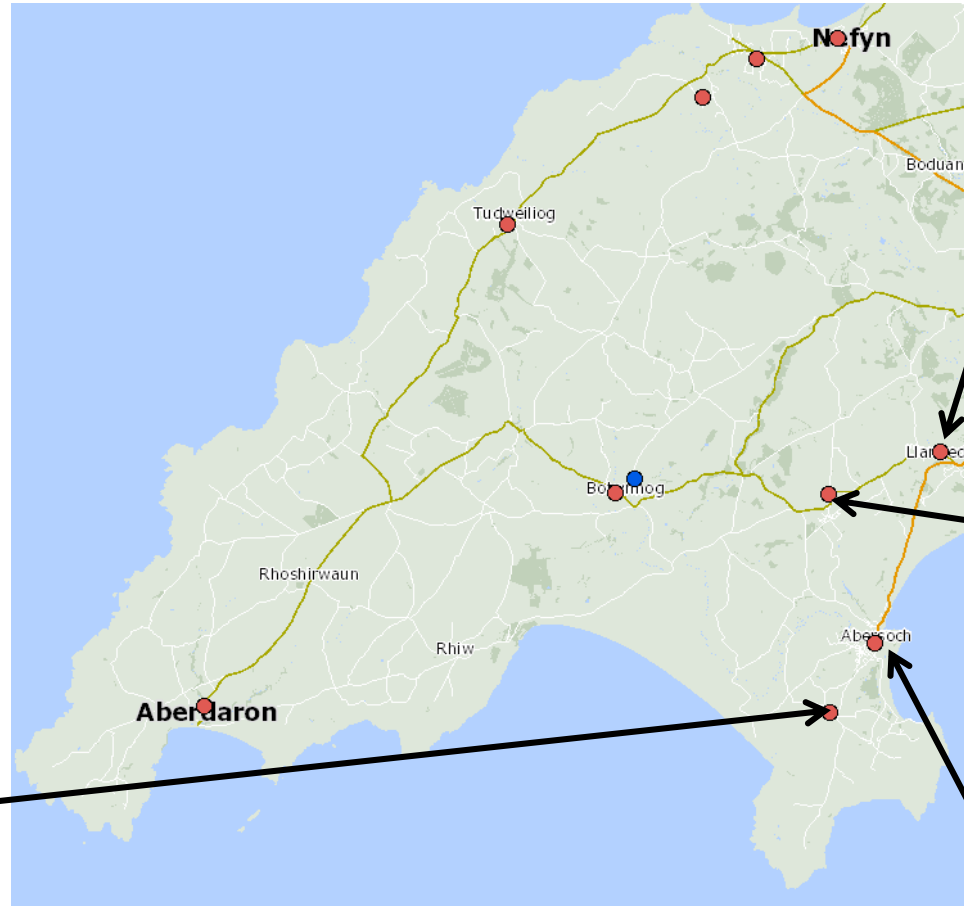
### *EDUCATION PROVISION REVIEW*



Sefyllfa Ysgolion **Ardal Abersoch** Blwyddyn Academaidd 2020-21  
Situation of Schools in the **Abersoch Area** 2020-21 Academic Year

# 1. Map o Ardal Abersoch / Map of the Abersoch Area

Ysgol Sarn Bach – Statws CS 2020-2021	
Capasiti/Capacity (D-BI6 / R – Yr6)	66
Disgyblion/Pupils (D-BI6 / R – Yr6)	45
Llefydd Gwag/Surplus Places	21
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,683



Ysgol Llanbedrog – Statws CS 2020-2021	
Capasiti/Capacity (D-BI6 / R – Yr6)	73
Disgyblion/Pupils (D-BI6 / R – Yr6)	92
Llefydd Gwag/Surplus Places	0 (-19)
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,274

Ysgol Foel Gron – Statws CWR (E) 2020-2021	
Capasiti/Capacity (D-BI6 / R – Yr6)	54
Disgyblion/Pupils (D-BI6 / R – Yr6)	40
Llefydd Gwag/Surplus Places	14
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,984

Ysgol Abersoch – Statws CS (B) 2020-2021	
Capasiti/Capacity (D-BI6 / R – Yr6)	34
Disgyblion/Pupils (D-BI6 / R – Yr6)	8
Llefydd Gwag/Surplus Places	26
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£17,404

## 2. Pellter rhwng ysgolion yn ardal Abersoch/ Distance of schools in the Abersoch Area

Ysgol <i>School</i>	Sarn Bach	Llanbedrog	Foel Gron	Abersoch
Sarn Bach				
Llanbedrog	4.2 milltir			
Foel Gron	3.9 milltir	1.6 milltir		
Abersoch	1.4 milltir	3.3 milltir	3.2 milltir	

3. Crynodeb Ystadegau'r Ysgolion / Summary of Schools' Statistics

		Abersoch		Sarn Bach		Llanbedrog		Foel Gron	
Lleoliad yr Ysgol		Pwllheli, LL53 7EA		Pwllheli, LL53 7LF		Pwllheli, LL53 7NU		Pwllheli, LL53 7RN	
Ystod Oedran		3 - 8		3 - 11		3 - 11		3 - 11	
Categori'r Ysgol (Ysgol gymunedol [CS], Gwirfoddol dan Gymorth [CWN], Gwirfoddol dan Reolaeth [CWR])		CS (B)		CS		CS		CWR (E)	
Categori Cyfrwng Iaith		Cyfrwng Cymraeg		Cyfrwng Cymraeg		Cyfrwng Cymraeg		Cyfrwng Cymraeg	
Nifer o ddisgyblion ar y gofrestr – Medi 2020	Meithrin	2		3		10		3	
	Derbyn – Bl. 6 **(Derbyn – Bl. 3 yn achos Ysgol Abersoch)	8		45		92		40	
	Cyfanswm	10		48		102		43	
Nifer o ddisgyblion ar y gofrestr yn y bum mlynedd flaenorol (M-BL6)		Meithrin	Derbyn-BL.3	Meithrin	Derbyn-BL.6	Meithrin	Derbyn-BL.6	Meithrin	Derbyn-BL.6
	Medi 2019	2	7	2	48	12	80	5	35
	Medi 2018	1	12	4	43	9	75	3	36
	Medi 2017	1	16	3	48	12	69	3	37
	Medi 2016	7	17	4	44	11	68	8	32
	Medi 2015	4	16	3	56	7	65	3	39
Capasiti	Meithrin	8		7		10		7	
	Derbyn – Bl. 6 **(Derbyn – Bl. 3 yn achos Ysgol Abersoch)	34		66		73		54	
	Cyfanswm	42		73		83		61	
Llefydd Gweigion D-BL6 Medi 2020 **(Derbyn – Bl. 3 yn achos Ysgol Abersoch)		26 (76%)		21 (32%)		0		14 (26%)	
Rhagamcanion Disgyblion		Meithrin	Derbyn-BL.3	Meithrin	Derbyn-BL.6	Meithrin	Derbyn-BL.6	Meithrin	Derbyn-BL.6
	Medi 2021	3	7	2	40	10	84	6	39
	Medi 2022	2	10	2	31	10	84	4	33
	Medi 2023	2	10	2	28	10	82	4	32
	Medi 2024	2	9	2	22	10	78	5	28
	Medi 2025	2	9	2	17	10	73	4	30
Data perfformiad Ysgolion (Estyn)		3 x Da (2017)		5 x Da (2017)		3 x Da (2014)		3 x Da (2015)	
Categori Cyflwr Adeiladau (Criteria'r Cyngor)		B		B		B		B	
Dyranïad Cyllidol 2020-21		£137,140		£228,890		£364,470		£185,417	
Cost y disgybl 2020-21		£17,404		£4,683		£4,274		£4,984 <sup>1</sup>	

3. Crynodeb Ystadegau'r Ysgolion / Summary of Schools' Statistics

		Abersoch		Sarn Bach		Llanbedrog		Foel Gron	
Location of Schools		Pwllheli, LL53 7EA		Pwllheli, LL53 7LF		Pwllheli, LL53 7NU		Pwllheli, LL53 7RN	
Age Range		3 - 8		3 - 11		3 - 11		3 - 11	
School's Category (Community [CS], Voluntary Aided [VA], Voluntary Controlled [VC])		CS (I)		CS		CS		VC (E)	
Language Medium Category		Welsh Medium		Welsh Medium		Welsh Medium		Welsh Medium	
Number of pupils on the register – September 2020	Nursery	2		3		10		3	
	Reception – Yr. 6 *(Reception-Yr3 in the case of Ysgol Abersoch)	8		45		92		40	
	Total	10		48		102		43	
Number of pupils on the register for the previous five years		Nursery	Reception-Yr.3	Nursery	Reception-Yr.6	Nursery	Reception-Yr.6	Nursery	Reception-Yr.6
	September 2019	2	7	2	48	12	80	5	35
	September 2018	1	12	4	43	9	75	3	36
	September 2017	1	16	3	48	12	69	3	37
	September 2016	7	17	4	44	11	68	8	32
	September 2015	4	16	3	56	7	65	3	39
Capacity	Nursery	8		7		10		7	
	Reception – Yr. 6 *(Reception-Yr3 in the case of Ysgol Abersoch)	34		66		73		54	
	Total	42		73		83		61	
Surplus places R-Yr6 September 2020 *(Reception-Yr3 in the case of Ysgol Abersoch)		26 (76%)		21 (32%)		0		14 (26%)	
Pupil Projections		Nursery	Reception-Yr.3	Nursery	Reception-Yr.6	Nursery	Reception-Yr.6	Nursery	Reception-Yr.6
	September 2021	3	7	2	40	10	84	6	39
	September 2022	2	10	2	31	10	84	4	33
	September 2023	2	10	2	28	10	82	4	32
	September 2024	2	9	2	22	10	78	5	28
	September 2025	2	9	2	17	10	73	4	30
School performance data (Estyn)		3 x Da (2017)		5 x Da (2017)		3 x Da (2014)		3 x Da (2015)	
Category condition of buildings (Council's Criteria)		B		B		B		B	
Financial Allocation 2020-21		£137,140		£228,890		£364,470		£185,417	
Cost per pupil 2020-21		£17,404		£4,683		£4,274		£4,984	

## 4. Niferoedd, Capasiti a Llefydd Gweigion / *Numbers, Capacity and Surplus Places*

<b>Ysgol</b> <i>School</i>	<b>Nifer ar y gofrestr</b> Medi 2020 (M – Bl6) <b>Number on roll</b> September 2020 (N – Yr6)	<b>Capasiti Llawn</b> (M – Bl6) <b>Full Capacity</b> (N – Yr6)	<b>Nifer o Lefydd Gwag</b> Medi 2020 (M – Bl6) <b>Number of Surplus Places</b> September 2020 (N – Yr6)	<b>% o Lefydd Gwag</b> Medi 2020 (M – Bl6) <b>% of Surplus Places</b> September 2020 (N – Yr6)
<b>Abersoch</b>	10	42	32	<b>76%</b>
<b>Sarn Bach</b>	48	73	25	<b>34%</b>
<b>Llanbedrog</b>	102	83	0	<b>0%</b>
<b>Foel Gron</b>	43	61	18	<b>30%</b>

\*\* Ffigyrau Abersoch Meithrin i Bl3

Ffynhonnell / Source: Cyfrifiad Medi 2020 / Census September 2020

## 5. Niferoedd yn ysgolion cynradd yn ôl dalgylch ysgolion (M-BI6) / Primary school pupil numbers by school catchment area (N-Y6)

		Byw yn Dalgylch / Home Catchment Area (Medi / September 2020)					
		Abersoch*	Sarn Bach	Llanbedrog	Foel Gron	Arall Other	Cyfanswm Ysgol School Total (M-BI6 / N-Y6)
Mynychu Ysgol / School Attending (Medi / September 2020)	Abersoch*	5	1	-	-	4	10
	Sarn Bach	9	17	-	2	9	48
	Llanbedrog	6	6	58	15	17	102
	Foel Gron	2	4	4	24	9	43
	Arall / Other	4	2	2	1		
Cyfanswm Total		26	41	64	42		

\*Ysgol Abersoch yn ysgol M-BI3 / Ysgol Abersoch is a N-Y3 school.

Ffynhonnell: Cyfrifiad Medi 2020  
Source: Census September 2020



## 6(a). Niferoedd disgyblion ysgolion cynradd 1980 - 2020 / Primary school pupil numbers 1980 – 2020

	Niferoedd [Meithrin – Bl.6 (Oed 3-11)] Number [Nursery - Yr.6 (Age 3-11)]										
Ysgol School	1980	1985	1990	1995	2000	2005	2010	2015	2020	1980-2020	1980-2020
										twf / growth	% twf / growth
Abersoch	34	30	13	14	29	19	20	20	10	-24	-71%
Sarn Bach	51	53	62	59	74	54	51	59	48	-3	-6%
Llanbedrog	90	83	48	62	63	65	78	72	102	12	13%
Foel Gron	43	20	25	42	44	52	31	42	43	0	0
Cyfanswm Total	218	186	148	177	210	190	180	193	203		

**6(b). Pryd oedd yr ysgolion ar ei uchaf/lleiaf? / *When were the schools at their highest/lowest?***

<b>Ysgol <i>School</i></b>	<b>Uchaf / <i>Highest</i></b>	<b>Lleiaf / <i>Fewest</i></b>
<b>Abersoch</b>	1980 (34)	2019 (9)
<b>Sarn Bach</b>	2000 (74)	2019 (50)
<b>Llanbedrog</b>	2020 (103)	1990 (48)
<b>Foel Gron</b>	2005 (52)	1985 (20)

## 7. Rhagamcanion 3 Mlynedd / 3 Year Projections

	RHAGAMCAN MEDI 2021 <i>SEPTEMBER PROJECTION</i>								
	Blwyddyn Ysgol / School Year								Cyfanswm <i>Total</i>
Ysgol / School	M / N	0	1	2	3	4	5	6	
Abersoch	3	2	3	2	0	-	-	-	10
Sarn Bach	2	3	2	5	7	8	5	10	42
Llanbedrog	10	10	12	11	15	14	12	10	94
Foel Gron	6	3	5	3	3	8	5	12	45

	RHAGAMCAN MEDI 2022 SEPTEMBER PROJECTION								Cyfanswm Total
	Blwyddyn Ysgol / School Year								
Ysgol / School	M / N	0	1	2	3	4	5	6	
Abersoch	2	3	2	3	2	-	-	-	12
Sarn Bach	2	2	3	2	4	7	8	5	33
Llanbedrog	10	10	10	12	11	15	14	12	94
Foel Gron	4	6	3	5	3	3	8	5	37

	RHAGAMCAN MEDI 2023 SEPTEMBER PROJECTION								Cyfanswm Total
	Blwyddyn Ysgol / School Year								
Ysgol / School	M / N	0	1	2	3	4	5	6	
Abersoch	2	2	3	2	3	-	-	-	12
Sarn Bach	2	2	2	3	2	4	7	8	30
Llanbedrog	10	10	10	10	12	11	15	14	92
Foel Gron	4	4	6	3	5	3	3	8	36

## 8. Maint dosbarthiadau 2020-21 / Class sizes 2020-21

Ysgol <i>School</i>	Meithrin <i>Nursery</i>	Derbyn <i>Reception</i>	Bl 1 <i>Yr 1</i>	Bl2 <i>Yr 2</i>	Bl 3 <i>Yr 3</i>	Bl 4 <i>Yr 4</i>	Bl 5 <i>Yr 5</i>	Bl 6 <i>Yr 6</i>	Cyfanswm <i>Total</i>	Nifer y dosbarthiadau <i>No. of Classes</i>	Dosbarth mwyaf <i>Largest Class</i>	Dosbarth lleiaf <i>Smallest Class</i>	Maint dosbarth ar gyfartaledd <i>Average Class Size</i>
Abersoch	2	3	2	0	3	-	-	-	10	1	10	10	10
Sarn Bach	3	2	5	4	8	5	10	11	48	2	34	14	24
Llanbedrog	10	12	12	15	14	11	10	18	102	4	28	22	26
Foel Gron	3	5	3	3	8	5	12	4	43	2	29	14	22

Ffynhonnell: Cyfrifiad Medi 2020  
Source: Census September 2020

## 9. Disgyblion ag ADY yn yr ysgolion / *Pupils with ALN in the schools*

Ysgol <i>School</i>	AY <i>AN</i>	AY+ <i>AN+</i>	CDU Fforwm <i>Forum DPD</i>	CDU Awdurdod <i>Authority DPD</i>	Datganiad <i>Statement</i>	Cyfanswm <i>Total</i>
Abersoch	0	0	0	0	0	0
Sarn Bach	0	0	0	0	0	0
Llanbedrog	0	4%	4%	4%	0	12%
Foel Gron	5%	7%	5%	2%	0	19%

## 10. Proffil Ieithyddol / *Language Profile*

Ysgol School	Siarad Cymraeg yn rhugl gartref	Ddim yn siarad Cymraeg gartref ond yn rhugl	Siarad Cymraeg gartref ond nid yn rhugl	Ddim yn siarad Cymraeg gartref a nid yn rhugl	Ddim yn gallu siarad Cymraeg o gwbwl	Cyfanswm Total
	Speak Welsh fluently at home	Do not speak Welsh at home but are fluent	Speak Welsh at home but not fluent	Do not speak Welsh at home and are not fluent	Do not speak Welsh at all	
Abersoch	0	0	3 (33%)	3 (33%)	3 (33%)	9
Sarn Bach	25 (53%)	4 (9%)	2 (4%)	11 (23%)	5 (11%)	47
Llanbedrog	32 (35%)	26 (29%)	3 (3%)	21 (23%)	9 (10%)	91
Foel Gron	18 (42%)	4 (9%)	2 (5%)	11 (26%)	8 (18%)	43
	Cymraeg Rhugl Fluent Welsh		Ychydig o Gymraeg Some Welsh		Dim Cymraeg No Welsh	

## 11. Aseidiadau Estyn a Llywodraeth Cymru / Estyn and Welsh Government Assessments

		Estyn					Llywodraeth Cymru Welsh Government
Ysgol School	Blwyddyn yr archwiliad Year of Inspection	Pa mor dda yw'r deilliannau? How good are outcomes?	Pa mor dda yw'r ddarpariaeth? How good is provision?	Pa mor dda yw'r arweinyddiaeth a'r rheolaeth? How good are leadership and management?	Lefel y Dilyniant (os yn briodol) Level of Follow-Up (if necessary)		Categori Cefnogaeth Llywodraeth Cymru 2019 Welsh Government Support Category 2019
Abersoch	Mehefin / June 2017	Da / Good	Da / Good	Da / Good	-	-	Melyn / Yellow
Llanbedrog	Mai / May 2014	Da / Good	Da / Good	Da / Good	-	-	Gwyrdd / Green
Foel Gron	Hydref / October 2015	Da / Good	Da / Good	Da / Good	-	-	Melyn / Yellow

Ysgol School	Blwyddyn yr archwiliad Year of Inspection	Safonau Standards	Lles ac agweddau at ddysgu Wellbeing and attitude towards learning	Addysgu a phrofiadau dysgu Education and learning experiences	Gofal, cymorth ac arweiniad Support ,Care and guidance	Arweinyddiaeth a rheolaeth Leadership and management	Categori Cefnogaeth Llywodraeth Cymru 2019 Welsh Government Support Category 2019
Sarn Bach	Hydref / October 2017	Da / Good	Da / Good	Da / Good	Da / Good	Da / Good	Melyn / Yellow

## 12. Arweinyddiaeth a rheolaeth / *Leadership and management*

<b>Ysgol</b> <i>School</i>	<b>Ymrwymïadau Addysgu'r Pennaeth/</b> <i>Head Teachers' Teaching Commitments</i>
<b>Abersoch</b>	70%
<b>Sarn Bach</b>	80%
<b>Llanbedrog</b>	100%
<b>Foel Gron</b>	80%



### 13. Dyranriad Ysgolion 2020-21 / *Schools Allocation 2020-21*

Ysgol <i>School</i>	CYFRAN O'R GYLLIDEB / <i>SHARE OF BUDGET</i>		Gwarchodaeth Lleiafswm Staffio* <i>Minimum Staffing Protection*</i>
	Cyfanswm Cyllideb <i>Total budget</i>	Cyfartaledd y Disgybl <i>Average per pupil</i>	
Abersoch	£137,140	£17,404	£52,582
Sarn Bach	£228,890	£4,683	-
Llanbedrog	£364,470	£4,274	-
Foel Gron	£185,417	£4,984	£14,309
Cyfartaledd Ysgolion Cynradd y Dalgylch <i>Catchment Area Average Primary</i>	-	£4,579	-
Cyfartaledd Ysgolion Cynradd y Sir <i>County Average Primary</i>	-	£4,198	-

\*Mae'r polisi gwarchodaeth yn sicrhau o leiaf pennaeth ac athro/athrawes ym mhob Ysgol sydd gyda mwy na 15 disgybl, a pennaeth a cymhorthydd dosbarth mewn ysgolion sydd gyda llai na 15 disgybl.

*\*The minimum staffing protection policy ensures a minimum of headteacher and teacher at every school which has more than 15 pupils, and a headteacher and a classroom assistant in a school with fewer than 15 pupils.*



# **Language Impact Assessment Report Ysgol Abersoch**

- December 2020

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## 1. INTRODUCTION

Supporting and developing the ability of children in Gwynedd to learn and use their language skills is essentially important to the education strategies of the County.

### 1.1 Situation in Gwynedd

Figures in the 2011 Census note that 65,900 (56%) people aged three years and over can speak, read and write in Welsh. The 2011 Census also notes that 65% speak Welsh which is a reduction since the previous census, when the figure was 69%.

In Gwynedd, as many other Local Authorities in Wales, there is a considerable difference in the percentage of Welsh speakers within different wards. At one extreme, in wards such as Aberdyfi, Tywyn and the Menai ward in Bangor, between 18% and 38% of the population speaks Welsh, while as much as 88% speaks Welsh in the most Welsh-speaking areas e.g. Llanrug.

### 1.2 Language Policy

#### **Primary**

The aim of the Language Policy is the same across all the county's primary schools, which is to develop the ability of all pupils to be proficient in both languages by the end of KS2. Welsh is the official assessment language in the school at the end of the Foundation Phase. In KS2, the aim is to continue to develop the pupils' grasp of Welsh, giving attention to the development of their skills in both languages.

#### **Secondary**

In secondary schools, every pupil who has attained the necessary level, namely level 3+ at the end of KS2 is expected to pursue a Welsh Language Study Programme (First Language) in KS3 in order to ensure appropriate progression and continuation. It is hoped that these pupils can study Welsh and English as subjects until the end of year 11.

Secondary schools build upon the foundations set in primary by ensuring that each pupil continues to develop skills in Welsh and English. Gwynedd does not define secondary schools according to language categories as it is the same expectation in relation to the Language Policy, namely to provide all students in the county with an opportunity to be bilingually proficient.

### 1.3 Educational Background

The 'Excellent Primary Education for the Children of Gwynedd' strategy was adopted by the Council in April 2009. A further higher strategy, 'Strategic Programme – Towards 2025', was developed and supported by the Council in October 2010. This document was prepared as a strategic foundation for steering developments in the field of education and training in Gwynedd for the next 15 years. The programme was presented in the context of policies and plans which were in the pipeline both locally and nationally, to transform the services provided for children, young people and their families. The 'Welsh in Education Strategic Plan for 2017-2020' was published in December 2017 which sets a vision, commitment and direction for ensuring that children and young people attain the highest standards in order to maintain the language, culture and economy locally.

## 2. LINGUISTIC PROFILE OF ABERSOCH CATCHMENT AREA

### 2.1 The Background of Gwynedd's Language Profile

Nearly three quarters of the County's population were born in Wales (66.8%). 65.4% of the population aged three years and over are Welsh speakers - which is significantly higher than the national average of 19%. On the whole, there is an increase in the number of Welsh speakers and those born in Wales towards the west and moving inland from the most populated areas along the coast. In Gwynedd, the ability to speak Welsh is highest in the Llanrug ward (87.8% speak Welsh) and at its lowest in the Menai area of Bangor (18.6%).

### 2.2 Wards

#### 2.2.1 Abersoch, Llanengan and Llanbedrog Wards

The existing catchment area of Ysgol Abersoch is within the Abersoch ward with the catchment area of Ysgol Sarn Bach and Ysgol Foel Gron within the Llanengan ward and the Ysgol Llanbedrog catchment area within the Llanbedrog ward (National Statistical Office). The linguistic profile of the wards of these schools are summarised in the following table:

	Abersoch	Llanengan	Llanbedrog	Gwynedd	Wales
Welsh identity only	266 (34%)	670 (55.6%)	453 (45.2%)	71,931 (59.0%)	1,761,673 (57.5%)
No Welsh identity	473 (60.4%)	480 (39.8)	504 (50.3%)	42,566 (34.9%)	1,045,775 (34.1%)
Households where at least one person has an alternative first language to Welsh or English	4 (0.5%)	6 (0.5%)	93 (9.5%)	1,463 (1.2%)	42,581 (1.4%)
3+ years old population	773 (98.7%)	1164 (96.5%)	974 (97.2%)	117,789 (96.6%)	2,955,841 (96.5%)
Able to speak Welsh	336 (43.5%)	738 (63.4%)	526 (54%)	77,000 (65.4%)	562,016 (19%)
No Welsh language skills	370 (47.9%)	360 (30.9%)	400 (41.1%)	31,177 (26.5%)	2,167,987 (73.3%)
Can understand Welsh verbally only	60 (7.8%)	58 (5%)	44 (4.5%)	8,125 (6.9%)	157,792 (5.3%)
Able to speak but unable to read or write in Welsh	39 (5%)	50 (4.3%)	43 (4.4%)	6,838 (5.8%)	80,429 (2.7%)
Able to speak and understand Welsh but unable to write in Welsh	21 (2.7%)	22 (1.9%)	22 (2.3%)	3,947 (3.4%)	45,524 (1.5%)
Able to speak, read and write in Welsh	275 (35.6%)	666 (57.2%)	460 (47.2%)	65,921 (56%)	430,717 (14.6%)
Another combination of Welsh language skills	8 (1%)	8 (0.7%)	5 (0.5%)	1,781 (1.5%)	73,392 (2.5%)

Source: 2011 Census, Office for National Statistics

## 2.3 Ysgol Abersoch

The following table below outlines the linguistic background of the pupils at Ysgol Abersoch. The table shows that none of the pupils speak Welsh fluently at home (PLASC 2020).

School	Speaks Welsh fluently at home	Does not speak Welsh at home but are fluent in Welsh	Speaks Welsh at home but not fluently	Does not speak Welsh at home and are not fluent in Welsh	Cannot speak Welsh at all	Total
Abersoch	0	0	3 (33%)	3 (33%)	3 (33%)	9

Source: Data from Headteachers PLASC January 2020

## 2.4 Nearby Schools

The linguistic data for Ysgol Sarn Bach and Ysgol Llanbedrog is as follows:

School	Speaks Welsh fluently at home	Does not speak Welsh at home but are fluent in Welsh	Speaks Welsh at home but not fluently	Does not speak Welsh at home and are not fluent in Welsh	Cannot speak Welsh at all	Total
Sarn Bach	25 (53%)	4 (9%)	2 (4%)	11 (23%)	5 (11%)	47
Llanbedrog	32 (35%)	26 (29%)	3 (3%)	21 (23%)	9 (10%)	91
Foel Gron	18 (42%)	4 (9%)	2 (5%)	11 (26%)	8 (19%)	43

Source: Data from Headteachers PLASC January 2020

## 2.5 Language Charter Statistics (Summer 2019)

As part of implementing the Language Charter, all Gwynedd primary school pupils complete a language web questionnaire about their use of Welsh at school twice a year. Here are the Summer 2019 statistics about Pupils' use of Welsh:

1. % of children who speak Welsh with their teachers					
	Always	Often	Sometimes	Very little	Never
Abersoch	67%	0%	0%	33%	0%
Sarn Bach	75%	19%	6%	0%	0%
Llanbedrog	100%	0%	0%	0%	0%
Foel Gron	93%	7%	0%	0%	0%

2. % of children who speak Welsh with the classroom assistants and other staff of the school					
	Always	Often	Sometimes	Very little	Never
Abersoch	50%	0%	17%	33%	0%
Sarn Bach	75%	19%	6%	0%	0%
Llanbedrog	100%	0%	0%	0%	0%
Foel Gron	93%	7%	0%	0%	0%

3. % of children who speak Welsh in the classroom, corridor and in the dining hall					
	Always	Often	Sometimes	Very little	Never
Abersoch	17%	0%	67%	17%	0%
Sarn Bach	25%	56%	19%	0%	0%
Llanbedrog	89%	11%	0%	0%	0%
Foel Gron	93%	7%	0%	0%	0%

4. % of children who speak Welsh on the schools playground					
	Always	Often	Sometimes	Very little	Never
Abersoch	0%	17%	50%	33%	0%
Sarn Bach	25%	63%	13%	0%	0%
Llanbedrog	33%	44%	22%	0%	0%
Foel Gron	79%	21%	0%	0%	0%

5. % of children confident in speaking Welsh					
	Always	Often	Sometimes	Very little	Never
Abersoch	33%	33%	17%	17%	0%
Sarn Bach	44%	13%	31%	13%	0%
Llanbedrog	100%	0%	0%	0%	0%
Foel Gron	71%	21%	7%	0%	0%

6. % of children who think that it is important to speak Welsh					
	Always	Often	Sometimes	Very little	Never
Abersoch	67%	0%	33%	0%	0%
Sarn Bach	56%	38%	6%	0%	0%
Llanbedrog	89%	11%	0%	0%	0%
Foel Gron	79%	21%	0%	0%	0%

Source: GwE Language 2019 Data

We see from the data above that the use of Welsh varies in the schools in the area. It appears that Abersoch children in the foundation phase are confident in speaking Welsh and use Welsh when speaking to teachers, assistants and staff. From the point of view of Ysgol Sarn Bach, we see that a higher percentage of children speak Welsh with teachers, assistants and staff. We also see that a higher percentage of children make informal use of Welsh - together on the corridor, in the lunch hall and on the playground, as well as with the school staff at Ysgol Sarn Bach compared to Ysgol Abersoch. It is therefore anticipated that transferring to Ysgol Sarn Bach would not have a negative impact on the language and would offer Abersoch children more opportunities to use Welsh when socializing.

Here are a number of responses received from Foundation Phase pupils that completed the Language Charter:

**Abersoch: 6**

**Sarn Bach: 16**

**Llanbedrog: 9**

**Foel Gron: 14**

## 2.6 After School Activities (November 2020)

Currently, some school activities take place at Ysgol Abersoch such as the Urdd. Many events are also held in Abersoch village hall. Here is a summary of what Ysgol Abersoch and the nearby schools offer after school:

	Abersoch		Sarn Bach		Llanbedrog		Foel Gron	
	School building	Village Hall	School building	Village Hall	School building	Village Hall	School building	Village Hall
<b>Play Groups (School holidays)</b>								
<b>Aelwyd yr Urdd</b>	✓		✓			✓	✓	
<b>Coffee Morning/Evening</b>		✓	✓			✓	✓	
<b>Cylch/Nursery School</b>	✓					✓		
<b>Sports Club/Activity</b>		✓			✓		✓	

It can be seen in the table above that a number of schools in the area, including Ysgol Abersoch, offer after school clubs with the Urdd. This means that the pupils can take advantage of the activities and use them as an additional opportunity to use and develop the Welsh language. In terms of short term provisions, we also understand that Hunaniaith run a weekly afterschool Craft to promote the use of the Welsh language in the local area.

## 2.7 Community Activities

There is a village hall in Abersoch, and the School also make regular use of this resources. We also understand that Ysgol Abersoch is involved in Hunaniaith activities such as Diwrnod Su'mae to promote the benefits of using the language in business.

## 2.8 Welsh in Education Strategic Plan 2017-2020

Both schools, Ysgol Abersoch and Ysgol Sarn Bach, implement the aims of Gwynedd Council's Welsh in Education Strategic Plan 2017-2020. This includes:

- Setting a strong foundation for the Welsh language at the Early Years stage, ensuring that pupils from a non-Welsh speaking background are given the opportunity to learn Welsh as soon as possible.
- During the Foundation Phase, building on the foundation established at the nursery and reception stages by continuing to develop pupils' grasp of Welsh, and begin the process of developing their English language skills. On a practical level, this means that most schools would start introducing English as a subject during the final term at the end of the Foundation Phase, concentrating on developing reading, speaking and writing skills in that language. Welsh will be the school's official assessment language at the end of the Foundation Phase.
- In KS2, continue to develop the pupils' mastery of Welsh, paying attention to the development of their skills in both languages. Pupils' progress in Welsh and English are assessed at the end of the key stage.

Implementing the proposal would conform to the Welsh in Education Strategic Plan in Education 2017-20 objectives.



## 2.9 Additional Evidence

## Ysgol Abersoch

The 2017 Estyn report states:

*“Welsh in the school’s everyday language and the main medium of teaching and learning, and English is taught formally in Year 3. Thirty-nine per cent (39%) of pupils come from Welsh-speaking homes. There are no pupils from ethnic minority backgrounds. On entry to the school, basic skills are lower than expected, and Welsh is a new language to a majority of pupils.”*

(<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Ysgol%20Gynradd%20Abersoch%20en.pdf>)

## Ysgol Sarn Bach

The school website states:

“Our intention and hope is that every child is able to, and chooses to speak Welsh of a good quality in every aspect of the school’s life, and takes pride in the Welsh language, culture and traditions.”

The Estyn 2017 report states:

*“Welsh is the main medium of the school’s life and work, and English is introduced as a subject in key stage 2... Approximately 47% of pupils come from Welsh-speaking homes”*

(<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Ysgol%20Sarn%20Bach%20en.pdf>)

### Ysgol Llanbedrog:

The school website states:

“...to promote the school’s Welsh ethos, it is expected that the Welsh language is used for informal conversation in the classroom and on the playground.

The Estyn 2014 report states:

*"About a quarter of pupils come from homes in which Welsh is spoken as a first language."*

([https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Inspection%20report%20Ysgol%20Llanbedrog%202014\\_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf](https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Inspection%20report%20Ysgol%20Llanbedrog%202014_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf))

## Ysgol Foel Gron:

The Estyn 2015 report states:

*“Welsh is the everyday language at the school and the main medium of teaching and learning. English is taught formally in key stage 2. About 71% of pupils come from Welsh-speaking homes. A very few pupils are from an ethnic minority background.”*

(<https://www.estyn.gov.wales/system/files/2020-08/Ysgol%2520Foel%2520Gron%2520eng.pdf>)

### 3. IMPACT ON THE WELSH LANGUAGE

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#### 3.1 Options

A number of options were proposed and discussed at the local meetings. Following an evaluation of these options against the Strategy factors, the list was refined to 3 options for further consideration, in addition to the Do Nothing option.

- *Do nothing - continue with the current structure of the school.*

It is anticipated that this option would be neutral in terms of its impact on the Welsh language, as it would mean continuing with the current situation.

- *Federation with a neighbouring school*

This option would involve establishing a formal collaboration arrangement, between a neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal status as separate entities, their financial allocation, name and school uniform, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status, with those with Community status.

It is envisaged that this option would be neutral in terms of its impact on the Welsh language as Ysgol Abersoch would continue. The option would also provide an opportunity to co-plan the curriculum and share resources across the schools of the federation.

- *Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years*

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

It is envisaged that this option would be neutral in terms of its impact on the Welsh language as Ysgol Abersoch would continue. With the exception of a possible change to the staffing structure, it is anticipated that provision in the school would continue in the same way.

- *Close Ysgol Abersoch and pupils to be educated at an alternative school*

This option would mean that Ysgol Abersoch would close, and that current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).

*The table on the following page includes an assessment of the linguistic impact of closing Ysgol Abersoch, and offering pupils a place at Ysgol Sarn Bach compared to the current situation. The table also outlines opportunities to strengthen the Welsh language and methods to mitigate any potential negative impact that may result from the model.*

**Assessing the linguistic impact of closing Ysgol Abersoch and offering pupils a place at Ysgol Sarn Bach compared to the current situation.**

<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
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<b>Impact Criteria</b>	<b>Description</b>	<b>Status of the impact and the work</b>	<b>Have any measures been identified to mitigate any negative impact or to create more positive opportunities?</b>	<b>Final impact (following mitigation methods)</b>
<b>The language of the school (Formal)</b>	<p>As the alternative school (Ysgol Sarn Bach) is also a Welsh medium school, it is therefore concluded that the proposal would not impact on the language medium of the education provision.</p> <p>As the pupils would be taught in larger classes and with more children of the same age group, the proposal could strengthen the opportunities for pupils to socialise in Welsh with their peers.</p>	<p align="center">Neutral</p> <p align="center">No impact on the language of the school</p>	N/A	N/A
<b>The language of the school (Informal)</b>	<p>It is noted that a higher percentage of pupils come from Welsh speaking homes at Ysgol Sarn Bach (57%), compared with Ysgol Abersoch (33%). By transferring pupils from Ysgol Abersoch to Ysgol Sarn Bach, it is anticipated that the percentage of pupils that come from Welsh-speaking homes would be around 54%. As a result, it is envisaged that there would be more opportunities for Abersoch pupils to use Welsh informally with their peers both inside and outside the classroom, and that the level of vibrancy of Welsh and the informal use of the language would be strengthened.</p>	Positive	Purposeful language planning by Ysgol Sarn Bach to ensure a positive impact on the language.	Positive

<b>Access to Welsh medium education</b>	The alternative school is a Welsh medium school, as is Ysgol Abersoch. It is therefore not envisaged that the proposal would have an impact on this criteria.	Neutral  No impact on the situation of the language	N/A	N/A
<b>Non-statutory provision</b>	Pupils would have access to a higher supply in terms of staffing, and would be part of a larger peer group of the same age.	Positive	The Local Authority and the Ysgol Sarn Bach Governing Body could discuss methods to ensure that pupils can participate in extra-curricular activities.	Positive
<b>Before/after school activities</b>	The alternative school is a larger school in terms of pupil numbers so the peer groups will be larger. Like Ysgol Abersoch, Ysgol Sarn Bach offers before and after school activities, as a result it is not anticipated that the proposal would impact on this criteria.	Neutral	The Local Authority and the Governing Body of Ysgol Sarn Bach could consider any additional opportunities for after-school activities, ensuring that arrangements are as accessible as possible for all pupils.	Positive
<b>Using Welsh in the community</b>	<p>According to the 2011 census, 43.5% of the population of Abersoch ward speak Welsh.</p> <p>It is noted that a higher percentage of pupils come from Welsh speaking homes at Ysgol Sarn Bach (57%), compared with Ysgol Abersoch (33%). As a result, should the proposal be implemented, it is envisaged that there would be more opportunities for Abersoch pupils to use the Welsh language with their peers in class, and socially as well.</p> <p>Ysgol Abersoch has worked hard to develop the children's bilingual skills and promote the importance of Welsh culture within the community. As a result, the closure of Ysgol Abersoch could have a negative impact on the Welsh language within the local community,</p>	Neutral	The Local Authority and the Governing Body of the alternative school may consider ways of promoting the use of the Welsh language in the communities of Abersoch and Sarn Bach through after school activities.	Neutral

## 4. CONCLUSIONS

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Our expectations are that all of the county's pupils have age-relevant and well-balanced bilingual skills to enable them to be full members of the bilingual society of which they are part. Proposals to change local arrangements would have to take full consideration of all linguistic impacts. Supporting and improving the use of the Welsh language as an educational and social language among children will be a key consideration when drawing up proposals within the area.

The assessment notes that the options to Do Nothing (continue with the current situation), form a federation with a nearby school, and extend the age range of the school are neutral in terms of their impact on the Welsh language as they would mean that the school would remain in Abersoch.

In terms of the option to close Ysgol Abersoch and offer pupils a place at Ysgol Sarn Bach, it is not anticipated that the option would have a negative effect on the children's linguistic ability. This option would mean that children continue to be educated in a Welsh medium school. It is noted that a higher percentage of pupils come from Welsh speaking homes at Ysgol Sarn Bach (57%), compared with Ysgol Abersoch (33%). By transferring pupils from Ysgol Abersoch to Ysgol Sarn Bach, it is anticipated that the percentage of pupils that come from Welsh-speaking homes would be around 54%. As a result, it is envisaged that there would be more opportunities for Abersoch pupils to use Welsh informally with their peers both inside and outside the classroom, and that the level of vibrancy of Welsh and the informal use of the language would be strengthened. Ysgol Abersoch has worked hard to develop children's bilingual skills and promote the importance of Welsh culture. It is therefore important that the proposal to move the children recognises the need to support and continue this work.



# **Community Impact Assessment Report Ysgol Abersoch**

- December 2020

1.      **INTRODUCTION**
2.      **OPTIONS**
3.      **SUMMARY OF THE CATCHMENT AREA**
4.      **CATCHMENT AREA SCHOOL**
5.      **ASSESSMENT OF THE LIKELY IMPACT ON THE COMMUNITY**
6.      **CONCLUSIONS**

## 1. INTRODUCTION

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As part of the statutory process, a community impact assessment is required in compliance with the School Organisation Code 011/2018. This assessment is derived from the Welsh Government's national guidance for schools reorganisation, including considerations of the unique needs of rural areas.

*"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."*

*Source: The Schools Organisation Code 011/2018*

### 1.1 Background

Ysgol Abersoch is located in the center of the village of Abersoch near Pwllheli, and provides education for pupils aged 3 to 8 years. Pupils transfer to Ysgol Sarn Bach after year 3 to complete their primary education.

Ysgol Abersoch has a capacity of 42 (nursery to year 3), and in September 2020, it had full-time pupils, and 2 nursery (part-time) pupils.

At their meeting on 17 September 2019, the Cabinet supported a recommendation to hold formal discussions with the governing body of Ysgol Abersoch to consider options for the future. The decision came as a result of recent concerns over low number of pupils on register.

Between October 2019 and January 2020, 3 local meetings were held with stakeholders at Ysgol Abersoch where a number of options were proposed and discussed. Following the evaluation of those options, the list was refined to 3 options for further consideration in addition to the Do Nothing model.

At its meeting on 15 September 2020, Gwynedd Council Cabinet resolved to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021. The decision was confirmed by the Cabinet at its meeting on 3 November 2020, after the original decision was called in and referred back to the Cabinet by the Education and Economy Scrutiny Committee at its meeting on 9 October 2020.



## 2. OPTIONS

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A number of options were proposed and discussed at the local meetings. Following an evaluation of these options against the Strategy factors, the list was refined into 3 options for further consideration, in addition to the Do Nothing option.

- Do nothing - continue with the current structure of the school.
- Form a federation with a neighbouring school

This option would involve establishing a formal collaboration arrangement, between neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal status as separate entities, their financial allocation, name and school uniform, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status with those with Community status.

- Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years.

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

- Close Ysgol Abersoch and pupils to be educated at an alternative school

This option would mean that Ysgol Abersoch would close, and that current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).

## 3. SUMMARY OF CATCHMENT AREA

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### 3.1 The Area

Abersoch is a village located on the Llŷn Peninsula in Gwynedd, with approximately 800 residents. It is located 11 km (7 miles) from the town of Pwllheli and 43 km (27 miles) from Caernarfon.

According to the 2011 census, there are 783 people living in the Abersoch ward.

### 3.2 The Economy

75.6%, of people aged 16 to 74 within Abersoch ward are classified as economically active, 3.7% of whom are unemployed. 24.4% of people in the same age group are economically inactive with 3.6% of these sick or long-term disabled.

The type of industry in which the population is active varies in the area, with the highest rate (23.7%) working in Retail and Wholesale.

According to data from the 'Welsh Index of Multiple Deprivation (2014)' the employment rate of Abersoch ward compared to other wards in Wales gives them a rank of 1404 out of 1909 wards. Abersoch ward is therefore not within the 50% most deprived area in Wales.

There are a number of businesses operating in the village, including, a variety of shops, restaurants, cafes, pubs, self-catering accommodation, tourist attractions and a garage.

### 3.3 Deprivation

Abersoch ward (which is wider than the geographical area of the school catchment area) is not within the 50% most deprived in Wales (a rank of 1417 out of 1909 wards).

A number of areas make up this overall index, including income, employment, health, education, access to services, community safety, physical environment and housing.

It is noted that Abersoch ward is within the 40% most deprived areas in Wales in the 'Housing' domain. The indicators in this area are the proportion of people living in overcrowded homes (bedroom usage), and the proportion of people living in homes without central heating.

In addition, Abersoch ward is within the 40% most deprived areas in Wales in the 'access to services' field, i.e. deprivation because people cannot access a range of services that are considered essential for daily living. The indicators include average public and private travel times for a number of services such as grocery stores, GP surgeries, primary and secondary schools, post office, public library, pharmacy, leisure centre and private travel time to a petrol station.

Below is a summary of how the Abersoch area is positioned in the context of other areas in Wales according to the Welsh Index of Multiple Deprivation (2014):

Area	Range in Wales, out of 1909 districts. (1 = most deprived and 1909 = least deprived)	Most deprived in Wales %
Employment	1404	
Income	1327	
Health	1312	
Education	1472	
Housing	577	Within 40-50% most deprived
Physical environment	1725	
Access to Services	593	Within 40-50% most deprived
Community safety	821	Within 50% most deprived

### 3.4 The Community

A number of activities take place in Abersoch, including;

- Abersoch Festival
- Welsh for Adults
- Shwmae / Su'mae Day
- Cylch Ti a Fi and Cylch Meithrin
- Beach cleaning activities
- Identity Project with Welsh language
- Merched y Wawr

In addition, there are a number of facilities in the village, including, the village hall, a variety of shops, pharmacy, mobile bank, post office, garage, cafes, pubs, mobile library, tourist attractions, public transport and children's playground.

## 4. CATCHMENT AREA SCHOOLS

### 4.1 Context of the schools according to Estyn Inspection Reports

As part of Estyn's reports, the authors, i.e. the inspectors, will place the schools within their context and will detail their community connections. This is the context given to Ysgol Abersoch by Estyn inspectors.

#### Ysgol Abersoch

*"Ysgol Abersoch is in the village of Abersoch near Pwllheli, in Gwynedd local authority, and serves the village and the surrounding area"*

Source: Estyn Report, June 2017

### 4.2 School statistical information

The table below shows the numbers of pupils at Ysgol Abersoch (N-Y3), and the other neighbouring schools, from Nursery to Year 6. Also shown in this table are the capacity of the schools, and the number of surplus places. All of these schools teach through the medium of Welsh.

School	Full Capacity (N – Y6)	Number on roll September 2020 (N – Y6)	Number of surplus places September 2020 (N – Y6)	Legal Category
Abersoch (*N-Y3)	42	10	32	Community School (Infant)
Sarn Bach	73	48	25	Community School
Llanbedrog	83	95	0	Community School
Foel Gron	61	44	17	VC – Church in Wales

Source: September 2020 Census.

### 4.3 Information about the location of pupils' dwellings and choice of school

Every school has a specific catchment area that it serves and this is important in terms of the Council's admissions and transport policy. Pupils do not have to attend their catchment area school, this is the parents' choice (in accordance with the admissions policy).

In comparison with other catchment areas in the area, the number of pupils that attend school outside the catchment area is high. The latest data (September 2020) shows that 26 3-8 year old children live in the Abersoch catchment, of whom only 5 attend the school. This means that 81% of the children living in the Abersoch catchment area attend schools that are out of the catchment area, according to 2020 data.

The table below shows the complete information regarding pupils' residential locations and school choice.

		Home Catchment Area (September 2020)					
		Abersoch (M-B13)	Sarn Bach	Llanbedrog	Foel Gron	Other	School total (N-Yr6)
School Attending (September 2020)	Abersoch* (N-Yr3)	5	1	-	-	4	10
	Sarn Bach	9	28	-	2	9	48
	Llanbedrog	6	6	58	15	17	102
	Foel Gron	2	4	4	24	9	43
	Other	4	2	2	1		
Total		26	41	64	42		

Source: September 2020 Census

#### 4.4 Summary of various facilities in the communities (November 2020)

The information below is gathered based on the communities of each of the schools that may be affected by any of the options.

	Abersoch	Sarn Bach	Llanbedrog	Foel Gron
Village Hall / Community Centre	✓			
Chapel/Church	✓	✓	✓	✓
Public Transport	✓	✓	✓	✓
Shop	✓		✓	✓
Café/Pub	✓		✓	
Post Office			✓	✓
Surgery/Pharmacy	✓		✓	
Library				
Children's Playing Field	✓		✓	✓
Bank				
Residential Home for the Elderly			✓	
Leisure Centre				
Garage	✓		✓	
Tourism Attraction	✓		✓	
Cylch Ti a Fi + Cylch Meithrin	✓		✓	✓

Source: Headteachers' Questionnaires November 2020

It is noted in the community impact questionnaire that members of the community visit Ysgol Abersoch regularly to assist with the learning experiences. Members from the communities of each of the schools included in this assessment visit the schools to hold activities with the pupils, such as a gardening club, reading and health fair. Additionally, as there is no hall at Ysgol Abersoch the school makes regular use of the community hall.

#### 4.5 Summary of the school's use outside the school's core hours (November 2020)

A summary of community or extra-curricular use of local school buildings is provided below

	Abersoch	Sarn Bach	Llanbedrog	Foel Gron
<b>Play Groups (School holidays)</b>				
<b>Aelwyd yr Urdd</b>	✓	✓		✓
<b>Plays</b>				
<b>Voluntary Groups</b>				
<b>Coffee Morning/Evening</b>				✓
<b>Community Auction</b>				
<b>Community Library</b>				
<b>Choir Practice</b>				
<b>Welsh for Adults</b>				
<b>Town/Community Council Meeting</b>				
<b>Cylch/Nursery School</b>	✓		✓	
<b>Sports Club/Activity</b>			✓	
<b>After School Club</b>				✓
<b>Local Interest Club</b>				

Source: Headteachers' Questionnaires November 2020

#### 4.6 Summary of activities or groups that the school are regularly involved with:

	Abersoch	Sarn Bach	Llanbedrog	Foel Gron
<b>Ti a Fi Group / Cylch Meithrin</b>	✓	✓	✓	
<b>Eisteddfodau (Local/County/National)</b>	✓	✓	✓	✓
<b>Urdd Adranau</b>	✓	✓	✓	✓
<b>Other activities (sports, clubs)</b>	✓	✓	✓	✓

Source: Headteachers' Questionnaires November 2020

#### 4.7 If buildings, rooms, facilities or services are provided by the school for the community, where will they be provided if the school is closed?

School	Where will facilities be provided if the school is closed?
<b>Abersoch</b>	Cylch Meithrin and Cylch Ti a Fi are held in the school building. Should a decision be made to close the school, options for after school use would have to be considered, taking into account the activities currently taking place at the school

#### 4.8 Information about the distance and travel time to other schools in the catchment area

The table below notes the distance and travel time between schools in the area. We can see that Ysgol Sarn Bach is closest to Ysgol Abersoch. The following travel times considers the nature of the roads and the impact that this could have on travel times in a rural area.

Ysgol / School		Sarn Bach	Llanbedrog	Foel Gron
Llanbedrog	Milltir	4.2		
	Munudau	10		
Foel Gron	Milltir	3.9	1.6	
	Munudau	11	4	
Abersoch	Milltir	1.4	3.3	3.2
	Munudau	5	7	9

## 5. ASSESSMENT OF THE LIKELY IMPACT ON THE COMMUNITY

In order to assess the community impact of the potential models, it was decided to create criteria in accordance with the recommendations of the community impact considerations of The Schools Organisation Code 011/2018

### MODEL 1 – Do nothing/Status Quo

Positive	Neutral	Negative
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Impact Criteria	Description	Status of the impact and the work
Impact on Health and Well-being	No Change	Neutral
Implications of the change on public transport provisions	No Change	Neutral
Impact on facilities / other services provided at the school	No Change	Neutral
The impact on broader community safety	No Change	Neutral
Would the option encourage families and school-age children to leave the community, or would young families be less likely to move to the community	No Change	Neutral
Impact on other services provided locally	No Change	Neutral
Detrimental effect on the community's broader economy	No Change	Neutral
The general impact on the local community	No Change	Neutral

## MODEL 2 – CHANGE THE AGE RANGE OF YSGOL ABERSOCH FROM 3-8 YEARS TO 3-11 YEARS

Positive	Neutral	Negative
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Impact Criteria	Description	Status of the impact and the work
Impact on Health and Well-being	No Change	Neutral
Implications of the change on public transport provisions	No Change	Neutral
Impact on facilities / other services provided at the school	No Change	Neutral
The impact on broader community safety	No Change	Neutral
Would the option encourage families and school-age children to leave the community, or would young families be less likely to move to the community	No Change	Neutral
Impact on other services provided locally	No Change	Neutral
Detrimental effect on the community's broader economy	No Change	Neutral
The general impact on the local community	No Change	Neutral



### MODEL 3 – FEDERATION WITH A NEIGHBOURING SCHOOL

Positive	Neutral	Negative
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Impact Criteria	Description	Status of the impact and the work
Impact on Health and Well-being	No change to the current situation	Neutral
Implications of the change on public transport provisions	No change to the current situation	Neutral
Impact on facilities / other services provided at the school	No change to the current situation	Neutral
The impact on broader community safety	No change to the current situation	Neutral
Would the option encourage families and school-age children to leave the community, or would young families be less likely to move to the community	No change to the current situation	Neutral
Impact on other services provided locally	No change to the current situation	Neutral
Detrimental effect on the community's broader economy	No change to the current situation	Neutral
The general impact on the local community	No change to the current situation, but opportunities are identified for the Abersoch community and the other school that would be part of the federal model to come together.	Neutral

## MODEL 4 – CLOSE YSGOL ABERSOCH AND OFFER PUPILS A PLACE AT AN ALTERNATIVE SCHOOL

Positive

Neutral

Negative

Impact Criteria	Description	Status of the impact and the work
Impact on Health and Well-being	<p>As the alternative school is about a mile and a half from Ysgol Abersoch and the pupils' homes, they are unlikely to walk to school.</p> <p>Children can be dropped off in the car park, whether by car or taxi / minibus, and there is a bus stop (public bus service) outside the school boundaries. Therefore, if pupils are less able to walk or cycle, we do not anticipate difficulty in reaching the school.</p>	Negative
Implications of the change on public transport provisions	A public bus (number 18) runs between Abersoch village and the alternative school. Some families may be dependent on public transport to reach the alternative school, however, no significant impact on public transport provision is foreseen as there are currently 10 pupils attending the school.	Neutral
Impact on facilities / other services provided at the school	Cylch Meithrin and Cylch Ti a Fi are held in the school building. If the school were to close, these services would have to be taken into account when discussing the after-use of the school building.	Neutral
The impact on broader community safety	No impact on wider community safety is anticipated	Neutral
Would the option encourage families and school-age children to leave the community, or would young families be less likely to move to the community	As most children in the catchment area already attend other schools, it is not envisaged that families and young children would leave the community.	Neutral
Impact on other services provided locally	As a large number of children in the catchment area already attend other schools, and due to the low number of pupils at Ysgol Abersoch, it is not anticipated that closing the school would have an impact on other services.	Neutral
Detrimental effect on the community's broader economy	Again, as most children in the catchment area attend other schools, it is not anticipated that closing the school would have an impact on the wider community economy.	Neutral
The general impact on the local community	<p>The local school would be further away from homes within the existing catchment area of Ysgol Abersoch, and in terms of deprivation, it means that one of the indicators i.e. 'access to services' will be further away from the village's residents.</p> <p>As a high number of the catchment area's children already attend other schools, it cannot be concluded that the closure of the school would have a negative or positive impact on the local community.</p>	Negative

## 6. CONCLUSIONS

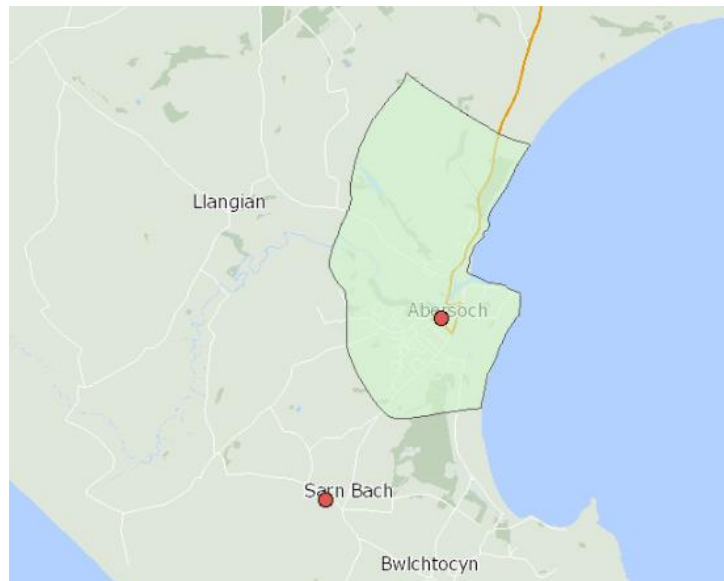
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This assessment shows that the school engages with its community and regularly uses community facilities, such as the hall. The community also makes use of the school building, and uses it as a venue for the Cylch Meithrin and Cylch Ti a Fi.

It shows from the information presented that the option to continue with the current situation, or to federate with another school, would not have an impact on the community. Both options mean that a school presence would continue in the community of Abersoch by undertaking the same activities and using the same facilities as it currently does.

Should the option of closing Ysgol Abersoch and offering pupils a place at a nearby school be realised, it is anticipated that it would have some effect on elements of community events. As such, it will be required as part of the process to encourage discussions between the alternative school and parents of pupils at Ysgol Abersoch so that parents and pupils can access their after school facilities and activities, and to encourage the alternative school to take advantage of the facilities at Abersoch community as well.

This assessment shows that it is anticipated that the closure of the school will have some negative impact on the community. To mitigate this impact, opportunities are identified to ensure that the community of Abersoch is aware of the activities of the alternative school, and community co-operation between the alternative school and the Abersoch community is encouraged, where appropriate.



# **Equality Assessment Report Ysgol Abersoch**

- December 2020

## Contents

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- 1. INTRODUCTION**
- 2. OPTIONS**
- 3. IMPACT OF ANY CHANGE**
- 4. ANALYSIS OF RESULTS**
- 5. CONCLUSION**

## 1. INTRODUCTION

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Ysgol Abersoch is located in the center of the village of Abersoch near Pwllheli, and provides education for 3-8 year olds. The school has a capacity of 42 (Nursery to Year 3), and in January 2020, it had 7 full-time pupils (aged 4-8), and 2 nursery pupils. To date (September 2020) the school has 8 full time pupils (aged 4-8), and 2 nursery pupils.

At its meeting on 17 September 2019, Gwynedd Council's Cabinet approved the Education Department *“to initiate formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch due to concerns over the school numbers, thus enabling a range of possible options to be drawn up relating to the future of the school.”*

In accordance with the Cabinet's decision (17 September 2019), an Ysgol Abersoch Review Panel (SRP) was established and the Governing Body, parents, staff and the Local Elected Member were invited to join the panel and participate in the discussion. Three SRP meetings were held between October 2019 and January 2020 to discuss a range of options to seek to resolve the main challenges faced by the school.

At its meeting on 15 September 2020, Gwynedd Council Cabinet resolved to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021. The decision was confirmed by the Cabinet at its meeting on 3 November 2020, after the original decision was called in and referred back to the Cabinet by the Education and Economy Scrutiny Committee at its meeting on 9 October 2020.

As part of the process of developing a proposal (s) for school / school reorganisation, the Council is required (in accordance with the Equality Act 2010) to consider the impact of a change in any policy or procedure (or the creation of a policy or new procedure), on people with protected equality characteristics. The Council also has additional general duties to ensure fairness and foster good relations. An Equality Impact Assessment must therefore be carried out before a decision is made on any material change (i.e. that affects people with a protected characteristic).

## 2. OPTIONS

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A number of options were proposed and discussed at the local meetings. Following an evaluation of these options against the Strategy factors, the list was refined to 3 options for further consideration, in addition to the Do Nothing option.

- *Do nothing - continue with the current structure of the school.*

Although the case for change has been established, the Do nothing model is included for comparison purposes.

- *Federation with a neighbouring school*

This option would involve establishing a formal collaboration arrangement, between a neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal status as separate entities, their financial allocation, name and school uniforms, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status, with those with Community status.

- *Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years*

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

- *Close Ysgol Abersoch and pupils to be educated at an alternative school*

This option would mean that Ysgol Abersoch would close, and that current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).

**Following a more detailed assessment of the above options, it was concluded that the preferred option as a proposal for statutory consultation is the proposal to close Ysgol Abersoch and offer the pupils a place at Ysgol Sarn Bach.**

### 3. IMPACT OF ANY CHANGE

The Council must have due regard to the impact any changes will have on people with equality characteristics below. What impact will the new policy / service or proposed changes have on these features?

Features	What kind of impact? *	In what way? What is the evidence?
<b>Race (including nationality)</b>	None	Gwynedd schools have relevant policies in place to protect individuals from any racial discrimination, such as Equality, Inclusion and Anti-Bullying Policies. The Anti-bullying Policy provided by Gwynedd Council sets out anti-bullying guidelines and procedures based on factors such as race at school. In addition, the Equality Policy implemented by Gwynedd primary schools states that the schools <i>"...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives."</i> It is therefore not envisaged that the proposal would have an impact on this feature.
<b>The Welsh language</b>	None	The Council's Welsh Education Scheme will impose the same requirements on all schools, and therefore in terms of implementing the policy, it is not anticipated that there would be an impact if the proposal were to be implemented. A language impact assessment was carried out on the proposal.
<b>Disability</b>	None	Under the requirements of the Council Policy, schools are required to provide an Anti-Bullying Policy, therefore the alternative school will be expected to protect against disability-related bullying, and indeed any other ground. Gwynedd schools also have a Transport Code of Practice.  Staff at the alternative school will need to provide the same level of care and be aware of all the needs of the pupils.
<b>Gender</b>	None	It is not anticipated that implementing the proposal will have an impact in terms of gender, as all affected schools implement an equality policy which states that the school: <i>"...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives."</i>
<b>Age</b>	Any effect would be minimal (positive or negative)	Ysgol Abersoch provides education for pupils aged 3-8 years. If the proposal were implemented, it would mean that the pupils would transfer to a school with an age range of 3 to 11 on one site. However, it is not anticipated that this would have a negative impact – all affected schools implement an equality policy which states that the school: <i>"...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives."</i>
<b>Sexual orientation</b>	None	It is noted in the Equality Policy implemented by Gwynedd's primary schools that schools



		<i>"...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives."</i>
<b>Religion or belief (or lack of belief)</b>	None	Ysgol Abersoch and the alternative school, Ysgol Sarn Bach are community schools - the proposal does not suggest changing this.  Each school has an Inclusion Policy that would deal with any discriminatory incident that might occur in the school, related to religion or belief.
<b>Gender Reassignment</b>	None	It is noted in the Equality Policy implemented by Gwynedd's primary schools that schools: <i>"...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives."</i>
<b>Pregnancy and maternity</b>	None	-
<b>Marriage and civil partnership</b>	None	-

The Council has a duty under the Equality Act 2010 to make a positive contribution to a fairer society by promoting equality and good relations in its activities in the areas of age, gender, sexual orientation, religion, race, transgender, disability and pregnancy and maternity.

<b>General Duties of the Equality Act</b>	<b>Does it make an impact? *</b>	<b>In what way? What is the evidence?</b>
<b>Remove illegal discrimination, harassment and victimisation</b>	No	Implementing the proposal would not alter the statutory duty of affected schools to protect pupils from discrimination, harassment or victimisation. The aim is to give pupils the opportunity to express their views in a way that is appropriate and appropriate given any factors that affect them. They will continue to use the School Council, personal and social education lessons, anti-bullying policies and other means to ensure that the school prohibits unlawful discrimination, harassment and victimisation.
<b>Promote equal opportunities</b>	No	It is anticipated that the alternative school will continue to promote equal opportunities.
<b>Encouraging good relationships</b>	No	As some of the pupils in the Ysgol Abersoch catchment area already attend Ysgol Sarn Bach it is fair to note that a connection between Ysgol Sarn Bach and the Abersoch community already exists. However, opportunities to build further on the relationship with the community in Abersoch could arise from implementing the proposal.

## 4. ANALYSING THE RESULTS

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- 4.1 Is the proposal therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty? What is the reason for this?

As Ysgol Abersoch and Ysgol Sarn Bach operate the same policies in relation to equality and anti-bullying, it is not envisaged that the proposal would have significant impact on any of the equality characteristics or the General Duty referred to in this document.

- 4.2 Is the proposal therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty? What is the reason for this?

As Ysgol Abersoch and Ysgol Sarn Bach operate the same policies in relation to equality and anti-bullying, it is not envisaged that the proposal would have significant impact on any of the equality characteristics or the General Duty referred to in this document.

- 4.3 What should be done?

**Choose one of the following:**

Continue with policy / service as it is sound	✓
Adjust the policy to remove any barriers	
Prevent and remove the policy as the adverse effects are too great	
Continue with policy as any adverse impact can be justified	

- 4.4 If continuing with the plan, what steps will you take to reduce or mitigate any negative impacts?

In order to mitigate the impact on the community, opportunities are identified to ensure that the community of Abersoch is aware of the activity of the alternative school, and community collaboration between the alternative school and the community of Abersoch is encouraged, where appropriate.

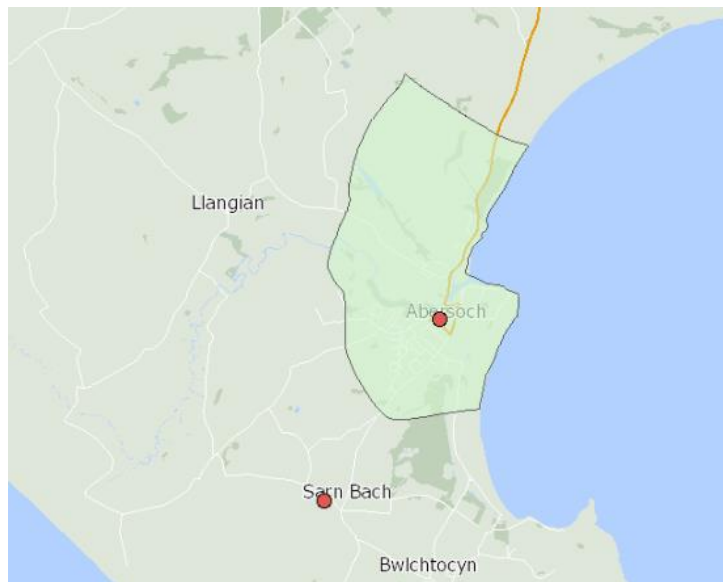
- 4.5 Monitoring – what action will you take to monitor the impact and effectiveness of the policy or service (action plan)?

The school (and their Governing Body) is responsible for implementing its equality policy and the Authority, through its usual support and monitoring procedures, will ensure compliance.

## 5. CONCLUSION

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It is not anticipated that the proposal to close Ysgol Abersoch and provide a place for pupils at Ysgol Sarn Bach would not effect equality. Gwynedd's primary schools already operate an Equalities policy which states that the schools "*oppose all forms of prejudice and discrimination and recognise that pupils have different needs, requirements and objectives.*" Should the Cabinet decide to continue with this proposal, and should any impacts be highlighted following the consultation, the Council will seek ways to mitigate them, looking specifically at any suggestions put forward in the responses.



# **Assessment Report of the likely impact on different travelling arrangements – Ysgol Abersoch**

- December 2020

### **1. INTRODUCTION**

#### **1.1 Gwynedd Council Transport Policy**

#### **1.2 Context of Ysgol Abersoch**

### **2. OPTIONS**

### **3. ASSESSMENT OF THE LIKELY IMPACT ON DIFFERENT TRAVELLING ARRANGEMENTS**

#### **3.1 Location of the alternative school**

#### **3.2 Free transport options**

#### **3.3. Financial impact**

### **4. CONCLUSIONS**

## 1. INTRODUCTION

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At its meeting on 17 September 2019, Gwynedd Council's Cabinet approved the Education Department *“to initiate formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch due to concerns over the school numbers, thus enabling a range of possible options to be drawn up relating to the future of the school.”*

In accordance with the Cabinet's decision (17 September 2019), an Ysgol Abersoch Review Panel (SRP) was established and the Governing Body, parents, staff and the Local Elected Member were invited to join the panel and participate in the discussion. Three SRP meetings were held between October 2019 and January 2020 to discuss a range of options to seek to resolve the main challenges faced by the school.

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As part of the process of developing a proposal (s) for school / school reorganisation, the authority is required to carry out an assessment of the likely impact on different travel arrangements, in accordance with the School Organisation Code (011/2018).

The Council is committed to provide the highest quality of education as possible for the children of Gwynedd County along with the experiences, skills and confidence to develop into bilingual, successful and fulfilled citizens.

It remains a high priority to provide the best possible learning experiences - for all learners within the County, ensuring an exciting and broad curriculum, as well as extra-curricular activities that stimulate learning and understanding, and which will lead to improved standards.

### 1.1 Gwynedd Council Transport Policy

The *‘Excellent primary education for children in Gwynedd’* strategy aims to restrict travel from home to school to a one-way journey of no more than 30 minutes.

Gwynedd Council provides free transport for learners who live two or more miles from the school in their catchment area, or the closest school (not including nursery pupils). Learners who receive a primary education are expected (except for learners with additional learning needs or disabilities), to walk up to two miles to meet any modes of transport provided by Gwynedd Council. The transport policy can be viewed in the Parent's Handbook: (<https://www.gwynedd.llyw.cymru/en/Residents/Documents-Residents/Schools-and-learning-documents/Guide-Book.pdf>).

## 1.2 Context of Ysgol Abersoch

Ysgol Abersoch is located in the centre of the village of Abersoch near Pwllheli, and provides education for 3-8 year olds. Following year 3, pupils transfer to Ysgol Sarn Bach, the neighbouring school.

In September 2020, there were 26 pupils aged 3-8 living in the Ysgol Aberoch catchment area - 5 of those pupils attended Ysgol Abersoch. This means that 21 pupils from the catchment area (aged 3-8) attended out of catchment schools. In addition, 5 pupils from Ysgol Abersoch lived outside the catchment area. Further information can be found in the table below:

		Home catchment area of... (September 2020)					
		Abersoch* (N-Yr3)	Sarn Bach	Llanbedrog	Foel Gron	Arall	School Total (N-Yr6)
School Attending... (September 2020)	Abersoch* (N-Yr3)	5	1	-	-	4	10
	Sarn Bach	9	28	-	2	9	48
	Llanbedrog	6	6	58	15	17	102
	Foel Gron	2	4	4	24	9	43
	Other	4	2	2	1		
Total		26	41	64	42		

Source: Census September 2020

## 2. OPTIONS

- *Do nothing - continue with the current structure of the school.*  
(Although the case for change has been established, this model has been included in the assessment for comparison purposes)

**As this model would mean that pupils would continue to be educated at Ysgol Abersoch, it is not envisaged that this model would have an impact on current travel arrangements.**

- *Federation with a neighbouring school*

This option would involve establishing a formal collaboration arrangement, between a neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal

status as separate entities, their financial allocation, name and school uniform, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status, with those with Community status.

**As this model would mean that pupils continue to be educated at Ysgol Abersoch, it is not envisaged that this model would have an impact on current travel arrangements.**

- *Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years*

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

**As this model would mean that pupils would continue to be educated at Ysgol Abersoch, it is not envisaged that this model would have an impact on the travel arrangements of current pupils. However, if the option were to be implemented, further consideration would have to be given to the impact that changing catchment areas could have on the current transport arrangements for pupils aged 8-11 years in the Abersoch area who have already opted to attend Ysgol Sarn Bach.**

- *Close Ysgol Abersoch and pupils to be educated at an alternative school*

This option would mean that Ysgol Abersoch would close, and that current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).

**Ysgol Sarn Bach is located 1.4 miles from Ysgol Abersoch. In accordance with Gwynedd Council's transport policy the authority would provide transport for pupils of the current catchment area of Ysgol Abersoch who would choose to attend Ysgol Sarn Bach and live more than 2 miles from the school.**

**In addition, the pupils who would choose to attend Ysgol Sarn Bach but live less than 2 miles away from school, and are therefore not entitled to free transport, but travel to school along a road the Council considers as very dangerous, free transport would be provided.**

### **3. ASSESSMENT OF THE LIKELY IMPACT ON TRAVELLING ARRANGEMENTS**

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#### **3.1. Location of the alternative school**

Ysgol Sarn Bach is located in the village of Sarn Bach, approximately 1.4 miles down the road from the centre of Abersoch. This is the nearest geographical school to Ysgol Abersoch.



### 3.2. Free transport options

In line with Gwynedd Council's transport policy, learners receiving primary or secondary education (with the exception of learners with additional learning needs or disabilities) would be expected to walk up to two miles to meet any modes of transport provided by Gwynedd Council along the shortest route.

The shortest route available is the route which is not deemed by the Council to be especially dangerous, after assessing the other routes available for the journey, and these routes would be assessed in line with Gwynedd Council's transport policy.

Ysgol Sarn Bach is the catchment school for pupils between the ages of 8 and 11 in the Abersoch catchment area. As the route to school is considered dangerous, the authority already provides free transport for some eligible pupils.

Therefore a primary school bus already runs between Abersoch and Ysgol Sarn Bach, and it is envisaged that there would be sufficient empty seats for current pupils at Ysgol Abersoch.

In line with current arrangements, pupils travel to school on a service bus and travel home on a dedicated school bus. Below is the current bus timetable for Ysgol Sarn Bach:

<b>ABERSOCH - YSGOL SARN BACH</b>		<b>320</b>
<b>Clynnog &amp; Trefor - 01286 660 208</b>		
<b>BWS YSGOL DYNODEDIG / DEDICATED SCHOOL BUS</b>		
<b>Abersoch</b>	<b>0843</b>	<b>Ysgol Sarn Bach</b> <b>1535</b>
<b>Ysgol Sarn Bach</b>	<b>0850</b>	<b>Abersoch</b> <b>1540</b>

If all pupils between the age of 3 and 8 in the Abersoch catchment area choose to take advantage of free transport, it is envisaged that the current arrangements would need to be adapted. The estimated additional costs that would result from this change are set out below.

### 3.3. Financial impact

The financial impact on travel arrangements is summarised below:

	The probable impact on travel arrangements for learners	The assessment of the probable annual financial impact on travel arrangements for the Authority
Do nothing	No Change	£0
Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years	No Change	£0
Formally federalise with a school or other schools	No Change	£0
Close Ysgol Abersoch and offer pupils a place at Ysgol Sarn Bach	Assemble at an agreed place to catch the bus.	<b>Provision of transport for the current 8 pupils (Reception – Yr.3): £ 0</b>

		No additional costs - empty seats already available on the Ysgol Sarn Bach bus.
		<b>Provision of transport for all pupils at Ysgol Abersoch catchment area (26 pupils): <u>£14,000</u></b>  Ysgol Sarn Bach's current transport arrangements would need to be modified - it may require a specific school bus for Ysgol Sarn Bach (morning and afternoon).

Should the proposal to close Ysgol Abersoch and provide pupils a place at Ysgol Sarn Bach be implemented, it is estimated that:

- There would be no additional costs associated with providing transport for the current 8 pupils of Ysgol Abersoch (Reception-Yr.3) as well as pupils from the Abersoch catchment area that already attend Ysgol Sarn Bach. It is understood that a bus already transports pupils from Abersoch to Ysgol Sarn Bach, and we understand that there would be sufficient empty seats on the bus for the current pupils at Ysgol Abersoch. It could be argued that implementing the proposal would make more cost effective use of the existing transport arrangements for transporting pupils to Ysgol Sarn Bach.
- The additional costs of transport would be approximately £14,000 per year if all pupils in the current Ysgol Abersoch catchment area chose to attend Ysgol Sarn Bach in the future, and required transport.

## 4. CONCLUSIONS

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In summary, it is not anticipated that the option to form a Federation would affect current travel and transport arrangements as the pupils would continue to receive their education at Ysgol Abersoch.

With the option to extend the age range of the school to 3-11 years, it is not anticipated that there would be an impact on the transport arrangements for the current school pupils. However, bearing in mind that Ysgol Sarn Bach is the catchment school for 8 - 11 year olds in the Abersoch area, further consideration would have to be given to the impact that this option may have on the transport arrangements for 8-11 year old pupils in the Abersoch area.

Should the option to close Ysgol Abersoch and offer the pupils a place at Ysgol Sarn Bach be implemented, it is envisaged that the learners would be able to use the existing transport arrangements for Ysgol Sarn Bach – this would not result in an additional cost to the authority.

If all pupils in the Ysgol Abersoch catchment area required transport to Ysgol Sarn Bach, it is envisaged that the current transport arrangements at Ysgol Sarn Bach would need to be modified by arranging a larger bus. It is estimated that this would result in additional costs of £14,000 per annum.



# **Assessment Report of the likely impact on Quality and Standards in Education - Ysgol Abersoch**

- December 2020

## Contents

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1. INTRODUCTION
2. SUMMARY
3. ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION
4. CONCLUSION

## 1. INTRODUCTION

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At its meeting on 17 September 2019, Gwynedd Council's Cabinet approved the Education Department *“to initiate formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch due to concerns over the school numbers, thus enabling a range of possible options to be drawn up relating to the future of the school.”*

In accordance with the Cabinet's decision (17 September 2019), an Ysgol Abersoch Review Panel (SRP) was established and the Governing Body, parents, staff and the Local Elected Member were invited to join the panel and participate in the discussion. Three SRP meetings were held between October 2019 and January 2020 to discuss a range of options to seek to resolve the main challenges faced by the school.

At its meeting on 15 September 2020, Gwynedd Council Cabinet resolved to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021. The decision was confirmed by the Cabinet at its meeting on 3 November 2020, after the original decision was called in and referred back to the Cabinet by the Education and Economy Scrutiny Committee at its meeting on 9 October 2020.

As part of the process of developing a proposal (s) for school/school reorganisation, the authority is required to carry out an assessment of likely impact on the quality and standards of education, in accordance with the School Organisation Code (011/2018).

The Council is committed to providing the highest quality education possible that will provide the County's children with the experiences, skills and confidence to become bilingual, successful and fulfilled citizens.

It continues to be a high priority to provide the best possible learning experiences - for all learners within the County, ensuring an exciting and broad curriculum, as well as extra-curricular activities that stimulate learning and understanding, which will lead to improved standards.

## 2. SUMMARY

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Following the last Estyn inspection in 2017 it was concluded that the school's current performance was Good.

In 2019, the school was placed in the Yellow support category by the regional consortia under the Welsh Government's National System for categorising schools according to their current educational standards and improvement requirements. The Welsh Government defines a 'Yellow' category school as an “effective school that is already doing well and knows what areas it needs to improve”.

Below is a summary of the latest surveys of neighbouring schools, or schools that are the subject of any of the possible models for the future of Ysgol Abersoch.

## 2.1 Ysgol Abersoch

Ysgol Abersoch is located in the centre of the village of Abersoch near Pwllheli, and provides education for 3-8 year olds. Following year 3, pupils transfer to Ysgol Sarn Bach, the nearby school. When the school was last inspected in 2017, there were 21 pupils on roll, including 6 part-time nursery pupils.

School	Year of Inspection	How good are the outcomes?	How good is provision?	How good are leadership and management	Welsh Government Support Category 2019
Abersoch	June 2017	Good	Good	Good	Yellow

## 2.2 Other schools in the area

School	Year of Inspection	How good are the outcomes?	How good is provision?	How good are leadership and management	Welsh Government Support Category 2019
Llanbedrog	May 2014	Good	Good	Good	Green
Foel Gron	October 2015	Good	Good	Good	Yellow

The table below summarise the school's Estyn inspection report which has been inspected since September 2017, when Estyn introduced the five areas of inspection:

School	Year of Inspection	Standards	Wellbeing and attitudes to learning	Teaching and learning experiences	Care, support and guidance	Leadership and management	Welsh Government Support Category 2019
Sarn Bach	October 2017	Good	Good	Good	Good	Good	Yellow

### 3. ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION

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- *Do nothing - continue with the current structure of the school.*

Although the case for change has been established, the Do nothing model has been included in the assessment for comparison purposes.

- *Federation with a neighbouring school*

This option would involve establishing a formal collaboration arrangement, between a neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal status as separate entities, their financial allocation, name and school uniform, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status, with those with Community status.

- *Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years*

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

- *Close Ysgol Abersoch and pupils to be educated at an alternative school*

This option would mean that Ysgol Abersoch would close, and the current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).



**DO NOTHING –  
ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION**

<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
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Impact Criteria	Description	The impact and status of work
Standards and general progress of specific groups and in terms of skills	No change	Neutral
Well-being and attitude to learning	No change	Neutral
Teaching and learning experiences	No change	Neutral
Care guidance and support	No change	Neutral
Leadership and management	No change	Neutral
Vulnerable groups, including children with Additional Learning Needs (ALN)	No change	Neutral
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	No change	Neutral

*The above assessment has been based on the information of Ysgol Abersoch's Estyn report June 2017.*

**EXTENDING THE SCHOOL'S AGE FROM 3-8 YEARS TO 3-11 YEARS –  
ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION**

<b>Positif</b>	<b>Niwtral</b>	<b>Negyddol</b>
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Impact Criteria	Description	The impact and status of work
Standards and general progress of specific groups and in terms of skills	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Well-being and attitude to learning	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Teaching and learning experiences	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Care guidance and support	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Leadership and management	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Vulnerable groups, including children with Additional Learning Needs (ALN)	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	A negative impact on these criteria is not envisaged by extending the age range of the school.	Neutral

*The above assessment has been based on the information of Ysgol Abersoch's Estyn report June 2017.*

**FEDERATION -  
ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION**

<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
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Impact Criteria	Description	The impact and status of work
Standards and general progress of specific groups and in terms of skills	No negative impact is predicted on this criteria by federating with a neighbouring school. All the schools in question are at least in the same category as Abersoch.	Neutral
Well-being and attitude to learning	No negative impact is predicted on this criteria by federating with a neighbouring school. All the schools in question are at least in the same category as Abersoch.	Neutral
Teaching and learning experiences	No negative impact is predicted on this criteria by federating with a neighbouring school. A federal model would likely include the same opportunities, with the potential to expand on this.	Positive
Care guidance and support	No negative impact is predicted on this criteria by federating with a neighbouring school. All the schools in question are at least in the same category as Abersoch.	Neutral
Leadership and management	Depending on the exact federal model, it can lead to saving Headteacher time by planning across the federation rather than for individual schools.	Positive
Vulnerable groups, including children with Additional Learning Needs (ALN)	Provisions for vulnerable groups would not change under a federal model.	Neutral
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	No impact as Ysgol Abersoch would continue.	Neutral

*The above assessment has been made based on the information of the June 2017 Ysgol Abersoch Estyn report; Ysgol Sarn Bach October 2017, and Ysgol Llanbedrog May 2014.*

**CLOSE YSGOL ABERSOCH AND OFFER PUPILS A PLACE AT AN ALTERNATIVE SCHOOL -  
ASSESSMENT OF THE LIKELY IMPACT ON QUALITY AND STANDARDS IN EDUCATION**

<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
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<b>Impact Criteria</b>	<b>Description</b>	<b>The impact and status of work</b>
Standards and general progress of specific groups and in terms of skills	The result of an Estyn survey for the Abersoch School standards indicators was 'Good', as was the result of the Ysgol Sarn Bach survey. Based on the information from the last surveys (2017) no impact is predicted by educating the children at Ysgol Sarn Bach.	Neutral
Well-being and attitude to learning	The 'Wellbeing' indicator for Ysgol Abersoch, in their last inspection in 2017, was 'adequate' while the result at Ysgol Sarn Bach was 'Good'. Based on the findings of these surveys, it is concluded that educating the children at Ysgol Sarn Bach would have a positive impact.	Positive
Teaching and learning experiences	The 'learning experiences' indicator at Ysgol Abersoch was 'adequate', and the 'teaching' indicator was 'good'. The outcome of an Estyn survey for 'Teaching and learning experiences' indicators was 'Good' at Sarn Bach School in 2017. As a result, it is considered that the option may have a positive impact on pupils' teaching and learning experiences. Ysgol Sarn Bach can offer the opportunity to teach in larger groups and with peers to broaden their experiences.	Positive
Care guidance and support	The results of the 'Care guidance and support' indicators were 'Good' in the last Ysgol Abersoch and Ysgol Sarn Bach inspection. Based on this information, no impact on this area is foreseen by teaching the pupils at Ysgol Sarn Bach.	Neutral
Leadership and management	Ysgol Abersoch's last Estyn report noted that the leadership and management at the school are 'Good'. Ysgol Sarn Bach was also placed in the 'Good' category.	Neutral
Vulnerable groups, including children with Additional Learning Needs (ALN)	Support for vulnerable groups including children with additional learning needs is provided in accordance with the Authority's policy, as in all schools in Gwynedd.	Neutral
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	The result of Estyn report for Ysgol Abersoch standards indicators was 'Good', as was the result of Ysgol Sarn Bach report. Based on the information from the last report (2017) no impact is predicted by educating the children at Ysgol Sarn Bach.	Neutral

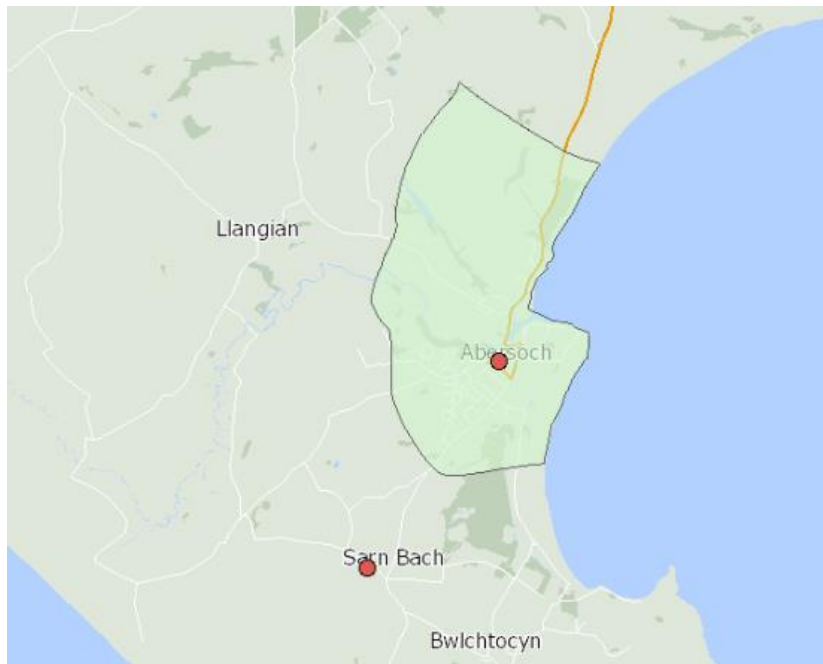
*The above assessment has been made based on the information of the Ysgol Abersoch June 2017 Estyn report, and Ysgol Sarn Bach October 2017.*

## 4. CONCLUSIONS

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Based on the outcome of the above assessments, it is concluded that the standard of education provided at Ysgol Sarn Bach is at the same level as that of Ysgol Abersoch. As a result, it is not anticipated that any negative impact in terms of quality and standards in education would result from the proposal to federate or close Ysgol Abersoch and transfer pupils to Ysgol Sarn Bach. Similarly, no negative impacts are predicted in terms of the quality and standards in education arising from the option of extending the age range of the school from 3-8 to 3-11.

The information in this assessment following the most recent Estyn inspections of the schools in question indicates that all of the schools have been placed in at least an equivalent category for Ysgol Abersoch, and all of the schools have been ranked yellow, or green in terms of Welsh Government support category.



# **Well-being Assessment Report Ysgol Abersoch**

- December 2020

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1. INTRODUCTION
2. HOW DOES THE PROPOSAL MEET GWYNEDD COUNCIL'S WELL-BEING OBJECTIVES?
3. DOES THE PROPOSAL MEET THE GOALS OF THE WELL-BEING ACT?
4. SUSTAINABLE DEVELOPMENT PRINCIPLES
5. CONCLUSION

## 1. INTRODUCTION

As a Council we are committed to the principles within the Well-being of Future Generations Act (2015) in order to improve the economic, social, environmental and cultural well-being of Gwynedd's communities.

The Council's vision is:

*Our vision as a Council is to support all the people of Gwynedd to thrive and live full lives in their community, in a county which is one of the best counties to live in.*

The Council has adopted well-being objectives that complement the national well-being goals and ensure that Gwynedd residents:

- Enjoy a happy, healthy and safe life
- Have access to quality homes within their communities
- Earn enough wages to support themselves and their families
- Receive a first class education that will allow them to do what they want to do
- To live with dignity and independence for as long as possible
- Being able to live in a naturally Welsh speaking Society
- Enjoy the beauty of the County's natural environment.

The table below outlines the link between our well-being objectives and the national well-being goals.

<b>We will ensure that the residents of Gwynedd can:</b>	<b>Prosperous</b>	<b>Resilient</b>	<b>Healthier</b>	<b>Equal</b>	<b>Cohesive Communities</b>	<b>A vibrant culture where the Welsh language is thriving</b>	<b>Globally responsible</b>
Enjoy happy, healthy and safe lives							
Live in quality homes within their communities							
Earn a sufficient salary to be able to support themselves and their families							
Receive education of the highest quality which will enable them to do what they want to do							
Live with dignity and independently for as long as possible							
Live in a natural Welsh society							
Take advantage of the beauty of the County's natural environment.							

The Education Department has a role to promote the Act's well-being goals to the county's pupils through its activities and projects. The Act places a duty on public bodies in Wales to improve economic, social, environmental and cultural well-being. As part of the duty the Council has published well-being objectives that outline how it will improve well-being in the "Gwynedd Council Plan 2018-2023".



## 1.1 Ysgol Abersoch Context

At its meeting on 17 September 2019, Gwynedd Council's Cabinet approved the Education Department *“to initiate formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch due to concerns over the school numbers, thus enabling a range of possible options to be drawn up relating to the future of the school.”*

Between October 2019 and January 2020, 3 local meetings were held with stakeholders at Ysgol Abersoch where a number of options were proposed and discussed. Following the evaluation of those options, the list was refined to 3 options for further consideration, in addition to the Do Nothing model. Those options are detailed below:

- *Do nothing - continue with the current structure of the school.*

Although the case for change has been established, the Do nothing model has been included for comparison purposes.

- *Federation with a neighbouring school*

This option would involve establishing a formal collaboration arrangement, between a neighbouring school/schools. These schools would share a single governing body, but at the same time retain their legal status as separate entities, their financial allocation, name and school uniform, and continue to have their own Estyn inspection.

The formation of a formal federation with a school or other schools would strengthen the leadership position of the school, and increase pupils' opportunities to socialise and collaborate with peers.

In this case, for geographical reasons, Ysgol Sarn Bach, and Ysgol Llanbedrog were considered as reasonable options for the collaborative arrangement. Ysgol Foel Gron was not considered as it is not possible to federate schools with charitable status, with those with Community status.

- *Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years*

At present, the age range of Ysgol Abersoch means that the school's education provision ceases at the end of year 3. Extending the age range to 3-11 would mean that the school could continue to educate pupils until the end of Key Stage 2, which is the end of year 6. This would be consistent with the age range of the majority of the county's primary schools.

- *Close Ysgol Abersoch and pupils to be educated at an alternative school*

This option would mean that Ysgol Abersoch would close, and that current pupils would be offered a place at Ysgol Sarn Bach (the alternative school).

At its meeting on 15 September 2020, Gwynedd Council Cabinet resolved to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021. The decision was confirmed by the Cabinet at its meeting on 3 November 2020, after the original decision was called in and referred back to the Cabinet by the Education and Economy Scrutiny Committee at its meeting on 9 October 2020.

## 2. HOW DOES THE PROPOSAL MEET GWYNEDD COUNCIL'S WELL-BEING OBJECTIVES?

Gwynedd Council's well-being objectives were considered when evaluating the options.

<b>Do nothing - continue with the status quo.</b>	
Objectives	Details:
Enjoy a happy, healthy and safe life	No effect
Live in quality homes within their communities	No effect
Earn a sufficient wage to support themselves and their families	No effect
Receive education of the highest quality that will allow them to do what they want to do	No effect
To live with dignity and independently for as long as possible	No effect
Live in a naturally Welsh society	No effect
Take advantage beauty of the County's natural environment	No effect

<b>Extend the age range of Ysgol Abersoch from 3-8 years to 3-11 years</b>	
Objectives	Details:
Enjoy a happy, healthy and safe life	No effect
Live in quality homes within their communities	No effect
Earn a sufficient wage to support themselves and their families	No effect
Receive education of the highest quality that will allow them to do what they want to do	It is not anticipated that the option would affect this aim. There would be a statutory process involved in extending the age range. No impact is anticipated on the current governance arrangements.
To live with dignity and independently for as long as possible	No effect
Live in a naturally Welsh society	No effect
Take advantage beauty of the County's natural environment	No effect

<b>Federation with a nearby School</b>	
Objectives	Details:
Enjoy a happy, healthy and safe life	No effect
Live in quality homes within their communities	No effect
Earn a sufficient wage to support themselves and their families	No effect
Receive education of the highest quality that will allow them to do what they want to do	No effect. There would be a statutory process involved in establishing a formal federation and establishing a federal governing body. The option would offer opportunities for sharing staff and sharing expertise across the schools. It would also offer opportunities to collaborate on curricular issues and develop joint plans.
To live with dignity and independently for as long as possible	No effect
Live in a naturally Welsh society	No effect
Take advantage beauty of the County's natural environment	No effect

<b>Close Ysgol Abersoch and pupils to be educated at an alternative school</b>	
<b>Objectives</b>	Details:
<b>Enjoy a happy, healthy and safe life</b>	No effect
<b>Live in quality homes within their communities</b>	No effect
<b>Earn a sufficient wage to support themselves and their families</b>	It is envisaged that implementing this option would result in staff redundancies. A detailed staffing policy has been developed by Gwynedd Council in conjunction with Trade Unions and head teachers. The policy will form the basis of any change to the employment of staff resulting from any proposal. Clear and open communication will be central to the successful implementation of any proposals.
<b>Receive education of the highest quality that will allow them to do what they want to do</b>	Ensuring that the pupils receive a first class education will be central to the proposal, ensuring that they receive at least the same quality and standard of education at the alternative school.
<b>To live with dignity and independently for as long as possible</b>	It is not anticipated that the proposal would be likely to have an impact on this aim.
<b>Live in a naturally Welsh society</b>	A language impact assessment was undertaken. Pupils at Ysgol Abersoch live in a community where Welsh and English exist side by side, and are educated in a Welsh medium school, such as Ysgol Sarn Bach. The language impact assessment notes that the position of the alternative school is strong, with 57% of pupils coming from homes that can speak Welsh. By comparison, 33% of pupils at Ysgol Abersoch come from homes that can speak Welsh.
<b>Take advantage beauty of the County's natural environment</b>	No effect

### 3. DOES THE PROPOSAL MEET THE GOALS OF THE WELL-BEING ACT?

Aim	Does the proposal contribute to this aim?	Measures to mitigate negative impacts on this aim:
<b>A prosperous Wales</b> An innovative society using resources efficiently and proportionately, educated people, creating wealth and work.	<p>The proposal would allow pupils to be educated in larger classes and with more children of the same age group. It is therefore envisaged that it would enrich pupils' learning and social experiences.</p> <p>In addition, the proposal contributes to the goal by making more prudent use of resources.</p> <p>Implementing this option could result in staff losing their jobs.</p>	<p>Staff and Union representatives will be consulted specifically as part of the statutory consultation period.</p> <p>Gwynedd Council has developed a detailed staffing policy, in conjunction with Trade Unions and head teachers. Any redundancies as a result of this proposal will have to conform to that policy. Clear and open communication will play a central role in implementing any proposals.</p>
<b>A resilient Wales</b> A nation that maintains and enhances biodiversity and healthy ecosystems that support resilience and the ability to adapt to change (for example climate change).	<p>It is not anticipated that the proposal is likely to have an impact on this aim.</p>	<p>No effect.</p>
<b>A healthier Wales</b> A society where people's physical and mental well-being is as good as possible and people understand what affects their health.	<p>It is not anticipated that the proposal is likely to have an impact on this aim.</p>	<p>No effect.</p>
<b>A more equal Wales</b> A society that enables people to fulfil their potential irrespective of background or circumstances (including their socio-economic background and circumstances).	<p>The proposal has been developed within the context of the Excellent Primary Education For children in Gwynedd The strategy outlines the vision:  <i>"Provide education of the best possible quality that will provide the county's children with the experiences, skills and confidence to develop into bilingual, successful and well-rounded citizens"</i></p>	<p>The equality assessment noted that the proposal was not anticipated to have a negative impact on equality. In addition, it was noted that robust policies and procedures were in place to ensure that the proposal considered complied with equal rights. It is noted that measures are already in place to ensure that there is no unlawful discrimination and harassment.</p>
<b>A Wales of cohesive communities</b> Attractive, viable and safe communities with good connections	<p>Following a community impact assessment, it was concluded that there would be some negative impact on the community should the school close.</p>	<p>Whilst acknowledging the negative impact the closure of the school could have on the Abersoch community, it is noted that 26 pupils (3-8) living in the Abersoch catchment area already attend Ysgol Sarn Bach. It is therefore believed that a link already exists between the alternative school and the community in Abersoch. By implementing the proposal there will be an opportunity to build on these links between the Abersoch community and Ysgol Sarn Bach by holding discussions that would</p>

		promote the inclusion of the Abersoch community in the community activity of the school.
<b>A vibrant Wales and culture where the Welsh language thrives</b> A society that promotes and protects culture, heritage and the Welsh language and encourages people to participate in the arts, sports and leisure activities.	No impact is anticipated on this aim as the proposal would mean that pupils would continue to be educated in a Welsh medium school	-
<b>Wales is globally responsible.</b> A nation that, in doing anything to improve the economic, social, environmental and cultural well-being of Wales, is considering whether doing such a thing could contribute positively to global well-being.	It is not anticipated that the proposal is likely to have an impact on this aim.	No effect.

## 4. SUSTAINABLE DEVELOPMENT PRINCIPLES

Sustainable Development Principles	Does the proposal consider the principle?
<b>Long term</b> The importance of balancing short-term needs with the need to safeguard the ability to meet long-term needs is also important.	There has been a pattern of low numbers at Ysgol Abersoch for some years, and the situation is now unsustainable. With projections showing numbers to remain low, it is concluded that the challenges facing the school are long-term, and therefore the case for change is clear.
<b>Suspension</b> How action to prevent problems from occurring or escalating can help public bodies achieve their objectives.	Should Cabinet decide to take further action, the needs of the children will be a priority when undertaking any reorganisation process.
<b>Integration</b> Consider how the public body's well-being objectives may affect each of the well-being goals, all of its other objectives, or the objectives of other public bodies.	The authority began the process of reviewing the school situation in the wake of a critical situation facing the school.
<b>Collaboration</b> Collaboration with any other person (or different departments within the organisation itself) could help the organization meet its well-being goals.	As part of the options appraisal process the Education Department received input from a number of other departments within the Council. In addition, a series of local meetings were held to obtain initial input from the stakeholders.
<b>Contents</b> The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area they serve.	The proposal will be subject of a public consultation, and a consultation with children and young people. The process to date has included local review meetings to engage with the relevant stakeholders of the school. These meetings have included the Governing Body, staff, and parents of Ysgol Abersoch.

## 5. CONCLUSION

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Following consideration and assessment in accordance with the requirements of the well-being act, the 7 well-being goals of the Council and the Council's well-being objectives were considered and it is concluded that the proposal meets the requirements. This proposal will allow us to respond to and meet the needs of the children today, and also strengthen their future well-being.

It is acknowledged that should the Cabinet decide to proceed with this proposal, it may result in the closure of a school in the Abersoch community, however a large number of the children living within the school's catchment area already attend other schools, including the alternative school, and therefore there is already a link between Ysgol Sarn Bach and the Abersoch community. Every effort will be made to mitigate the impact on the community by encouraging links between the communities. Should the proposal be approved, discussions will take place to discuss the possibility that activities at Ysgol Sarn Bach includes the Abersoch community, where appropriate.

The proposed proposal will ensure that children in the area are educated in a suitable site and in a naturally Welsh speaking society, increasing opportunities for socialising and working with others and giving them a fair chance to flourish among their peers.

## PANEL ADOLYGU YSGOL ABERSOCH YSGOL ABERSOCH REVIEW PANEL

7 Hydref 2019  
7 October 2019

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## AGENDA

- |   |  |
|---|--|
| 1. Gair o groeso gan y Pennaeth Addysg      | 1. <i>Welcome from the Head of Education</i>           |
| 2. Cefndir a phwrpas y cyfarfod             | 2. <i>Background and purpose of the meeting</i>        |
| 3. Pam ystyried Ysgol Abersoch?             | 3. <i>Why consider Ysgol Abersoch?</i>                 |
| 4. Ystyriaethau                             | 4. <i>Considerations</i>                               |
| 5. Sesiwn drafod – rhannu syniadau/opsiynau | 5. <i>Discussion session - sharing ideas / options</i> |
| 6. Camau Nesaf                              | 6. <i>Next Steps</i>                                   |

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## CEFNDIR BACKGROUND

- Ar 17 Medi 2019, penderfynodd **Cabinet Cyngor Gwynedd** roi caniatâd i'r Adran Addysg gynnal trafodaethau lleol i **ystyried opsiynau** ar gyfer dyfodol Ysgol Abersoch.
- **Pwrpas** ein cyfarfod heddiw yw:
  - Edrych ar y sefyllfa bresennol; a
  - Trafod a chychwyn ystyried opsiynau posib.
- **Camau Nesaf** :
  - Cynnal **cyfarfodydd pellach** er mwyn ystyried a chymharu'r opsiynau; ac
  - **Adrodd yn ôl i'r Cabinet** ar ganlyniadau'r trafodaethau lleol.
- On 17 September 2019, Gwynedd Council's **Cabinet** resolved to allow the Education Department to hold local discussions to **consider options** for the future of Ysgol Abersoch.
- The **purpose** of our meeting today is to:
  - Consider the current situation; and
  - Discuss and begin to consider possible options.
- **Next Steps** :
  - Hold **further meetings** to consider and compare the options; and
  - **Report to Cabinet** on the result of the local discussions.

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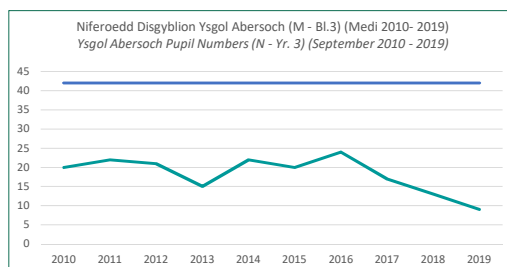
## PAM YSTYRIED YSGOL ABERSOCH? WHY CONSIDER YSGOL ABERSOCH?

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## NIFEROEDD DISGYBLION PUPIL NUMBERS



Niferoedd M-Bl. 3 (Medi 2019) Numbers N-Yr 3 (January 2019)	9
Capasiti (M – Bl. 3) Numbers (N – Yr. 3)	42
Llefydd Gweigion Surplus Places	33 (79%)

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## MAINT DOSBARTHIADAU CLASS SIZES

	Meithrin Nursery	Derbyn Reception	Bl 1 Yr 1	Bl 2 Yr 2	Bl 3 Yr 3	Cyfanswm Total
Dosbarth 1 Class 1	-	-	-	2	-	2
Dosbarth 2 Class 2	2	1	1	3	-	7

Ffynhonnell : Cyfrifiad Medi 2019

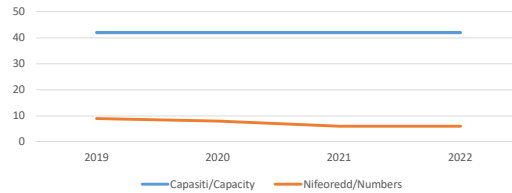
Source : September 2019 Census

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## RHAGAMCANION PROJECTIONS

Rhagamcanion 2020-2022 Projections  
(M - Bl. 3 / N - Yr. 3)



	Meithrin Nursery	0	1	2	3	Cyfanswm Total
Medi 2020 September 2020	1	2	1	1	3	8
Medi 2021 September 2021	1	1	2	1	1	6
Medi 2022 September 2022	1	1	1	2	1	6

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## CYLLIDEB YR YSGOL (2019-20) SCHOOL BUDGET (2019-20)

	Ysgol Abersoch	Cyfartaledd Sirol County Average
<b>Dyraniad 2019-2020</b> Allocation 2019-2020	£89,041	-
<b>Gwarchodaeth Lleiafswm Staffio*</b> Minimum Staffing Protection*	£37,853	-
<b>Cyfanswm Dyraniad</b> Total Allocation	£126,894	£404,000
<b>Cyfartaledd y Disgybl</b> Average per Pupil	*£10,200	£3,884

Ffynhonnell: Dyraniad Cyllidol 2019-2020  
Source: Financial Allocation 2019-2020

• Rhagamcanion 2020-21 = £15,800  
• 2020-21 Projections = £15,800

DYRANIAD YSGOL ABERSOCH ALLOCATION  
(2019-20)



■ Dyraniad / Allocation

■ Gwarchodaeth Lleiafswm Staffio /  
Minimum Staffing Protection

- Defnyddio £3,065 o arian wrth gefn i fantoli'r diffyg yn y gyllideb eleni
- O 2020-21 ymlaen, ni fydd y dyraniad yn ddigonol i gynnal y strwythur staffio presennol

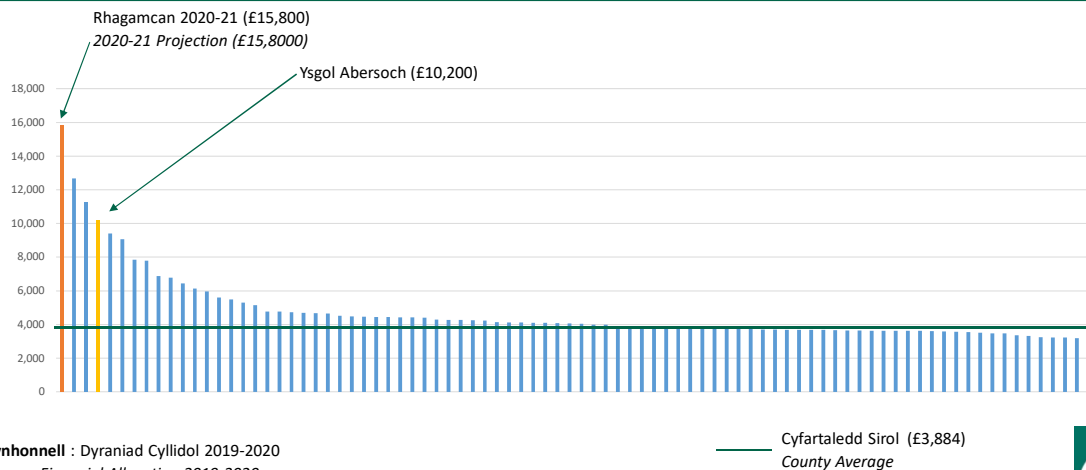
- £3,065 of reserves have been used to offset the deficit this year
- From 2020-21, the allocation will not sustain the current staffing structure.

\*\*Mae'r polisi gwarchodaeth yn sicrhau o leiaf pennaeth ac athro/athrawes ym mhob ysgol gyda mwy na 15 disgybl, a pennaeth a chymhorthydd dosbarth mewn ysgolion gyda llai na 15 disgybl.

\*\*The minimum staffing protection policy ensures a minimum of headteacher and teacher at every school which has more than 15 pupils, and a headteacher and a classroom assistant in a school with fewer than 15 pupils.

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## COST Y DISGYBL (2019-20) COST PER PUPIL (2019-20)



Ffynhonnell : Dyranid Cyllidol 2019-2020  
Source : Financial Allocation 2019-2020

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## STRWYTHUR STAFFIO STAFFING STRUCTURE

<b>Pennaeth</b> <i>Headteacher</i>	Llawn Amser Full Time
<b>Athrawes</b> <i>Teacher</i>	2.5 diwrnod yr wythnos 2.5 days per week
<b>Cymhorthydd</b> <i>Teaching Assistant</i>	12.25 awr yr wythnos 12.25 hours per week
<b>Llanw</b> <i>Supply</i>	1 diwrnod yr wythnos 1 day per week
<b>Swyddog Cefnogi Ysgol</b> <i>School Support Officer</i>	3 awr yr wythnos 3 hours a week

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## DISGYBLION DALGYLCH YSGOL ABERSOCH (Medi 2018) YSGOL ABERSOCH CATCHMENT PUPILS (September 2018)

		Disgyblion dalgyrch Abersoch (3-8 oed) (Medi 2018) Abersoch catchment pupils (3-8 years) (September 2018)
Mynychu Ysgol / School Attending (Medi / September 2018)	Abersoch	10
	Arall / Other	24
Cyfanswm Total		34

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## POLISI MYNEDIAD ADMISSION POLICY

Yn unol a'r Cod derbyn i ysgolion (005/2013):

Rhaid i Awdurdodau Lleol beidio ag awgrymu y dylai rhieni ddweud mai ysgol eu dalgyrch lle y maent yn byw sydd orau ganddynt, na bod lle wedi'i neilltuo iddynt yn yr ysgol honno cyn iddynt fynegi eu dewis.

Nid oes hawl gan yr awdurdod i geisio dylanwadu ar ddewis rhieni.

*In accordance with the School Admissions Code (005/2013):*

*LAs must not suggest that parents should express a preference for the school in whose catchment area they live, or that they have been allocated a place at that school before they have expressed a preference.*

*The authority has no right to seek to influence parental choice*

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## POLISI GOSOD TAI CYFFREDIN COMMON HOUSING ALLOCATION POLICY

**Oes posib i Gyngor Gwynedd ddylanwadu ar bwy sydd yn symud i fyw i'r pentref?**

Mae Polisi Gosod Tai Cyffredin wedi ei gosod ar y cyd rhwng Cyngor Gwynedd, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin a Thai Gogledd Cymru.

Mae meini prawf dyraniad tai wedi ei fanylu yn y polisi hwn. Mae tenantiaid yn cael cynnig tai sydd o faint addas i'w amgylchiadau nhw (e.e. fel arfer tai tair llofft i deuluoedd gyda dau neu dri o blant). Mae pwy sydd yn cael cynnig tai yn y pentref felly yn ddibynnol ar y polisi ac hefyd ar stoc tai yr ardal a beth sydd yn dod yn wag i'w osod.

*Is it possible for Gwynedd Council to influence who moves to the village?*

*A Common Lettings Policy has been set up jointly by Gwynedd Council, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin and North Wales Housing.*

*A housing allocation criteria can be seen in the policy. Tenants will be offered houses of a size suitable for their circumstances (e.g. typically three-bedroom houses for families with two or three children). A person who is offered a house in the village is therefore dependent on the policy and also on the housing stock in the area and what becomes vacant to let.*

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## CRYNODEB O BRIF HERIAU YSGOL ABERSOCH SUMMARY OF MAIN CHALLENGES AT YSGOL ABERSOCH

- Nifer disgyblion ymysg yr isaf yn y sir.
- Rhagamcanion yn dangos lleihad pellach yn y niferoedd.
- Nifer uchel o lefydd gweigion.
- Cost y disgybl (£10,200) yn sylweddol uwch na'r cyfartaledd sirol.
- Ysgol yn derbyn swm sylweddol drwy'r rhwyd diogelu er mwyn ei gwneud yn gyllidol hyfyw.
- Cyllideb ragamcanol (2020-21) yn awgrymu na fydd modd parhau â'r strwythur staffio presennol yn dilyn y flwyddyn ariannol hon (2019-20).
- Pupil numbers amongst the lowest in the county.*
- Projections show further decline in numbers.*
- High number of surplus places.*
- Cost per pupil (£10,200) significantly higher than the county average.*
- School receives a significant amount through the 'Minimum Staffing Protection' funding to make it financially viable.*
- Projected budget (2020-21) suggests that the current staffing structure will not be sustainable following this financial year (2019-20).*

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## CRYNODEB O BRIF HERIAU YSGOL ABERSOCH SUMMARY OF MAIN CHALLENGES AT YSGOL ABERSOCH

- Gyda niferoedd isel iawn yn Ysgol Abersoch ar hyn o bryd a rhagamcanion yn dangos cwymp pellach dros y blynyddoedd nesaf, mae dyletswydd arnom i ystyried y sefyllfa a gweld beth ydi'r opsiynau gorau ar gyfer y dyfodol.
- Prif bwrpas y cyfarfodydd hyn yw rhoi cyfle i chi roi mewnbwn i'r broses ac ein cynorthwyo wrth lunio cynigion penodol ar gyfer Ysgol Abersoch.
- *With very low numbers at Ysgol Abersoch at present and projections showing a further fall over the next few years, we have a duty to consider the situation and see what are the best options for the future.*
- *The main purpose of these meetings is to provide you with an opportunity to input into the process and assist us in formulating specific proposals for Ysgol Abersoch.*

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## YSTYRIAETHAU CONSIDERATIONS

**Wrth lunio a chymharu opsiynau, byddwn yn rhoi ystyriaeth i sawl ffactor, gan gynnwys:**

- Niferoedd disgyblion
- Maint dosbarthiadau ac Amrediad Oedran
- Arweinyddiaeth a Staffio
- Cymuned
- Iaith
- Adnoddau Ariannol
- Ffactorau Daearyddol
- Ffactorau sy'n berthnasol i'r rhagdybiaeth yn erbyn cau Ysgolion Gwledig

***In formulating and comparing options, we will take into account several factors, including:***

- *Pupil numbers*
- *Class sizes and Age Range*
- *Leadership and Staffing*
- *Community*
- *Language*
- *Financial Resources*
- *Geographical Factors*
- *Factors relating to the presumption against closure of Rural Schools*

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## RHAI OPSIYNAU POSIB SOME POSSIBLE OPTIONS

Dyma rai opsiynau y byddwn yn eu hystyried:

Here are some options we'll be considering:

- Status Quo** – Parhau hefo'r sefyllfa bresennol
- Ffederaleiddio** gydag ysgol gyfagos/arall
- Cau Ysgol Abersoch** a chynnig lle i'r disgyblion mewn ysgol amgen.

- Status Quo** – Continue with the current situation
- Federation** with neighbouring / other school
- Close Ysgol Abersoch** and offer pupils a place at an alternative school.

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## ENGHRAIFFT GWERTHUSIAD OPSIYNAU OPTIONS APPRAISAL EXAMPLE

O fewn y tablau yma mae'r ysgrifen mewn bold yn dangos manteision, ysgrifen *italics* yn dangos anfanteision a'r ysgrifen arferol yn dangos ffeithiau neu sylwadau

Ystyriaethau	1 Gwneud Dim	2 "Collaboration trust" rhwng Ysgol Y Gader, Ysgol Gynradd Dolgellau, Ysgol Aml-Safle yn Friog a Llanelltyd ac Ysgol Aml-safle yn Ieuan Gwynedd (Rhydymain) a Dinas Mawddwy	3 Rhwydwaith Cydweithio rhwng Ysgol Clogau Ysgol Friog Ysgol Ganolwyl Ysgol Ieuan Gwynedd (Rhydymain) Ysgol Dinas Mawddwy Ysgol Gynradd Dolgellau ac Ysgol Y Gader	4 Ysgol Ddilynol yn nhref Dolgellau Ysgol Aml-safle yn Friog a Llanelltyd Ysgol Aml-safle yn Ieuan Gwynedd (Rhydymain) a Dinas Mawddwy
Safon Addysg	Safon addysg bresennol yn parhau. Parhau i fod yn siâlens i sicrhau cyfleoedd cyfartal a mynediad at gwrwicwm eang a chytbwys ar gyfer disgyblion y dalgylch.	Byddai cyfleoedd i rannu arbenigedd rhwng gwahanol staff safle yn yr ysgolion ardal aml-safle. Cyffe i gael gwell dilyniant ar gyfer addysg rhwng ystod oedran cynradd ac uwchradd oddi fewn yr ysgol ddilynol. Ni fyddai sicrwydd o gydweithrediad ymysg y gwahanol staff yn yr ysgolion gwahanol. Dim ffordd i warantu fod yr un cyfleoedd yn cael eu cynnig i ddisgyblion cynradd yr ysgol ddilynol a disgyblion cynradd yr ysgolion ardal - ni fydd unrhyw ffechanwaith ffurfiol i sicrhau fod arbenigedd ac adnoddau yn cael eu rhannu.	Bwriad y rhwydwaith cydweithio yw caniatáu amserlennu cwrwicwm yr ysgolion cynradd ar draws y dalgylch fel bod pob disgybl wedi cyflawni'r un gwaith. Ni fyddai sicrwydd o gydweithrediad ymysg y gwahanol staff yn yr ysgolion gwahanol. Dim ffordd i warantu fod yr un cyfleoedd yn cael eu cynnig i ddisgyblion cynradd yr ysgol ddilynol a disgyblion cynradd yr ysgolion ardal - ni fydd unrhyw ffechanwaith ffurfiol i sicrhau fod arbenigedd ac adnoddau yn cael eu rhannu.	Byddai mecanwaith ffurfiol yn ogystal â chyfleoedd i rannu adnoddau rhwng staff gwahanol safleoedd yn yr ysgolion ardal aml-safle. Cyffe i gael gwell parhad ar gyfer addysg rhwng ystod oedran cynradd ac uwchradd oddi fewn yr ysgol ddilynol. Ni fyddai sicrwydd o gydweithrediad ymysg y gwahanol staff yn yr ysgolion gwahanol. Dim ffordd i warantu fod yr un cyfleoedd yn cael eu cynnig i ddisgyblion cynradd yr ysgol ddilynol a disgyblion cynradd yr ysgolion ardal - ni fydd unrhyw ffechanwaith ffurfiol i sicrhau fod arbenigedd ac adnoddau yn cael eu rhannu.
Cyflwyno Dalgylch	Dim newid i'r sefyllfa bresennol - mae'r ysgolion presennol wedi cael sawl cyffe i gydweithio, prin yw'r enghreifftiau o gydweithio.	Dim ond cytundeb anffurfiol i gydweithio byddai'n bodoli, fyddai'n bosib i unrhyw un o'r ysgolion dynnu'n ôl o'r 'collaboration trust' ar unrhyw adeg.	Dim ond rhwydwaith cydweithio anffurfiol fyddai rhwng yr ysgolion. Mae'r ysgolion presennol wedi cael sawl cyffe i gydweithio o gydweithio. Ni fyddai unrhyw ffordd o orfod'r cydweithio.	Ni fyddai unrhyw ffordd o warantu cydweithio rhwng y tair ysgol.
Cyflwyno Adnoddau	Byddai 10 ysgol yn parhau. Dim buddsoddiad Cyfaliad, safleoedd ysgolion presennol wedi eu defnyddio, nid yw rhai o'r safleoedd hyn yn addas i bwrpas yn y 21ain ganrif ac nid ydynt yn darparu'r holl adnoddau perthnasol i bob oedol o staff a disgyblion e.e. ystafell athrawon, ardaloedd chwarae awyr agored, neuadd aml bwrpas addas ayyb.	Adelladau a chyfeusterau sydd yn newydd, modern ac addas i bwrpas i blant yn yr ardal. Gwaith uwchraddio ac allfodelu, gyda'r holl elfennau perthnasol ar gael i staff a disgyblion; neuadd amibwrpas, ardal cyfnod sylfaen, man chwarae awyr agored, ystafell athrawon ayyb. Disgyblion dalgylch y Gader yn gallu manteisio ar ddarpariaeth fodern. Byddai 4 ysgol a 6 safle.	Byddai 7 ysgol. Dim Buddsoddiad Cyfaliad, defnyddio safleoedd yr ysgolion presennol, nid yw rhai o'r safleoedd yn addas i bwrpas yn y 21ain ganrif ac nid ydynt yn darparu'r holl adnoddau perthnasol i staff a disgyblion e.e. ystafell athrawon, ardaloedd chwarae awyr agored, neuadd aml bwrpas addas ayyb.	Adelladau a chyfeusterau sydd yn newydd, modern ac addas i bwrpas i blant yn yr ardal. Gwaith uwchraddio ac allfodelu, gyda'r holl elfennau perthnasol ar gael i staff a disgyblion; neuadd amibwrpas, ardal cyfnod sylfaen, man chwarae awyr agored, ystafell athrawon ayyb. Disgyblion dalgylch y Gader yn gallu manteisio ar ddarpariaeth fodern. Byddai 3 ysgol a 6 safle.

Within these tables bold text indicates advantages, <i>italic text indicates disadvantages</i> and regular text indicates facts or comments				
Considerations	1 Do Nothing	2 "Collaboration trust" between Ysgol Y Gader, Ysgol Gynradd Dolgellau, Multi-site school in Friog and Llaneltyd and a Multi-site school in Ieuan Gwynedd (Rhydymain) and Dinas Mawddwy	3 Collaboration Network between Ysgol Clogau, Ysgol Friog, Ysgol Ganolwyd, Ysgol Ieuan Gwynedd (Rhydymain), Ysgol Dinas Mawddwy, Ysgol Cynradd Dolgellau and Ysgol Y Gader	4 All-through School in Dolgellau town Multi-site school in Friog and Llaneltyd Multi-site school in Ieuan Gwynedd (Rhydymain) and Dinas Mawddwy
Education Standard	The present educational standard continues. <i>It will remain a challenge to ensure equal opportunity and access to a broad and balanced curriculum for the pupils of the catchment area.</i>	There would be opportunities to share expertise between the different site staff of the multi-site area schools. Opportunity for improved continuation for education between the primary and secondary age range within the all-through school. <i>No guarantee of co-operation between the different staff at the different schools. No way to guarantee that the opportunities given to the primary children of the all-through school are also given to the primary children of the area schools' - there will be no formal mechanism to ensure sharing of expertise and resources.</i>	<b>The collaboration network intends to allow for timetabling the primary schools' curriculum across the catchment so that all pupils have completed the same work.</b> <i>No guarantee of co-operation between the different staff at the different schools. No way to guarantee that the opportunities given to the primary children of the all-through school are also given to the primary children of the area schools' - there will be no formal mechanism to ensure sharing of expertise and resources.</i>	There would be a formal mechanism an opportunity to share expertise and resources between the different site staff at the multi-site area schools. <b>Opportunity for improved continuation for education between the primary and secondary age range within the all-through school.</b> <i>No guarantee of co-operation between the different staff at the different schools. No way to guarantee that the opportunities given to the primary children of the all-through school are also given to the primary children of the area schools' - there will be no formal mechanism to ensure sharing of expertise and resources.</i>
Catchment Co-operation	<i>No change to the present situation – the present schools have had ample opportunity to co-operate, examples of co-operation are very limited.</i>	<i>There would only be an informal agreement to co-operate, any of the schools would be able to withdraw from the collaboration trust at any point.</i>	<i>There would only be an informal network of collaboration between the schools. The present schools have had ample opportunity to co-operate and share expertise informally examples of co-operation are very limited. There would be no way of enforcing the co-operation.</i>	<i>There would be no way of guaranteeing co-operation between the three schools.</i>
Completion and Suitability of Buildings	10 schools would remain. <i>No capital investment, current school sites used, some of these are not fit for purpose in the 21<sup>st</sup> century and do not provide all the relevant resources to all staff and pupils e.g. staff rooms, outdoor playing areas, suitable multi-purpose hall etc.</i>	<b>Buildings and facilities that are new, modern, and fit for purpose for children in the area. Upgrading and remodelling work, with all the relevant elements available for staff and pupils; multi-purpose hall, foundation phase area, outdoor play area, staff room etc.</b> Gader catchment pupils able to take advantage of modern provision. There would be 4 schools and 6 sites.	There would be 7 schools. <i>No Capital investment, current school sites used, some of these are not fit for purpose in the 21<sup>st</sup> century and do not provide all the relevant resources to all staff and pupils e.g. staff rooms, outdoor playing areas, suitable multi-purpose hall etc.</i>	<b>Buildings and facilities that are new, modern, and fit for purpose for children in the area. Upgrading and remodelling work, with all the relevant elements available for staff and pupils; multi-purpose hall, foundation phase area, outdoor play area, staff room etc.</b> Gader catchment pupils able to take advantage of modern provision. There would be 3 schools and 6 sites.

Ffynhonnell: Cyngor Gwynedd – Dogfen Ymghyngori Statudol Ysgolion Dalgylch Y Gader (2014)  
Source: Gwynedd Council – Statutory Consultation Document Schools in the Gader Catchment Area (2014)

## TRAFODAETH DISCUSSION

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## CAMAU NESAF NEXT STEPS

- **16 Hydref** - Dyddiad cau derbyn cwestiynau a/neu sylwadau pellach – dylid eu hanfon at [moderneiddioaddysg@gwynedd.llyw.cymru](mailto:moderneiddioaddysg@gwynedd.llyw.cymru)
- **16 October** - Deadline to receive further questions and / or comments - should be sent to [modernisingeducation@gwynedd.llyw.cymru](mailto:modernisingeducation@gwynedd.llyw.cymru)
- **23 Hydref** - Cyfarfod Panel Adolygu 2
- **23 October** - Review Panel Meeting 2

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# Ysgol Abersoch Review Meeting

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<b>Meeting:</b>	Ysgol Abersoch Review Meeting	<b>Date:</b> 07/10/2019 6:00pm <b>Location:</b> Abersoch Village Hall
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<b>Present:</b>	<p><u>Officers:</u> Garek Jackson (GJ); Gwern ap Rhisiart (GapRh); Cyng. Cemlyn Williams (CW); Gwenno Haf Evans (GHE); Rhian Hughes (RH);</p> <p><u>On behalf of the Governors, Staff and Parents of Ysgol Abersoch:</u> Linda Jones; Llinos Haf Owen; Gwenlli Williams; Annwen Parry Hughes; Cyng. Dewi Roberts; Owen Hefin Roberts; Margot Jones; Anna E. Jones; Eifiona Wood; Einir Wyn; Lee Scott Embury; Nancisa Embury; M. Marinas; Louise Overfield;</p>
<b>Apologies:</b>	Dawn Marie Jones; Wendy Jones.

Executive Summary				
Item No.	Item / Subject	Actions	Responsibility	Complete by
3	Presentation on the current situation	Send an electronic copy of the presentation to the Governors, Parents and Staff.	Education Department	October 11
3	Presentation on the current situation	Education Department to check that parents pay a fee for the under 8's that use the bus to go to Ysgol Sarn Bach.	Education Department	*October 23
5	Next Steps	Share analysis of the options in the form of 'SWOT Analysis' to ensure robust discussion at the next meeting.	Education Department	*October 23
5	Next Steps	Set up a page on the Modernising Education site on Gwynedd Council's website with the latest information about the process with Ysgol Abersoch.	Education Department	October 11

Item No.	Item / Subject	Actions
1.	Welcome	<ul style="list-style-type: none"> <li>Garek Jackson, Head of Education at Gwynedd Council welcomed everyone to the meeting.</li> <li>It was confirmed that the Cabinet had approved to review the position and future of the school on 17 September 2019 following a decrease in the number of pupils at the school.</li> <li>It was noted that it is important to note that Gwynedd Council has not made a decision about the future of the school. The purpose of the local meeting is to discuss possible options.</li> <li>It was explained that although Ysgol Abersoch is not categorised as a rural school by the Welsh Government, the Education Department will go through the process in the same way if Ysgol Abersoch were a rural school. It was noted that the Education Department have to follow and comply with the process set out in the School Organisation Code (2018).</li> </ul>

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2.	Opening words from the Cabinet Member for Education	<ul style="list-style-type: none"> <li>• The words of the Head of Education were reiterated.</li> <li>• It was explained that the purpose of the meeting was to open discussions about the challenges facing the school due to the low number of pupils and start to think about possible options for the future.</li> <li>• The importance of the stakeholders input was emphasised.</li> <li>• In response to the question from attendees regarding why did the Council go public about the situation so soon, it was explained that all Cabinet reports are public, therefore it is not possible to avoid press coverage. It was emphasised that the Council has no control over how the press interprets what is published.</li> <li>• It was asked who will make the final decision regarding the future of the school. It was noted that any option has to be compared against the status quo. The recommendation will be made by the Cabinet Member but the decision whether or not to accept the recommendation rests with the Cabinet.</li> <li>• Stakeholders emphasised that removing the school from the centre of the community would have a negative impact on the Welsh language.</li> </ul>
3.	Presentation on the current situation	<ul style="list-style-type: none"> <li>• A presentation was given which showed the current situation at Ysgol Abersoch.</li> <li>• It was explained that two further meetings would be held to consider the possible options.</li> <li>• <b>Action: Send an electronic copy of the presentation to Governors, Parents and Staff.</b></li> <li>• It has been noted that there has been a significant drop in pupil numbers since 2016.</li> <li>• It was confirmed that there are only 9 pupils on the register (September 2019 Census).</li> <li>• It was noted that projections suggest that there won't be an increase in births in the area over the next few years. Rural depopulation is a concern for many rural schools in Gwynedd.</li> <li>• School budget was discussed and the Area Education Officer explained that a 'Minimum Staffing Protection' scheme currently protects the school to ensure the children are educated.</li> <li>• It was noted that the cost per pupil at the school was amongst the highest in the county.</li> <li>• It was noted, based on September 2018 data, that 24 children living in the Ysgol Abersoch catchment area had chosen to attend an out of catchment area school. It was explained that the Council does not have the power to compel parents to send children to the catchment area school.</li> <li>• In response to the comment regarding the bus carrying the catchment area children to Ysgol Sarn Bach, it was explained that the County's Empty Seating Policy gave parents the opportunity to apply for a vacant seat on a school bus, and that parents were required to pay a fee for the transportation.</li> <li>• <b>Action: Education Department to check that parents are paying a fee for the under 8's who use the bus to go to Ysgol Sarn Bach</b></li> <li>• It was explained that information in the annual information booklet for parents stated that parents had the right to request that their child attend any school.</li> <li>• The impact of the Common Housing Policy and the Access Policy on small areas such as Abersoch was explained.</li> <li>• The Area education Officer explained the factors that the Council will need to consider when looking at possible options for the future of the school.</li> <li>• It was noted that the Education Department would welcome more possible options / ideas offered by the stakeholders.</li> <li>• In response to the question regarding the options offered in other areas in a similar</li> </ul>

		<p>situation, it was noted that 8 options had been considered with Ysgol Llanaelhaearn but now the shortlisted options was down to 3.</p>
4.	Discussion	<ul style="list-style-type: none"> <li>• It was agreed that if something significant happens during the process such as a new family moving to the area this will be reflected and considered when reporting to Cabinet in December.</li> <li>• Housing Policy is a concern in Abersoch as young people are unable to move to the area. Affordable housing in the area cost around £200,000. This is not affordable as a first home to attract young family.</li> <li>• The Education Department has no control to influence the Housing Policy but it was suggested that if the community has concerns regarding the Housing Allocation Policy, they could contact the Council's Housing Department.</li> <li>• It was noted that the Local Member had already raised this concern.</li> <li>• It was reported that Ysgol Abersoch had received a Gold Award with the Language Charter. It was added that the Urdd is also held at Ysgol Abersoch.</li> <li>• Parish Council have expressed their support to secure a future for Ysgol Abersoch and feel that Gwynedd Council should provide financial support for the school as it is essential for the benefit of the community and the Welsh language.</li> <li>• It was asked what options Gwynedd Council has used in similar situations. It was noted that federalisation is the main one that stands out at present but it must be remembered that others have influence over the federalisation option, whether to support or oppose.</li> <li>• It was emphasised that a Community and Language Impact Assessment will be undertaken as part of the process.</li> <li>• It was noted that there is an important link between the school and the village hall. The hall is a free facility for the school and therefore a resource for the Education Department.</li> <li>• 4 new options were proposed to consider: <ol style="list-style-type: none"> <li>1) <b>Change the age range of the school to 3-11.</b></li> <li>2) <b>Establish a Cylch at Ysgol Abersoch.</b> Discussions have been held to re-establish a Nursery School in Llanengan. Cylch in the surrounding areas such as Llanbedrog is extremely popular. The biggest problem with this option would attract children to Abersoch to make the organisation sustainable.</li> <li>3) <b>Establish a Language Center for the children of Pen Llŷn.</b> It was noted that demand would have to be measured, especially as there are already similar establishment in Gwynedd.</li> <li>4) <b>Federalisation by locating Foundation Phase only at Ysgol Abersoch site.</b></li> </ol> </li> </ul>
5.	Next Steps	<ul style="list-style-type: none"> <li>• It was noted that we would be considering all options discussed tonight and any other comments can be sent to the Modernising Education Office no later than 16 October.</li> <li>• <b>Action: Gwynedd Council to share SWOT Analysis of the options in advance to ensure robust discussion during the meeting.</b></li> <li>• <b>Action: Set up a new page on the Modernising Education site on Gwynedd Council's website with the latest information about the process with Ysgol Abersoch.</b></li> </ul>
6.	Close	<ul style="list-style-type: none"> <li>• Everyone was thanked for attending the meeting and the next meeting will be held at the School on 23 September *.</li> </ul>

**\*Since the meeting, it was decided to allow more time to submit further responses and comments, by 23 October 2019, and the next meeting will be held Wednesday evening, 13 November 2019 at 6pm at Ysgol Abersoch**

# Ysgol Abersoch Review Meeting

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## Ysgol Abersoch Review Meeting

18:00, Wednesday, 13 November 2019

Ysgol Abersoch

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1. **WELCOME (Garem Jackson, Head of Education Department)**
2. **OPENING WORD FROM EDUCATION CABINET MEMBER (Cllr. Cemlyn Williams)**
3. **PRESENTATION ON THE LIST OF OPTIONS (SWOT ANALYSIS)**  
(Gwern ap Rhisiart, Area Education Officer Dwyfor and Meirionnydd)
4. **DISCUSSION - Opportunity to add or comment on the content of the SWOT analysis**
5. **NEXT STEPS**
6. **THANKS AND CLOSE**

# ABERSOCH SCHOOL REVIEW PANEL

13 November 2019

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## AGENDA

1. **WELCOME** (Garek Jackson, Head of Education)
2. **OPENING WORD FROM THE CABINET MEMBER FOR EDUCATION** (Cllr. Cemlyn Williams)
3. **PRESENTATION ON THE LIST OF OPTIONS (SWOT ANALYSIS) –** (Gwern ap Rhisiart, Area Education Officer for Dwyfor and Meirionnydd)
4. **DISCUSSION – Opportunity to add or comment on the content of the SWOT analysis**
5. **NEXT STEPS**
6. **THANKS AND CLOSE**

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## RESPOND TO THE QUESTIONS FROM THE MEETING ON 7 OCTOBER 2019

1. Out of catchment transport.	<ul style="list-style-type: none"> <li>Gwynedd Council provides free transport for learners receiving primary education who live 2 miles or further from the school in their catchment area, or the nearest school (not including nursery class pupils).</li> <li>As part of the Vacant Seats Scheme, the Council is prepared to consider applications from learners attending a school (or school site) other than the catchment-area school (or school site) to take advantage of any spare seats on contract vehicles by paying a fee outside the catchment area.</li> <li>Taking advantage of the scheme is subject to: <ul style="list-style-type: none"> <li>Vacant seats available</li> <li>The vehicle does not need to deviate from its normal route</li> <li>No additional costs for the Council</li> <li>Pay the current fee for spare seats</li> </ul> </li> <li>A fee of £63.00 per year is charged for full time pupils under 8 years of age, and a fee of £31.50 per annum for nursery pupils.</li> </ul>
2. Where is the child's voice in this process?	Should the Cabinet decide to undertake a statutory consultation process on any proposal, in accordance with the requirements of the School Organisation Code 2018, the Council would make arrangements to ensure that we receive the views of children and young people on that proposal.
3. What is being done to encourage people to send their children to the nearest or catchment area school?	<p><i>"LAs <b>must not</b> suggest that parents should express a preference for the school in whose catchment area they live, or that they have been allocated a place at that school before they have expressed a preference. Although <b>they should</b> explain the possible consequences of not doing so, LAs <b>must</b> make it clear that parents are allowed to express a preference for any school."</i></p> <p>-Para 2.53, School Admission Code (005/2013)</p>

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## RESPOND TO THE QUESTIONS FROM THE MEETING ON 7 OCTOBER 2019

4. How does the future of Ysgol Abersoch fit into the wider strategic picture when considering education in south of Llyn?	As noted in the Cabinet report of 17 September 2019, the decision to initiate a local debate about the future of the school came as a result of the recent fall in numbers as well as the projections suggesting that the numbers will not increase in the near future. This situation is not part of a wider strategy for education in southern Llyn, but rather a response to an individual school situation.
5. Can you outline how this process fits in with the 7 well-being goals and 5 sustainable development principles set out in the Well-being of Future Generations Act 2015?	<p>The Education Department has a role in promoting the aims of the Act's with the county's pupils through its activities and projects. The Well-being of Future Generations Act (2015) places a duty on public bodies in Wales to improve economic, social, environmental and cultural well-being. As part of the duty the Council has published well-being objectives which outline how it will improve well-being in the "Gwynedd Plan 2018-2023".</p> <p>As part of the options appraisal process, we will carry out an assessment in accordance with the requirements of the Well-being Act.</p>
6. How and when is the assessment of the 'impact of the proposal on the Welsh language' undertaken?	In accordance with the requirements of the Welsh Government School Organisation Code (011/2018), we will undertake impact assessments, including an assessment on the impact on the language following confirmation of the short-listed options. The relevant reports will be included as an appendix to the report to Cabinet in the new year.
7. What is the formula used across the County to project primary school numbers?	The primary school projections are calculated and reported to the authority by the primary headteachers as part of the September annual census process.

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## LIST OF OPTIONS

Based on the discussion and input received during and following the meeting held on 7 October 2019, a list of options was drawn up:

1.	Continue with the 'Status Quo'
2.	Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years
3.	Federate with a neighbouring school
4.	Federate with a neighbouring school, locating the Foundation Phase in Ysgol Abersoch, and KS2 in the neighbouring school.
5.	Federate with a neighbouring schools, locating the Foundation Phase + Year 3 & 4 + Year 5 & 6 on 3 different school sites.
6.	Close Ysgol Abersoch and offer pupils a place at an alternative school
7.	Locate a Language Centre on the site of Ysgol Abersoch
8.	Establish a Cylich at Ysgol Abersoch

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## ANALYSIS OF THE OPTIONS

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## Option 1 - Continue with the 'Status Quo'

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's current pupils.</li> <li>Small classes</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>School within walking distance of home - social benefits.</li> </ul>	<ul style="list-style-type: none"> <li>Pupil numbers remain low</li> <li>Ysgol Abersoch remains within the school minimum staffing protection</li> <li>A significant percentage of surplus places remain</li> <li>Schools budget allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the headteacher – only 1.5 non-contact days per week</li> <li>Small classes</li> <li>High cost per pupil.</li> </ul>		<ul style="list-style-type: none"> <li>School projections predict a further reduction in numbers</li> <li>Uncertainty remains regarding the long-term sustainability of the school</li> <li>High percentage of pupils attending schools outside the catchment area.</li> </ul>

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## Option 2a - Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>School's age range consistent with the majority of the county's primary schools</li> <li>No disruption to the school's KS2 provision – may lead to better curriculum continuity as the school offers 2 full teaching phases (FPh + KS2)</li> <li>No change in travel distances for the school's current pupils</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>Pupils have the option of continuing their primary education at Ysgol Abersoch.</li> <li>Small classes.</li> </ul>	<ul style="list-style-type: none"> <li>Without modifications, the existing building / site it wouldn't be suitable should there be a large increase in pupil numbers</li> <li>This would lead to extending the age range within classrooms</li> <li>It is a possibility that the school's allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the headteacher</li> <li>Ysgol Abersoch will remain in the minimum staffing protection.</li> <li>Cost per pupil continues to be higher than the county average.</li> </ul>	<ul style="list-style-type: none"> <li>May lead to an increase in the school's pupil numbers</li> <li>If the school's pupil numbers were to increase, it would result in a reduction in the number of surplus places.</li> </ul>	<ul style="list-style-type: none"> <li>Should the pupils decide to continue at Ysgol Abersoch until year 6, it may have a negative impact on the pupil numbers at Ysgol Sarn Bach, the school which currently provides education for pupils between the ages of 8 and 11 in the Abersoch catchment area</li> <li>High percentage of pupils already attend out-of-catchment schools – it is not guaranteed that pupils would choose to attend Ysgol Abersoch following the change to the age range</li> <li>Should the numbers remain low, the uncertainty regarding the long-term sustainability of the school would continue.</li> </ul>

## Option 2b - Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's current pupils</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>Pupils have the option of continuing their primary education at Ysgol Abersoch for an additional year.</li> <li>Small classes.</li> </ul>	<ul style="list-style-type: none"> <li>Without modifications, the existing building / site it wouldn't be suitable should there be a large increase in pupil numbers</li> <li>This would lead to extending the age range within classrooms</li> <li>It is a possibility that the school's allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the headteacher</li> <li>Ysgol Abersoch will remain in the minimum staffing protection.</li> <li>Cost per pupil continues to be higher than the county average.</li> </ul>	<ul style="list-style-type: none"> <li>May lead to an increase in the school's pupil numbers</li> <li>If the school's pupil numbers were to increase, it would result in a reduction in the number of surplus places.</li> </ul>	<ul style="list-style-type: none"> <li>Should the pupils decide to continue at Ysgol Abersoch until year 4, it may have a negative impact on the pupil numbers at Ysgol Sarn Bach, the school which currently provides education for pupils between the ages of 8 and 11 in the Abersoch catchment area</li> <li>High percentage of pupils already attend out-of-catchment schools – it is not guaranteed that pupils would choose to attend Ysgol Abersoch following the change to the age range</li> <li>Should the numbers remain low, the uncertainty regarding the long-term sustainability of the school would continue.</li> </ul>

## Option 3 - Federate with a neighbouring school

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's current pupils.</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>Small classes</li> <li>School is more sustainable.</li> </ul>	<ul style="list-style-type: none"> <li>Pupil numbers remain low</li> <li>Ysgol Abersoch remains within the school minimum staffing protection</li> <li>A significant percentage of surplus places remain</li> <li>It is likely that the schools budget allocation would not maintain the current staffing structure</li> <li>Small classes</li> <li>High cost per pupil</li> <li>One governing body.</li> </ul>	<ul style="list-style-type: none"> <li>Sharing a headteacher</li> <li>Sharing staff</li> <li>Sharing resources and opportunities to use budgets across the two schools</li> <li>In some situations, federating with another school may result in the headteacher receiving more non-contact time.</li> </ul>	<ul style="list-style-type: none"> <li>High percentage of pupils already attend out-of-catchment schools – it is not guaranteed the change would result in more children attending Ysgol Abersoch</li> <li>School projections predict a further reduction in numbers</li> <li>High percentage of pupils attending schools outside the catchment area</li> <li>Federation is a model that is dependent on the willingness of other schools to join the co-operation arrangement.</li> </ul>

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### Option 4 - Federate with a neighbouring school, locating the Foundation Phase in Ysgol Abersoch, and KS2 in the neighbouring school.

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's current FP pupils</li> <li>More viable / suitable size classes</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community .</li> </ul>	<ul style="list-style-type: none"> <li>Some pupils may have to travel further to school - need to consider the environmental impact resulting from this.</li> <li>Numbers remain low on both sites</li> <li>Age range within classes remain high</li> <li>Cost per pupil remains high</li> <li>Need to consider the costs associated with rebranding the schools</li> <li>One governing body</li> <li>Larger classes in terms of pupil numbers.</li> </ul>	<ul style="list-style-type: none"> <li>Sharing a headteacher</li> <li>Sharing staff</li> <li>Sharing resources and opportunities to use budgets across the two schools.</li> <li>In some situations, federating with another school may result in the headteacher receiving more non-contact time.</li> </ul>	<ul style="list-style-type: none"> <li>Federation is a model that is dependent on the willingness of other schools to join the co-operation arrangement</li> <li>The age range of the nearby school would have to be changed so that they only admit KS2 pupils. Advice from the W.G would be required to see if implementing this model would be possible</li> <li>Limiting the neighbouring school to provide education for KS2 pupils only could potentially have a detrimental effect on their pupil numbers</li> <li>The change could lead to parents choosing not to send their children to the school - a threat to numbers.</li> </ul>

### Option 5 - Federate with a neighbouring schools, locating the Foundation Phase + Year 3 & 4 + Year 5 & 6 on 3 different school sites.

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's FP current pupils</li> <li>More viable / suitable size classes</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community.</li> </ul>	<ul style="list-style-type: none"> <li>Some pupils may have to travel further to school - need to consider the environmental impact resulting from this .</li> <li>Need to consider the costs associated with rebranding the schools</li> <li>Pupils would transfer 3 times during their primary education</li> <li>The cost per pupil at the 3 schools is likely to be higher than the county average of £3,884</li> <li>One governing body</li> <li>Larger classes in terms of pupil numbers.</li> </ul>	<ul style="list-style-type: none"> <li>Sharing a headteacher</li> <li>Sharing staff</li> <li>Sharing resources and opportunities to use budgets across the 3 schools</li> <li>In some situations, federating with another school may result in the headteacher receiving more non-contact time.</li> </ul>	<ul style="list-style-type: none"> <li>Federation is a model that is dependent on the willingness of other schools to join the co-operation arrangement</li> <li>The age range of the nearby schools would have to be changed so that they only admit Year 3&amp;4 / 5&amp;6 pupils. Advice from the W.G would be required to see if implementing this model would be possible</li> <li>Limiting the neighbouring schools to provide education for KS2 pupils only could potentially have a detrimental effect on their pupil numbers</li> <li>It is not possible to federate schools with a different legal status</li> <li>The change could lead to parents choosing not to send their children to the school - a threat to numbers.</li> </ul>

## Option 6 - Close Ysgol Abersoch and offer pupils a place at an alternative school

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Pupils educated in more viable/suitably sized classes</li> <li>No pupils would have to travel an unreasonable distance to school</li> <li>A reduction in the percentage of surplus places</li> <li>Reduction in the cost per pupil.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of school presence in Abersoch village</li> <li>Some pupils would have to travel further to school</li> <li>Staff redundancies</li> <li>Loss of Welsh medium education in Abersoch village.</li> </ul>	<ul style="list-style-type: none"> <li>Opportunity for the community to work together and build relationships with the neighbouring/alternative school</li> <li>Larger class sizes – an opportunity for children to be educated with more children of the same age group</li> <li>Pupil numbers at the school providing education for the catchment area pupils would be more viable for the future.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of Welsh Medium Education in Abersoch Village - the authority would undertake an assessment to measure any potential impact of the proposal</li> <li>Need to consider any impact on the local Urdd club</li> <li>Need to consider any impact on the plans to establish a Cylch and Ti a Fi at school.</li> </ul>

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## Opsiwn 7 - Locate a Language Centre on the site of Ysgol Abersoch

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's</li> <li>A reduction in the percentage of surplus places</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community.</li> </ul>	<ul style="list-style-type: none"> <li>Locating a Language Centre at a school does not usually have an effect on the pupil numbers</li> <li>It would not generate income for the school</li> <li>Ysgol Abersoch remains within the school minimum staffing protection</li> <li>Schools budget allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the head teacher – only 1.5 non-contact days per week</li> <li>Small classes</li> <li>High cost per pupil</li> <li>Concerns regarding the lack of demand for an additional language center provision in the area.</li> </ul>		<ul style="list-style-type: none"> <li>School projections project a further reduction in numbers</li> <li>Learning space would have to be sacrificed in order to provide space for the Learning Centre</li> <li>Demand for additional Language Centre provision would need to be measured.</li> </ul>

## Option 8a - Establish a Cylch at Ysgol Abersoch

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's existing pupils</li> <li>A reduction in the percentage of surplus places</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>Small classes.</li> </ul>	<ul style="list-style-type: none"> <li>Pupil numbers remain low at Ysgol Abersoch</li> <li>Ysgol Abersoch remains within the school minimum staffing protection</li> <li>Schools budget allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the headteacher – only 1.5 non-contact days per week</li> <li>Small classes</li> <li>High cost per pupil.</li> </ul>	<ul style="list-style-type: none"> <li>Establishing a Cylch in the school may attract more pupils to the school.</li> </ul>	<ul style="list-style-type: none"> <li>School projections project a further reduction in numbers</li> <li>Need to officially check if the building complies with the requirements of the registration with CIW</li> <li>Learning space would have to be sacrificed in order to provide space for the Cylch</li> <li>Would need to measure the demand for additional Cylch provision in the area</li> <li>Need to employ a minimum of 2 members of staff to run a Cylch – income from the Cylch would need to meet these employment costs.</li> </ul>

## Option 8b - Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years + Establish a Cylch at Ysgol Abersoch

\*Red font - members comments received during the meeting 13/11/19.

STRENGTHS	WEAKNESSES	OPPORTUNITES	THREATS
<ul style="list-style-type: none"> <li>Retaining school presence in the village – no effect on the relationship between the school and the local community</li> <li>No change in travel distances for the school's existing pupils</li> <li>A reduction in the percentage of surplus places</li> <li>Welsh-medium education continues in Abersoch village - continue to promote and facilitate the use of Welsh locally / within the community</li> <li>Pupils have the option of continuing their education for an extra year at Ysgol Abersoch.</li> <li>Small classes.</li> </ul>	<ul style="list-style-type: none"> <li>Without modifications, the existing building / site it wouldn't be suitable should there be a large increase in pupil numbers</li> <li>This would lead to extending the age range within classrooms</li> <li>It is a possibility that the school's allocation would not maintain the current staffing structure</li> <li>Lack of non-contact time for the headteacher</li> <li>Ysgol Abersoch will remain in the minimum staffing protection.</li> <li>Cost per pupil continues to be higher than the county average.</li> </ul>	<ul style="list-style-type: none"> <li>May lead to an increase in the school's pupil numbers</li> <li>If the school's pupil numbers were to increase, it would result in a reduction in the number of surplus places.</li> </ul>	<ul style="list-style-type: none"> <li>Should the pupils decide to continue at Ysgol Abersoch until year 4, it may have a negative impact on the pupil numbers at Ysgol Sarn Bach, the school which currently provides education for pupils between the ages of 8 and 11 in the Abersoch catchment area</li> <li>High percentage of pupils already attend out-of-catchment schools – it is not guaranteed that pupils would choose to attend Ysgol Abersoch following the change to the age range</li> <li>Should the numbers remain low, the uncertainty regarding the long-term sustainability of the school would continue</li> <li>School projections project a further reduction in numbers</li> <li>Need to officially check if the building complies with the requirements of the registration with CIW</li> <li>Learning space would have to be sacrificed in order to provide space for the Cylch</li> <li>Would need to measure the demand for additional Cylch provision in the area</li> <li>Need to employ a minimum of 2 members of staff to run a Cylch – income from the Cylch would need to meet these employment costs.</li> </ul>

## LIST OF OPTIONS

\*Red font - members comments received during the meeting 13/11/19.

1.	Continue with the 'Status Quo'
2. (a)	Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years
2. (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years
3.	Federate with a neighbouring school
4.	Federate with a neighbouring school, locating the Foundation Phase in Ysgol Abersoch, and KS2 in the neighbouring school.
5.	Federate with a neighbouring schools, locating the Foundation Phase + Year 3 & 4 + Year 5 & 6 on 3 different school sites.
6.	Close Ysgol Abersoch and offer pupils a place at an alternative school
7.	Locate a Language Centre on the site of Ysgol Abersoch
8. (a)	Establish a Cylch at Ysgol Abersoch
8. (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years + Establish a Cylch at Ysgol Abersoch

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## NEXT STEPS

Following updating the SWOT analysis of the list of options, taking into account any comments received, we will proceed to evaluate the options against the considerations / factors set out in the Strategy, **"Excellent primary education for children in Gwynedd"**, namely:

- 1) Class sizes and age range
- 2) Pupil numbers
- 3) Learning Environment
- 4) Leadership and Staffing
- 5) The Community
- 6) Financial Resources
- 7) Exceptional situation
- 8) Language
- 9) Geographical Factors.

Again, you will have the opportunity to comment on the contents of the Options Appraisal document during and after the third local meeting.

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## OUTLINE TIMETABLE

	Outline Timetable	
Steps	Option A	Option B
Deadline for receiving comments on the SWOT analysis	20 November 2019	2 December 2019
Meeting (3/3): <ul style="list-style-type: none"> <li>Discuss the outcome of the options appraisal</li> </ul>	4 December 2019	w/c 2 January, 2020
Conduct Impact Assessments on the Options	December 2019 - January 2020	January 2020
Cabinet - Cabinet Member to make a recommendation to Cabinet	February 2020	February 2020

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# Ysgol Abersoch Review Meeting

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<b>Meeting:</b>	Ysgol Abersoch Review	<b>Date:</b> 13/11/2019 6:00pm <b>Location:</b> Ysgol Abersoch
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<b>Present:</b>	<p><b>Officers:</b> Garek Jackson (GJ); Gwern ap Rhisiart (GapRh); Cllr. Cemlyn Williams (CW); Gwenno Haf Evans (GHE); Rhian Hughes (RH);</p> <p><b>On behalf of the Governors, Staff and Parents of Ysgol Abersoch:</b> Linda Jones; Llinos Haf Owen; Cyng. Dewi Roberts; Owen Hefin Roberts; Margot Jones; Anna E. Jones; Eifiona Wood; Einir Wyn; Lee Scott Embury; M. Marinas; Louise Overfield; Dawn Marie Jones; Wendy Jones; Annwen Parry Hughes; Sue Frizby; Laura Thornicroft; Dylan Evans; Tamsyn Armishaw.</p>
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Executive Summary				
Item No.	Item / Subject	Actions	Responsibility	Complete by
3.	Presentation	Add sub-headings for the strengths that convey the Linguistic and community aspect.	Education Dep.	November
3.	Presentation	Add option 2b, which is to change the age range of Ysgol Abersoch to 3-9 years.	Education Dep.	November
3.	Presentation	Contact the Head teacher of Ysgol Abersoch for full details regarding the discussions that have taken place to establish the Cylch.	Education Dep.	November
3.	Presentation	Add an option to change the age range to include Cylch up to Year 4 (combine the options if possible).	Education Dep.	November
4.	Next Steps	Request from Governors to see the possible timetable if recommendation is to close. Need to see the side effect of the timetable when considering establishing a Cylch on the site.	Education Dep.	January

Item No.	Item / Subject	Actions
1.	Welcome	<ul style="list-style-type: none"> <li>Head of Education welcomed everyone to the meeting and the Head teacher of Ysgol Abersoch was thanked for hosting the meeting at the school.</li> <li>It was noted that the purpose of the second meeting was to go through the SWOT analysis by explaining the next steps.</li> </ul>
2.	Opening words from the Cabinet Member for Education	<ul style="list-style-type: none"> <li>The words of the Head of Education were reiterated and it was explained that the purpose of the meeting was to go through the options in detail.</li> <li>The importance of the stakeholders input was emphasised.</li> <li>It was noted that the Education Department had included additional options to those noted in the previous meeting.</li> </ul>
3.	Presentation	<ul style="list-style-type: none"> <li>The importance of the stakeholders input was emphasised when discussing the options.</li> <li>The content of the presentation was outlined:                             <ul style="list-style-type: none"> <li>Respond to comments / questions raised at the last meeting.</li> <li>Options analysis - invite stakeholders' comments on the content of the analysis.</li> </ul> </li> </ul>

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## **Part 1 - Responses to the questions raised from the previous meeting**

### **Question 1 - Transport**

- It was noted that a process is currently underway across the Authority which requires schools to ensure that the children who travel on the buses have registered with the Transport Department. It was noted that this would help to ensure that only the children who are eligible for transport are on the bus.

### **Question 3 – Catchment Area**

- It was explained that the Authority does not have the power to influence parents' decision to send children to the catchment area school. In response to the question about the purpose of catchment-areas if it does not ensure that children attend their catchment-area school, it was noted that the system is mainly historical, but also, the system is used by the School Transport department.

### **Questions 5 and 6 – Assessments**

- It was noted that a copy of all impact assessments will be included as an appendix to the report presented to the Cabinet.
- It was asked what the usual procedure with the Assessments is?  
It was noted that the Education Department will follow the standard procedure by evaluating each model.

### **Question 7 - Projections**

- Education Department agreed with the statement that the projections are not scientifically accurate. It was explained that the January 2020 census figure will be used by the Education Department in the February report.

## **Part 2 – Discussions on the SWOT Options**

### **1) Status Quo – Continue with the current situation**

- It was noted that small classes can be argued to be a strength as well as a weakness, so it was agreed to include in both columns.
- It was confirmed that the capacity of Ysgol Abersoch included Nursery numbers.
- The ability to walk to the School was noted as a strength as well as the welcoming feeling at the school (social aspects).
- It was explained that the opportunities column had been left empty as there was no change to the current position regarding opportunities. Education Officers agreed to include something in the column if stakeholders can identify a new opportunity.
- It was stated that more strengths needed to be included such as using the bus on a daily basis, supporting the local leisure centre throughout the year, door to door visits.
- Some argued that the bullet points that convey the strengths of the school are too dry.
- Disappointment was expressed that there was no reference to the Welsh language throughout the document.
- One parent noted that her child was now fluent in Welsh since starting at the school.
- **Action: Add sub-headings for the strengths that convey the Linguistic and community aspect.**
- Some stakeholders questioned the value of the process and suggested that the Education Department were not listening to their comments.
- The Education Area Officer explained that the Portfolio Holder was present at the meetings in order to report back to Cabinet as the final decision would be made by the Cabinet. It was added that the School Organization Code 2013 gave the authority the power to follow a shorter process to close schools with fewer than 10 pupils on the January census,

		<p>however, in this case, the authority intends to follow the full statutory process.</p> <ul style="list-style-type: none"> <li>• The question was asked as to who decides if a school is a rural school. It was noted that the Education Department has no influence on the process. Criteria by the Welsh Government decides on the list.</li> </ul> <p><b>2) Change the Age Range of Ysgol Abersoch from 3-8 years to 3-11 years</b></p> <ul style="list-style-type: none"> <li>• Education Department Officers noted their concerns regarding the suitability of the outdoor play area as it was also a disadvantage for this model.</li> <li>• It was questioned why the potential impact on the numbers of Ysgol Sarn Bach had been identified as a threat. It was explained that it would threaten the local provision as a whole and therefore should be noted.</li> <li>• Several parents stated that the children would choose to stay at Ysgol Abersoch if the school provided education for children up to the age of 11.</li> <li>• The question was asked if it is possible to get parents to sign a document in advance to express an interest in attending the school as part of the registration process. It was noted that it would not be possible as it would go against the Authority's normal practice.</li> <li>• It was questioned whether the Head teacher's lack of non-contact time is a weakness in this case. The Head teacher confirmed that this was a weakness.</li> <li>• It was noted that 80% is the target for non-contact time for Head teachers according to the principles.</li> <li>• In response to the comment regarding the Head teacher's non-contact time it was suggested that the best way to address this issue would be to employ more teachers. Education Officers argued that the problem could also be addressed through different models.</li> <li>• It was confirmed that the cost per pupil at Ysgol Abersoch was amongst the highest in the County and that the school was within the Minimum Staffing Protection policy.</li> <li>• An additional option was proposed, to offer an additional year at Ysgol Abersoch, up to Year 4 (3-9 years)</li> <li>• <b>Action: Add option 2b, which is to change the age range of Ysgol Abersoch to 3-9 years.</b></li> </ul> <p><b>3) Federalise with a nearby school</b></p> <ul style="list-style-type: none"> <li>• It was noted that 3 federalisation models had been identified.</li> <li>• It was emphasised that there had been no discussion with neighbouring schools to date.</li> <li>• It was noted that the neighbouring schools would probably be the schools that adjoin the Abersoch catchment area. It was emphasised that it would not be possible to formally federate with a school of different legal status. It was suggested that Ysgol Sarn Bach would be the sensible choice given the fact that pupils already transfer to the school after Yr. 3.</li> <li>• It was suggested that having a single governing body over both schools can be a weakness.</li> <li>• It was noted that the Education Department was of the opinion that it could be an opportunity and a strength as many schools were struggling to appoint governors. It was explained that the WG Regulations set clear guidelines for appointing governors to a federal governing body in order to ensure fair representation of the schools.</li> <li>• It was explained that the model would not offer a financial saving, but would lead to improving the pupil experience through the opportunities to share resources and staff as well as offering more non-contact time to the Head teacher.</li> <li>• It was agreed to add improving sustainability to both schools as a strength</li> <li>• It was explained that some schools had federated informally, through a Head teacher sharing arrangement. It was noted that informal federalisation usually arises if there is a problem with recruiting a Head teacher.</li> <li>• It was proposed to add a weakness - environmental impact due to the increased use of buses to transport the children.</li> <li>• It was stated that the next step between now and the next meeting will be to discuss this</li> </ul>
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	<p>option with neighbouring schools and the Authority will need to weigh up the strengths and challenges of each model.</p> <ul style="list-style-type: none"> <li>It was noted that other schools would have to view the option as an advantage - enforcing federation can be a risk to the success of the model.</li> </ul> <p><b>4) Federalise with a nearby school locating the Foundation Phase on the site of Ysgol Abersoch, and KS2 on the site of the nearby school</b></p> <ul style="list-style-type: none"> <li>It was added again that larger classes are a weakness.</li> <li>Threat - parents disregarding Ysgol Sarn Bach and Ysgol Abersoch due to excessive site moves.</li> </ul> <p><b>5) Federalise with neighbouring schools locating Foundation Phase + Years 3 and 4 + Years 5 and 6 on site of 3 different schools</b></p> <ul style="list-style-type: none"> <li>It was asked if there is evidence that such a model exists elsewhere. It was noted that the Education Department was not aware of a permanent similar model but was aware that a neighbouring county had used a similar model temporarily, while a new school was being built, but with more substantial pupil numbers.</li> <li>Add a weakness - travel / environmental impact</li> <li>It was also noted that it is not possible to formally federate with a school of different status so consideration would need to be given to which schools could be part of this model.</li> <li>It was noted that the Governors do not favour option 5.</li> <li>The Education Department emphasised that the purpose of the meeting is not to sell the options, but to consider their strengths and weaknesses.</li> </ul> <p><b>6) Close Ysgol Abersoch and offer pupils a place at an alternative school</b></p> <ul style="list-style-type: none"> <li>It was again proposed that larger classes is a weakness.</li> <li>Add a weakness - Losing the Tudwal Urdd branch, Cylch Ti a Fi and Nursery</li> <li>In response to a query from the Governors regarding how the Education Department deals with admissions requests to the school, it was noted that the Education Department does not have the right to influence parental choice. The Officers accepted the comment that the Authority needed to be sensitive to the situation of the school, but it was highlighted that information regarding the process / review that is already underway is public. It was agreed to discuss the matter further following the meeting.</li> <li>In response to a question regarding the Authority's plans for the site should it become vacant - it was noted that it was premature to discuss plans for the site at this point, as we had not agreed on an option. It was explained that the procedure that has been followed in the past is that the site is offered to the community in the first place.</li> <li>The audience emphasised that the biggest threat would be the loss of the Welsh language within the community of Abersoch. In addition they do not feel that the document conveys the true character of Abersoch and that the Authority sees Abersoch as a non-Welsh speaking village.</li> </ul> <p><b>7) Locate a language centre on the site of Ysgol Abersoch</b></p> <ul style="list-style-type: none"> <li>When discussing concerns about the lack of demand locally, it was confirmed that Llangybi Language Centre had not been full during any term since it opened.</li> </ul> <p><b>8) Establish a Cylch at Ysgol Abersoch</b></p> <ul style="list-style-type: none"> <li>Stakeholders declared the threats under option 8 was invalid. It was noted that several had already expressed an interest in attending the group.</li> <li>It was also added that the school had already received confirmation that the site was suitable for providing a Cylch.</li> <li>Reference was made to the possibility of establishing an additional Ti a Fi Group to increase numbers.</li> <li>It was noted that the trend is usually that Cylch works better on a school site.</li> <li><b>Action: Contact the Head teacher of Ysgol Abersoch for full details regarding the</b></li> </ul>
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		<p><b>discussions that have taken place to establish the Cylch.</b></p> <ul style="list-style-type: none"> <li><b>Action: Add an option - to establish a Cylch and change the age range to 3 to 9 years.</b></li> </ul> <p><b>General Comments</b></p> <ul style="list-style-type: none"> <li>With the federation models it may be possible to combine different options to strengthen the option.</li> <li>The Education Department agreed to include the language and community context across the 8 options.</li> </ul>
4.	Next Steps	<ul style="list-style-type: none"> <li>It was explained that the next steps would be for the Officers to update the SWOT analysis of the list of options, taking into account any comments received, and then evaluate the options against the considerations / factors set out in the Strategy, "Excellent Primary Education for Children in Gwynedd".</li> <li>Stakeholders were offered two options in terms of the timescale to respond and date of the third meeting. The general feeling was to go with option B in order to have more time to consider the options and arrange the third meeting in January rather than December. It was asked why the Education Department was going to report to the Cabinet in February 2020. It was noted that the Authority had already changed the date to allow more time for the local discussions (at the request of the governors) - but in order to provide clarity to the stakeholders of the school, the authority has decided to report to the Cabinet in February.</li> <li>The Local Member was concerned about the lack of community engagement on the process. The Education Department explained that they are not trying to make any assumptions, should the Cabinet decide to hold a statutory consultation on a proposal, the public will have the right to express their views during that process.</li> <li>In response to the request for officers to attend a public meeting in Abersoch in order to gain an understanding of the local opinion, it was noted if a statutory consultation process is held, the public and the local community can present their views formally at this stage. The School Organisation Code does not require the authority to hold public meetings as part of a statutory consultation processes.</li> <li>It was confirmed that one option will be recommended to the Cabinet but all options discussed as part of the process will be presented as part of the report and background documentation. The Cabinet will have to decide whether or not they agree with the original recommendation.</li> <li>The Local Member noted as a member of the Scrutiny Committee, he would ask for Ysgol Abersoch matter to be called in for scrutiny if it would come to that position.</li> <li>The question was asked should a proposal to close the school be put forward as the final recommendation, when would the school officially close. It was emphasised that it was too prematurely to discuss a closing date for the school, considering that we were in the process of trying to find possible options for the school. However, it was explained that, should a decision be taken to consult on a proposal to close the school, it is unlikely that it would recommend closure by September 2020 due to the statutory process timetable requirements. It was noted that this would be discussed in more detail at Meeting 3.</li> <li>The Local Member noted that he had been in contact with the family who had gifted the school grounds. He noted that they were disappointed and were planning to look at their situation regarding their gift.</li> <li><b>Action: Request from Governors to see the possible timetable if recommendation is to close. Need to consider possible effects of the timetable when considering establishing a Cylch on the site.</b></li> </ul>
5.	Close	<ul style="list-style-type: none"> <li>Everyone was thanked for attending</li> <li>Confirmed that the next meeting will be held in early January 2020.</li> </ul>

# Cyfarfod Adolygu Ysgol Abersoch

## *Ysgol Abersoch Review Meeting*

Addysg

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18:00 – 19:00, Dydd Llun, 6 Ionawr 2020  
18:00 – 19:00, Monday, 6 January 2020

Neuadd Bentref Abersoch  
*Abersoch Village Hall*

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1. **CROESO**  
*WELCOME*
2. **CRYNODEB O'R BROSES**  
*SUMMARY OF THE PROCESS*
3. **GWERTHUSIAD OPSIYNAU**  
*OPTIONS APPRAISAL*
4. **CAMAU NESAF + AMSERLEN AMLINELLLOL**  
*NEXT STEPS + OUTLINE TIMETABLE*
5. **DIOLCH A CHLOI**  
*THANKS AND CLOSE*

# YSGOL ABERSOCH

**6 Ionawr 2020**  
*6 January 2020*



Parch • Gwasanaethu • Positif • Gweithio fel tîm • Gwerth am arian  
Respect • Serving • Positive • Working as a team • Value for money

## AGENDA

- |                                       |  |
|---------------------------------------|--|
| 1. Croeso                             | 1. <i>Welcome</i>                              |
| 2. Y Broses                           | 2. <i>The Process</i>                          |
| 3. Gwerthusiad Opsiynau               | 3. <i>Options Appraisal</i>                    |
| 4. Camau Nesaf ac Amserlen Amlinellol | 4. <i>Next Steps and the Outline Timetable</i> |
| 5. Cloi                               | 5. <i>Close</i>                                |



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## Y BROSES / THE PROCESS

Camau Steps	Amserlen Amlinellol Outline Timetable
Adroddiad Cabinet – Cais i gynnal trafodaethau lleol <i>Cabinet Report - Request to hold local discussions</i>	17.09.2019
Cyfarfod Lleol 1 – Trafod ac ystyried opsiynau <i>Local Meeting 1 – Discuss and consider options</i>	07.10.2019
Cyfarfod Lleol 2 – Dadansoddiad SWOT o'r holl opsiynau <i>Local Meeting 2 - SWOT analysis of all options</i>	13.11.2019
Cyfarfod Lleol 3 – Gwerthusiad Opsiynau + Yr opsiynau sy'n welliant ar y 'Status Quo' <i>Local Meeting 3 - Options Appraisal + Options that are an improvement to the 'Status Quo'</i>	06.01.2020
Gwaith Ymchwil – Asesiadau Effaith ar y Iaith, y Gymuned a Cydraddoldeb + Asesiad yn erbyn y Ddeddf Llesiant <i>Research - Language, Community and Equality Impact Assessments + Assessment against the Well-being Act</i>	Ionawr / January 2020
Cyfarfod Cabinet Cyngor Gwynedd <i>Gwynedd Council Cabinet Meeting</i>	18.02.2020
Cyfnod Ymgynghori Statudol / <i>Statutory Consultation Period</i>	Mawrth – Mai 2020 <i>March – May 2020</i>
Adroddiad i'r Cabinet yn dilyn Ymgynghoriad Statudol / <i>Report to Cabinet following Statutory Consultation</i>	Mehefin 2020 / <i>June 2020</i>
Cyfnod Gwrthwynebu - Cyhoeddi Rhybudd Statudol a chyfle i ran-ddeiliaid wrthwynebu'r cynnig <i>Objection Period - Publication of Statutory Notice and opportunity for stakeholders to object the proposal</i>	Mehefin – Gorffennaf 2020 <i>June – July 2020</i>
Cabinet – Adrodd yn ôl yn dilyn y cyfnod gwrthwynebu + penderfyniad terfynol <i>Cabinet – Report back following objection period + final decision</i>	Medi 2020 / <i>September 2020</i>

\*\* Yn ddibymod ar benderfyniad  
y Cabinet 18/2/20 \*\*  
\*\* Subject to Cabinet decision on  
18/2/20 \*\*

## GWERTHUSIAD OPSIYNAU / OPTIONS APPRAISAL

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## GWERTHUSIAD OPSIYNAU / OPTIONS APPRAISAL

Er mwyn dadansoddi'r opsiynau ymhellach, gwerthuswyd yr opsiynau yn erbyn ffactorau'r Strategaeth, "Addysg Gynradd o'r Ansawdd Gorau i Blant Gwynedd", sef:

- 1) Maint Dosbarthiadau ac Amrediad Oedran
- 2) Niferoedd Disgyblion
- 3) Amgylchedd Dysgu
- 4) Arweinyddiaeth a Staffio
- 5) Y Gymuned
- 6) Adnoddau Ariannol
- 7) Sefyllfa Eithriadol
- 8) Iaith
- 9) Ffactorau Daearyddol

*In order to further analyse the options, the options were evaluated against the factors of the Strategy, "Excellent Primary Education for Children in Gwynedd", namely:*

- 1) Class Sizes and Age Range
- 2) Pupil Numbers
- 3) Learning Environment
- 4) Leadership and Staffing
- 5) The Community
- 6) Financial Resources
- 7) Exceptional Situation
- 8) Language
- 9) Geographical Factors

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## YR OPSIYNAU A YSTYRIWYD / OPTIONS CONSIDERED

Yn sgil y mewnbwn a dderbyniwyd yn ystod, ac yn dilyn y ddau gyfarfod lleol, cynhyrchwyd rhestr o opsiynau i'w hystyried. Er bod yr achos dros newid wedi ei sefydlu, mae'r opsiwn 'Gwneud Dim' wedi ei gynnwys at ddiben cymharu.

*As a result of the input received during, and following the two local meetings, a list of options was produced for consideration. Although the case for change has been established, the 'Do Nothing' option is included for comparison purposes.*

1	Status Quo – Parhau hefo'r sefyllfa bresennol
2 (a)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-11 oed
2 (b)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-9 oed
3	Ffederaleiddio gydag ysgol gyfagos
4	Ffederaleiddio gydag ysgol gyfagos gan leoli'r Cyfnod Sylfaen ar safle Ysgol Abersoch, a CA2 ar safle'r ysgol gyfagos
5	Ffederaleiddio gydag ysgolion cyfagos gan leoli'r Cyfnod Sylfaen + Blwyddyn 3 a 4 + Blwyddyn 5 a 6 ar safle 3 ysgol wahanol
6	Cau Ysgol Abersoch a chynnig lle i'r disgyblion mewn ysgol amgen
7	Lleoli Canolfan Iaith ar safle Ysgol Abersoch
8 (a)	Sefydlu Cylch Meithrin yn Ysgol Abersoch
8 (b)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-9 oed + Sefydlu Cylch Meithrin Ysgol Abersoch

1	Status Quo – Continue with the current situation
2 (a)	Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years
2 (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years
3	Federalise with a nearby school
4	Federalise with a nearby school locating the Foundation Phase on the site of Ysgol Abersoch, and KS2 on the site of the nearby school
5	Federalise with neighboring schools locating Foundation Phase + Years 3 and 4 + Years 5 and 6 on 3 different school sites
6	Close Ysgol Abersoch and offer pupils a place at a nearby school
7	Locate a Language Centre on the site of Ysgol Abersoch
8 (a)	Establish a Cylch Meithrin at Ysgol Abersoch
8 (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years and establish a Cylch Meithrin at Ysgol Abersoch



## PRIF HERIAU'R SEFYLLFA BRESENNOL / MAIN CHALLENGES OF THE CURRENT POSITION

1	Nifer disgyblion yr ysgol ymysg yr isaf yn y sir <i>The number of pupils at the school is among the lowest in the county</i>
2	Rhagamcanion yn dangos lleihad pellach yn y niferoedd <i>Projections show further decline in numbers</i>
3	Nifer uchel o lefydd gweigion <i>High number of surplus places</i>
4	Maint dosbarthiadau bychain <i>Small class sizes</i>
5	Amrediad ystod oed eang o fewn dosbarthiadau <i>Broad age range within classes</i>
6	Cost y disgybl (Medi 2019: £10,200 + Rhagamcan 2020-21 £15,800) – ymysg yr uchaf yn y sir, 4 gwaith uwch na'r cyfartaledd sirol (£3,884), 3 gwaith uwch na'r cyfartaledd dalgylchol (£4,854). <i>Cost per pupil (September 2019: £10,200 + Projected 2020-21 £15,800) - amongst the highest in the county, 4 times higher than the county average (£3,884) + 3 times higher than the catchment average (£4,854)</i>
7	Ysgol yn derbyn swm ychwanegol o £37,853 (Medi 2019) trwy'r polisi gwarchodaeth lleiafswm staffio <i>School receives an additional £37,853 (September 2019) through the minimum staffing protection</i>

## YR OPSIYNAU I'W HYSTYRIED YMHELLACH OPTIONS TO BE CONSIDERED FURTHER

1	Status Quo – Parhau hefo'r sefyllfa bresennol*
2 (a)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-11 oed
2 (b)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-9 oed
3	Ffederaleiddio gydag ysgol gyfagos
4	Ffederaleiddio gydag ysgol gyfagos gan leoli'r Cyfnod Sylfaen ar safle Ysgol Abersoch, a CA2 ar safle'r ysgol gyfagos
5	Ffederaleiddio gydag ysgolion cyfagos gan leoli'r Cyfnod Sylfaen + Blwyddyn 3 a 4 + Blwyddyn 5 a 6 ar safle 3 ysgol wahanol
6	Cau Ysgol Abersoch a chynig lle i'r disgyblion mewn ysgol amgen
7	Lleoli Canolfan Iaith ar safle Ysgol Abersoch
8 (a)	Sefydlu Cylch Meithrin yn Ysgol Abersoch
8 (b)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-9 oed + Sefydlu Cylch Meithrin Ysgol Abersoch

1	Status Quo – Continue with the current situation*
2 (a)	Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years
2 (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years
3	Federalise with a nearby school
4	Federalise with a nearby school locating the Foundation Phase on the site of Ysgol Abersoch, and KS2 on the site of the nearby school
5	Federalise with neighboring schools locating Foundation Phase + Years 3 and 4 + Years 5 and 6 on 3 different school sites
6	Close Ysgol Abersoch and offer pupils a place at a nearby school
7	Locate a Language Centre on the site of Ysgol Abersoch
8 (a)	Establish a Cylch Meithrin at Ysgol Abersoch
8 (b)	Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years and establish a Cylch Meithrin at Ysgol Abersoch

\*Er bod yr achos dros newid wedi ei sefydlu, mae'r opsiwn 'Gwneud Dim' wedi ei gynnwys at ddiben cymharu.

\*Although the case for change has been established, the 'Do Nothing' option is included for comparison purposes.

## 2 (b) Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-9 oed / 2 (b) Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years

		Ymateb i'r her / Responding to the challenge	Sylwadau / Comments
1	Nifer disgyblion yr ysgol ymysg yr isaf yn y sir <i>The number of pupils at the school is among the lowest in the county</i>		Ychwanegu 1 blwyddyn ysgol yn annhebygol o gael effaith sylweddol ar niferoedd disgyblion, rhagamcanion a'r llefydd gweigion / <i>Adding 1 school year is unlikely to have a significant impact on pupil numbers, projections and surplus places.</i>
2	Rhagamcanion yn dangos lleihad pellach yn y niferoedd <i>Projections show further decline in numbers</i>		
3	Nifer uchel o lefydd gweigion <i>High number of surplus places</i>		
4	Maint dosbarthiadau bychain <i>Small class sizes</i>		Os na fyddai'n arwain at gynydd yn niferoedd disgyblion, byddai maint y dosbarthiadau'n parhau'n fychan a gyda ystod oed eang / <i>If it does not result in an increase in pupil numbers, class sizes would remain small and have a broad age range.</i>
5	Amrediad ystod oed eang o fewn dosbarthiadau <i>Broad age range within classes</i>		
6	Cost y disgybl (Medi 2019: £10,200 + Rhagamcan 2020-21 £15,800) – ymysg yr uchaf yn y sir, 4 gwaith uwch na'r cyfartaledd sirol (£3,884), 3 gwaith uwch na'r cyfartaledd dalgylchol (£4,854). <i>Cost per pupil (September 2019: £10,200 + Projected 2020-21 £15,800) - amongst the highest in the county, 4 times higher than the county average (£3,884) + 3 times higher than the catchment average (£4,854)</i>		Ni fyddai'r opsiwn yn welliant ar y sefyllfa ariannol bresennol / <i>The option would not be an improvement on the current financial position</i>
7	Ysgol yn derbyn swm ychwanegol o £37,853 (Medi 2019) trwy'r polisi gwarchodaeth lleiafswm staffio <i>School receives an additional £37,853 (September 2019) through the minimum staffing protection</i>		

### Sylwadau pellach / Further Comments:

- Torri ar draws darpariaeth CA2 / *Interruption KS2 provision*
- Ni fyddai ystod oed yr ysgol yn gyson â gweddill ysgolion y sir / *Age range of the school would not be consistent with the rest of the county's schools*
- Dim newid i amser di-gyswilt y pennaeth / *No change to the headteacher's non-contact time*

## 4. Ffederaleiddio gydag ysgol gyfagos gan leoli'r Cyfnod Sylfaen ar safle Ysgol Abersoch, a CA2 ar safle'r ysgol gyfagos 4. Federalise with a nearby school locating the Foundation Phase on the site of Ysgol Abersoch, and KS2 on the site of the nearby school

		Ymateb i'r her / Responding to the challenge	Sylwadau / Comments
1	Nifer disgyblion yr ysgol ymysg yr isaf yn y sir <i>The number of pupils at the school is among the lowest in the county</i>		Byddai'n arwain at gynydd yn niferoedd disgyblion CS yn Ysgol Abersoch, <b>ond yn lleihau niferoedd yr ysgol gyfagos</b> / <i>It would lead to an increase in FPh pupil numbers at Ysgol Abersoch, but reduce the numbers of the neighboring school</i>
2	Rhagamcanion yn dangos lleihad pellach yn y niferoedd <i>Projections show further decline in numbers</i>		Cynydd yn rhagamcanion Ysgol Abersoch, <b>ond yn effeithio'n negyddol ar ragamcanion yr ysgol gyfagos</b> / <i>Increased projections at Ysgol Abersoch, but negatively affecting projections for neighboring school</i>
3	Nifer uchel o lefydd gweigion <i>High number of surplus places</i>		Lleihad yn llefydd gweigion Ysgol Abersoch, <b>ond yn cynyddu'r nifer o lefydd gweigion yn yr ysgol gyfagos</b> / <i>A reduction in the surplus places at Ysgol Abersoch, but increasing the number of surplus places at the nearby school</i>
4	Maint dosbarthiadau bychain <i>Small class sizes</i>		Dosbarth CS o faint mwy hyfwrdd / addas – disgyblion yn cael eu haddysgu gyda mwy o blant o'r un grŵp oedran / <i>More viable / suitable FPh class - pupils being taught with more children of the same age group</i>
5	Amrediad ystod oed eang o fewn dosbarthiadau <i>Broad age range within classes</i>		Amrediad oedran hyd at 4 mlynedd yn y dosbarth CS + dosbarth CA2 <i>Age range up to 4 years in FPh class + KS2 class</i>
6	Cost y disgybl (Medi 2019: £10,200 + Rhagamcan 2020-21 £15,800) – ymysg yr uchaf yn y sir, 4 gwaith uwch na'r cyfartaledd sirol (£3,884), 3 gwaith uwch na'r cyfartaledd dalgylchol (£4,854). <i>Cost per pupil (September 2019: £10,200 + Projected 2020-21 £15,800) - amongst the highest in the county, 4 times higher than the county average (£3,884) + 3 times higher than the catchment average (£4,854)</i>		Lleihad yng nghost y disgybl, <b>ond yn parhau'n uwch na'r cyfartaledd sirol</b> / <i>Reduction in cost per pupil, but still above the county average</i>
7	Ysgol yn derbyn swm ychwanegol o £37,853 (Medi 2019) trwy'r polisi gwarchodaeth lleiafswm staffio <i>School receives an additional £37,853 (September 2019) through the minimum staffing protection</i>		Lleihad yn y swm gwarchodaeth, <b>ond yn parhau yn y rhwyd diogelu</b> . Posib y byddai'r ddwy ysgol yn derbyn dyraniad ychwanegol trwy'r polisi gwarchodaeth lleiafswm staffio / <i>Reduction in the protection amount, but still in the minimum staffing protection. Possible that both schools would receive additional support through the scheme</i>

### Sylwadau Pellach / Further Comments:

- Effaith negyddol ar niferoedd disgyblion yr ysgol gyfagos fyddai'n rhan o'r ffederasiwn / *Negative effect on the pupil numbers of the neighboring school that is part of the federation*
- Byddai angen dilyn proses statudol i newid ystod oed y ddwy ysgol ac i sefydlu'r ffederasiwn / *Follow a statutory process to change the age range of both schools and to establish the federation*

**5. Ffederalieiddio gydag ysgolion cyfagos gan leoli'r Cyfnod Sylfaen + Blwyddyn 3 a 4 + Blwyddyn 5 a 6 ar safle 3 ysgol wahanol**  
**5. Federalise with neighboring schools locating Foundation Phase + Years 3 and 4 + Years 5 and 6 on 3 different school sites**

	Ymateb i'r her / Responding to the challenge	Sylwadau / Comments
1 Nifer disgyblion yr ysgol ymysg yr isaf yn y sir <i>The number of pupils at the school is among the lowest in the county</i>		Byddai'n arwain at gynydd yn niferoedd disgyblion CS yn Ysgol Abersoch, <b>ond yn lleihau niferoedd y 2 ysgol gyfagos</b> / <i>It would lead to an increase in pupil numbers at Ysgol Abersoch, but reduce the numbers of the 2 neighboring schools.</i>
2 Rhagamcanion yn dangos lleihad pellach yn y niferoedd <i>Projections show further decline in numbers</i>		Cynydd yn rhagamcanion Ysgol Abersoch, <b>ond yn effeithio ar ragamcanion y 2 ysgol gyfagos</b> / <i>Increase in the projections of Ysgol Abersoch, but affecting the projections of the 2 neighboring schools</i>
3 Nifer uchel o lefydd gweigion <i>High number of surplus places</i>		Lleihad yn llefydd gweigion Ysgol Abersoch, <b>ond yn gwaethgu sefyllfa yn y 2 ysgol gyfagos</b> / <i>A reduction in the surplus places at Ysgol Abersoch, but worsening the situation in the 2 neighboring schools</i>
4 Maint dosbarthiadau bychain <i>Small class sizes</i>		Dosbarth CS, 3 a 4 + 5 a 6 o faint mwy hyfwrdd/addas – disgyblion yn cael eu haddysgu gyda mwy o blant o'r un grŵp oedran / <i>More viable / suitable FPh, 3 and 4 + 5 &amp; 6 class - pupils being taught with more children of the same age group</i>
5 Amrediad ystod oed eang o fewn dosbarthiadau <i>Broad age range within classes</i>		Amrediad ystod oed hyd a 2 flynedd o fewn dosbarthiadau / <i>Age range up to 2 years within classes</i>
6 Cost y disgybl (Medi 2019: £10,200 + Rhagamcan 2020-21 £15,800) – ymysg yr uchaf yn y sir, 4 gwaith uwch na'r cyfartaledd sirol (£3,884), 3 gwaith uwch na'r cyfartaledd dalgylchol (£4,854). <i>Cost per pupil (September 2019: £10,200 + Projected 2020-21 £15,800) - amongst the highest in the county, 4 times higher than the county average (£3,884) + 3 times higher than the catchment average (£4,854)</i>		Lleihad yng nghost y disgybl, <b>ond yn parhau'n uwch na'r cyfartaledd sirol. Cynyddu cost y disgybl yn y 2 ysgol gyfagos</b> / <i>Reduction in cost per pupil, but still above the county average. Increase the cost per pupil in the 2 neighboring schools</i>
7 Ysgol yn derbyn swm ychwanegol o £37,853 (Medi 2019) trwy'r polisi gwarchodaeth lleiafswm staffio <i>School receives an additional £37,853 (September 2019) through the minimum staffing protection</i>		Lleihad yn y swm gwarchodaeth, <b>ond yn parhau yn y rhwyd diogelu. Posib y byddai'r 3 ysgol yn derbyn cefnogaeth ychwanegol trwy'r polisi gwarchodaeth lleiafswm staffio</b> / <i>Reduction in the protection amount, but still in the minimum staffing protection. Possible that both schools would receive additional support through the scheme</i>

**Sylwadau Pellach / Further Comments:**

- Effaith negyddol ar niferoedd disgyblion y 2 ysgol gyfagos fyddai'n rhan o'r ffederasiwn / *Negative effect on the pupil numbers of the 2 neighboring schools who are part of the federation*
- Byddai angen dilyn proses statudol i newid ystod oed 3 ysgol ac i sefydlu'r ffederasiwn / *Follow a statutory process to change the age range of 3 schools and to establish the federation*
- Nid yw'n bosib ffederalieiddio gydag ysgolion sydd â statws gwahanol / *It is not possible to federate with schools of different status*

**7. Lleoli Canolfan Iaith ar safle Ysgol Abersoch**  
**7. Locate a Language Centre on the site of Ysgol Abersoch**

	Ymateb i'r her / Responding to the challenge	Sylwadau / Comments
1 Nifer disgyblion yr ysgol ymysg yr isaf yn y sir <i>The number of pupils at the school is among the lowest in the county</i>		Nid yw lleoli darpariaeth canolfan iaith ar safle ysgol fel arfer yn effeithio ar niferoedd disgyblion / <i>Locating a language centre provision on a school site does not usually affect pupil numbers</i>
2 Rhagamcanion yn dangos lleihad pellach yn y niferoedd <i>Projections show further decline in numbers</i>		
3 Nifer uchel o lefydd gweigion <i>High number of surplus places</i>		
4 Maint dosbarthiadau bychain <i>Small class sizes</i>		Gan na fyddai'n arwain at gynydd yn niferoedd disgyblion, byddai maint y dosbarthiadau'n parhau'n fychan a gydag ystod oed eang. / <i>As it would not lead to an increase in pupil numbers, class sizes would remain small and with a broad age range.</i>
5 Amrediad ystod oed eang o fewn dosbarthiadau <i>Broad age range within classes</i>		
6 Cost y disgybl (Medi 2019: £10,200 + Rhagamcan 2020-21 £15,800) – ymysg yr uchaf yn y sir, 4 gwaith uwch na'r cyfartaledd sirol (£3,884), 3 gwaith uwch na'r cyfartaledd dalgylchol (£4,854). <i>Cost per pupil (September 2019: £10,200 + Projected 2020-21 £15,800) - amongst the highest in the county, 4 times higher than the county average (£3,884) + 3 times higher than the catchment average (£4,854)</i>		Ni fyddai'r opsiwn yn welliant ar y sefyllfa ariannol bresennol / <i>The option would not be an improvement on the current financial position</i>
7 Ysgol yn derbyn swm ychwanegol o £37,853 (Medi 2019) trwy'r polisi gwarchodaeth lleiafswm staffio <i>School receives an additional £37,853 (September 2019) through the minimum staffing protection</i>		

**Sylwadau Pellach / Further Comments:**

- Dim newid i amser di-gyswilt y pennaeth / *No change to the headteacher's non-contact time*
- Dim newid i niferoedd disgyblion yr ysgol / *No change in pupil numbers at the school*
- Ni fyddai'r opsiwn yn denu incwm i'r ysgol / *This option would not attract income to the school*

## YR OPSIYNAU I'W HYSTYRIED YMHELLACH OPTIONS TO BE CONSIDERED FURTHER

1	Status Quo – Parhau hefo'r sefyllfa bresennol* <i>Status Quo – Continue with the current situation*</i>
2 (a)	Newid ystod oed Ysgol Abersoch o 3-8 oed i 3-11 oed <i>Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years</i>
3	Ffederaleiddio gydag ysgol gyfagos <i>Federalise with a nearby school</i>
6	Cau Ysgol Abersoch a chynnig lle i'r disgyblion mewn ysgol amgen <i>Close Ysgol Abersoch and offer pupils a place at a nearby school</i>

\*Er bod yr achos dros newid wedi ei sefydlu, mae'r opsiwn 'Gwneud Dim' wedi ei gynnwys at ddiben cymharu.  
\*Although the case for change has been established, the 'Do Nothing' option is included for comparison purposes.

## FFEDERALEIDDIO FFURFIOL FORMAL FEDERATION

- Proses statudol
- Rhwng 2 a 6 o ysgolion
- Un corff llywodraethu
- 1-2 riant llywodraethwyr o bob ysgol
- Ysgolion yn cadw eu hunaniaeth (gwisg ysgol, enw, ethos), os yn dymuno
- Cyllidebau yn parhau ar wahân
- Cyfleon i rannu adnoddau, pontio disgyblion a mwy
- Opsiwn i gyflogi staff ar draws y ffederasiwn
- Statutory Process
- Between 2 and 6 schools
- One governing body
- 1-2 parent governors from each school
- Schools retain their identity (school uniform, name, ethos), if desired.
- Budgets remain separate
- Opportunities to share resources, transition pupils and more
- Option to employ staff across the federation.

# GWERTHUSIAD OPSIYNAU / OPTIONS APPRAISAL

## Allwedd

Glas – Manteision

Coch – Anfanteision

Du – Ffeithiau / Sylwadau

Key:

Blue – Advantages

Red – Disadvantages

Black – Facts / Comments

1	2 (a)	2 (b)	3	4	5	6	7	8 (a)	8 (b)
Status Quo	Newid ystod oed Yngol Abernoch o 3.8 oed i 3.3 oed	Newid ystod oed Yngol Abernoch o 3.8 oed i 3.9 oed	Ffederaleiddio gyfng yngol	Ffederaleiddio gyfng yngol gyfng yngol	Ffederaleiddio gyfng yngol gyfng yngol	Cau Yngol Abernoch a Chynnylliaid y dyddigol mewn yngol mewn	Ueddi canolion luth ar safle Yngol Abernoch	Sefydlu cylch mewn yngol Abernoch	Newid ystod oed Yngol Abernoch o 3.8 oed i 3.9 oed
Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.	Maint ddiarbitraddas yngol Abernoch yn parhau yn ffeithiau - diarbitraddas o 3 (C3) a diarbitraddas o 2 (C4). (Mae 2019). Amrediad oedol hys at 4 mlynedd yn parhau yn y diarbitraddas C3.
Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch	Milwedd ddiarbitraddas yngol Abernoch
33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)	33 o lefydd gweigion (79%)
Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend	Rhagwariantion y yngol yn parhau i ymddangos yn ffeithiau a nws refferend
Agwneyd cylch mewn a chylch 3 a 8 ar safle'r yngol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.	Mae'n debygol y byddai ymestyn y dyddigol yn ionawr 2020, gallai hyn arwain at gynydd yn refferend y dyddigol.

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Respect • Serving • Positive • Working as a team • Value for money



## CAMAU NESAF / NEXT STEPS

Camau / Steps	Amserlen Amlinellol / Outline Timetable
Dyddiad cau ar gyfer derbyn unrhyw gywiriadau ar y gwerthusiad opsiynau <i>Deadline for receiving comments on the options appraisal</i>	13.01.2020
Cynnal Asesiadau Effaith (Ieithyddol, Cymunedol, Cydraddoldeb + Asesiad yn erbyn y Ddeddf Llesiant) <i>Undertake Impact Assessments (Language, Community, Equality + Assessment against the Wellbeing Act)</i>	Ionawr 2020 <i>January 2020</i>
Dyddiad cyhoeddi dogfennau Cabinet <i>Publishing date for the Cabinet papers</i>	10.02.2020
Cyfarfod Cabinet Cyngor Gwynedd <i>Gwynedd Council Cabinet Meeting</i>	18.02.2020

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# Ysgol Abersoch Review Meeting

Addysg

<b>Meeting:</b>	Ysgol Abersoch Review	<b>Date:</b> 06/01/2020 6:00pm
		<b>Location:</b> Abersoch Village Hall

<b>Present:</b>	<p><u>Officers:</u> Garek Jackson (GJ); Gwern ap Rhisiart (GapRh); Cyng. Cemlyn Williams (CW); Gwenno Haf Evans (GHE); Rhian Hughes (RH);</p> <p><u>On behalf of the Governors, Staff and Parents of Ysgol Abersoch:</u> Linda Jones; Llinos Haf Owen; Gwenlli Williams; Annwen Parry Hughes; Owen Hefin Roberts; Margot Jones; Anna E. Jones; Eifiona Wood; Einir Wyn; Mikee Marinas; Louise Overfield; Dylan Evans; Sue Frisby; Tamsyn Armshaw; Dawn Marie Jones; Cllr. Dewi Roberts.</p>
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## Executive Summary

Item No.	Item No.	Action	Responsibility	Completed by
2	Options Appraisal	Education department to forward a sample language and community impact assessment by email to relevant stakeholders.	Education Dep.	January 2020.
2	Options Appraisal	Include in the Cabinet report a comparison of the cost per head of Ysgol Abersoch with the schools in the catchment area of Ysgol Abersoch.	Education Dep.	February 10, 2020

Item No.	Item / Subject	Actions
1.	Welcome / The Process	<ul style="list-style-type: none"> <li>Garek Jackson, Head of Education welcomed everyone to the third meeting.</li> <li>The process to date and the next steps were explained, as well as an overview of the list of options.</li> <li>It was noted that the Education Department had identified 3 options (in addition to the status quo) to consider further following an evaluation of all options.</li> <li>It was explained that the next steps are to undertake further research on the options and carry out impact assessments.</li> <li>It was noted that the Education Department will report back to the Cabinet on 18 February 2020.</li> </ul>
2.	Options Appraisal	<ul style="list-style-type: none"> <li>It was explained, in order to analyse the options further, the options had been evaluated against the factors of the Excellent Primary Education for Children in Gwynedd Strategy. It was explained that 2 factors had already been disregarded, namely (i) Learning Environment - as this situation does not include a proposal for a new building, and (ii) Exceptional Situation – as the fragile pupil numbers at the school is the reason for holding the local meetings.</li> <li>It was noted that during previous discussions, the Review Panel discussed 10 possible options.</li> <li>It was explained that as the establishing of a Cylch Meithrin at the school is now underway, the original option had been incorporated into the status quo. It was noted that the option had been included separately in the Options Appraisal, but had been coloured grey as it was now being considered as part of the status quo. It was noted that the developments regarding the Cylch Meithrin would receive specific attention in the Cabinet report.</li> <li>The following options were presented as the options for further consideration:</li> </ul>

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Respect • Serving • Positive • Working as a team • Value for money

		<ul style="list-style-type: none"> <li>○ Status Quo – Continue with the current situation</li> <li>○ Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years</li> <li>○ Federalise with a neighbouring school</li> <li>○ Close Ysgol Abersoch and offer pupils a place at an alternative school</li> </ul> <ul style="list-style-type: none"> <li>● Following conducting background work in assessing the options, it was confirmed that the following options had been ruled out as the Education Department did not believe that they would add significant value to the current situation: <ul style="list-style-type: none"> <li>○ Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years</li> <li>○ Federalise with a nearby school locating the Foundation Phase on the site of Ysgol Abersoch, and KS2 on the site of the nearby school</li> <li>○ Federalise with neighbouring schools locating Foundation Phase + Years 3 and 4 + Years 5 and 6 on 3 different school sites</li> <li>○ Locate a Language Centre on the site of Ysgol Abersoch</li> <li>○ Establish a Cylch Meithrin at Ysgol Abersoch (Cylch in the process of being established and will be operational from February 2020)</li> <li>○ Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years and establish a Cylch Meithrin at Ysgol Abersoch (Cylch in the process of being established and will be operational from February 2020)</li> </ul> </li> <li>● <b>It was noted that a hard copy of the options appraisal would be shared at the end of the meeting and the panel members were asked to submit comments on the accuracy of the document by January 13, 2020.</b></li> <li>● The general steps of a federalisation process were explained.</li> <li>● It was explained that it is not possible to federate school with different legal status.</li> <li>● It was confirmed that minutes from the three Ysgol Abersoch review meetings will be included as an appendix to the Cabinet report.</li> <li>● It was noted that a meeting will be held with the Headteacher and Chair of the Governing Body before 10/2 to present a draft Cabinet report.</li> </ul> <p><u>Impact Assessments</u></p> <ul style="list-style-type: none"> <li>● Governors asked what guidelines must the Education Department follow when undertaking the impact assessments. It was explained that there is a template to follow that is in accordance with the School Organisation Code 2018.</li> <li>● <b>Action: Education Department to forward an example of the Language Impact Assessment with the stakeholders for them to see an example.</b></li> <li>● It was confirmed that the report and assessments will be published on 10/02/20.</li> <li>● Following an inquiry by the Governors / parents, the Head of Education noted that the 'Welsh Language Charter' certificates would be shared with the schools as soon as possible.</li> <li>● It was noted that the 'Welsh Language Charter' would be part of the assessment but is not a statutory element.</li> </ul> <p><u>Status Quo (including the Cylch Meithrin)</u></p> <ul style="list-style-type: none"> <li>● The Governing Body did not agree with the decision of the Education Department to incorporate the option to establish a Cylch Meithrin within the status quo. A request was made to include two status quo options in the Options Appraisal, one to clarify the position in September 2019, and an additional one to report on the current situation.</li> <li>● It was explained that the status quo option must reflect the latest situation with the school, and the developments regarding the Cylch Meithrin will be included as part of the status quo option.</li> <li>● It was confirmed that the Cylch Meithrin will receive specific attention in the Cabinet</li> </ul>
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		<p>report noting the possible impact it may have on pupil numbers.</p> <ul style="list-style-type: none"> <li>• The Local Elected Member asked if it was possible to delay the discussions and allow a guarantee for the school to see the positive impact of establishing the Cylch Meithrin on the school.</li> <li>• It was explained that no guarantee could be given and that the Education Department had previously received legal advice from the Monitoring Officer on a similar matter.</li> <li>• It was noted that discussions will be held with the Headteacher of Ysgol Abersoch to check the most recent pupil numbers.</li> <li>• It was agreed that it would be possible to include in the report how the situation was in September 2019 in comparison to the current situation 'status quo' – including the 'Cylch Meithrin'.</li> </ul> <p><u>Federalisation</u></p> <ul style="list-style-type: none"> <li>• The main aspects and the process of federalisation were explained further. It was explained that Ysgol Sarn Bach or Ysgol Llanbedrog would be the two local schools that could be considered for federation, as Ysgol Foel Gron is a school with a religious status.</li> <li>• There was a discussion regarding the capacity of the neighbouring schools and it was explained that Ysgol Llanbedrog was almost full.</li> <li>• It was explained that the School Admissions Code 2013 gives parents the right to apply to any school.</li> <li>• The question was raised if there had been discussions with neighbouring schools. It was explained that there had been no formal discussion with neighbouring schools. It was noted that there had been an informal discussion with the Headteacher of Ysgol Sarn Bach. A formal meeting will be held during January with the Headteacher and Chair of the Governing Body. It was emphasised that it would not be fair to express the initial feeling of the Headteacher of Ysgol Sarn Bach on the matter.</li> <li>• The cost per pupil of Ysgol Abersoch was discussed and it was explained that it was amongst the highest in the county, 4 times higher than the county average and 3 times higher than the catchment area average.</li> </ul> <p><b>It was agreed to include in the Cabinet report a comparison of the cost per head of Ysgol Abersoch with the schools in the catchment area of Ysgol Abersoch (schools which are within Ysgol Abersoch comparison family).</b></p> <p><u>Further Discussion</u></p> <ul style="list-style-type: none"> <li>• It was explained that additional work would be undertaken on the options that are being considered further. It was noted that a high level analysis has been undertaken on the options at present.</li> <li>• It was confirmed that the Welsh Government decides which schools are categorised as rural.</li> <li>• The Head of Education added that the Authority have decided to follow the same process for Ysgol Abersoch as it would have with a small and rural school.</li> <li>• The Governors stated that they were not satisfied with the Education Department decision to rule out their preferred option of 'Change the age range of Ysgol Abersoch from 3-8 years to 3-9 years and open Cylch Meithrin a Ti a Fi at Ysgol Abersoch'. It was explained that the main reason for disregarding the option was that changing the age range to 3-9 years was unlikely to lead to a significant increase in pupil numbers. It was emphasised again that the impact of the Cylch Meithrin will be considered as part of the status quo.</li> <li>• It was added that the Governors' preferred option would be noted in the report.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The Governing Body general feeling was that the process is being rushed.</li> <li>• The question was raised if it is appropriate for the local committee to appoint staff to work at the Cylch Meithrin.</li> <li>• It was noted that the Local Member will have the opportunity to make representations on behalf of the local community during the Cabinet meeting.</li> <li>• It was explained that should the Cabinet decide to carry out a statutory consultation on a specific proposal, the community will have the opportunity to make formal representations during that process.</li> <li>• The processes involved with the following options were explained: <ul style="list-style-type: none"> <li>○ Status Quo (including the Cylch Meithrin) – no statutory process</li> <li>○ Change the age range of Ysgol Abersoch from 3-8 years to 3-11 years – statutory process</li> <li>○ Federalisation with a neighbouring school – statutory process</li> <li>○ Close Ysgol Abersoch and offer pupils a place at an alternative school – statutory process</li> </ul> </li> </ul>
<b>3.</b>	<b>Next Steps</b>	<ul style="list-style-type: none"> <li>• Undertake impact assessments on the options before reporting back to the Cabinet with a recommendation on the way forward.</li> <li>• It was confirmed that all documentation will be published on the Council's website on 10 February 2020.</li> </ul>
<b>4.</b>	<b>Close</b>	<ul style="list-style-type: none"> <li>• The meeting came to a close and all were thanked for their input during the meetings.</li> </ul>

Below is a summary of the comments received following the 3 local meetings

<b>Correspondence received following meeting 1 (7 October 2019)</b>	
<b>1</b>	E-mail stating that children have a high Maths ability due to the teacher to pupil ratio at Ysgol Abersoch.
<b>2</b>	E-mail presenting comments and questions following the first meeting, mainly about the timetable, projections of pupil numbers, the Well-being Act 2015 and the Council's Vacant Seats Scheme.
<b>3</b>	E-mail expressing concern over the tight timetable, as it will not allow sufficient time to receive feedback from the Housing Associations.
<b>4</b>	E-mail requesting to postpone the schedule of meetings, and request to hold a public meeting in order to receive the view of the community on the situation. Further request for information on the Welsh Language Impact Assessment process. It was also noted that the school had received confirmation that two new pupils will be visiting the school soon.
<b>5</b>	Formal response of the Governing Body to the meeting on 7 October 2019. The following was noted: <ul style="list-style-type: none"> <li>• That a committee had been established to open Cylch Meithrin and Ti a Fi in the school</li> <li>• That they are awaiting a reply from Cadw regarding the history of the building</li> <li>• Request for examples of federated schools</li> <li>• Inviting any Cabinet Member to visit Ysgol Abersoch</li> </ul>
<b>Correspondence received following meeting 2 (13 November 2019)</b>	
<b>6</b>	Correspondence from the Governing Body, containing a letter and further comments on the SWOT analysis of the options.
<b>Correspondence received following meeting 3 (6 January 2020)</b>	
<b>7</b>	E-mail from the Governing Body containing a letter, comments on the accuracy of the Options Appraisal and a copy of Ysgol Abersoch's <i>Hunaniaith</i> action plan.
<b>8</b>	E-mail from the Local Elected Member regarding the local meeting held on 6 January 2020.
<b>9</b>	Further email from the Governing Body regarding the process of reviewing the situation at Ysgol Abersoch.

**\*\*Please note that all correspondence received following the local meetings has been shared in full with Cabinet Members.**

## REPORT TO THE CABINET

**Meeting Date:** 17 September 2019

**Cabinet Member:** Councillor Cemlyn Rees Williams

**Subject:** Ysgol Abersoch

**Contact Officer:** Gwern ap Rhisiart – Area Education Officer

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### The decision sought and the purpose of the report

The purpose of this report is to seek Cabinet approval to initiate formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch due to concerns over the school numbers, thus enabling a range of possible options to be drawn up relating to the future of the school.

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### 1. Background

- 1.1 Ysgol Abersoch is located in the centre of the village of Abersoch near Pwllheli, providing education for pupils aged 3-8. The school has a capacity of 34 (Nursery to Year 3), and in January 2019, had 12 full-time pupils, aged 3-8, and 1 part-time nursery pupil on the register. Today (September 2019), numbers have dropped to 7 pupils aged 3-8, and 2 nursery pupils.
- 1.2 In July 2019, as a result of a recent drop in the numbers at Ysgol Abersoch, officers from the Education Department met with the governing body of Ysgol Abersoch to discuss low numbers at the school and to explain that the next step would be to seek Cabinet approval to commence a formal discussion with the governing body and other relevant stakeholders, to consider the options for the future of the school.
- 1.3 Ysgol Abersoch was last inspected in June 2017, and it was concluded that the school's performance was 'Good'. In addition, in January 2019, as part of the Welsh Government's national system for categorising schools, the school was placed in the 'Yellow' category of support. The Government's definition of a 'Yellow' category school is "an effective school that is already doing well and knows what areas it needs to improve."

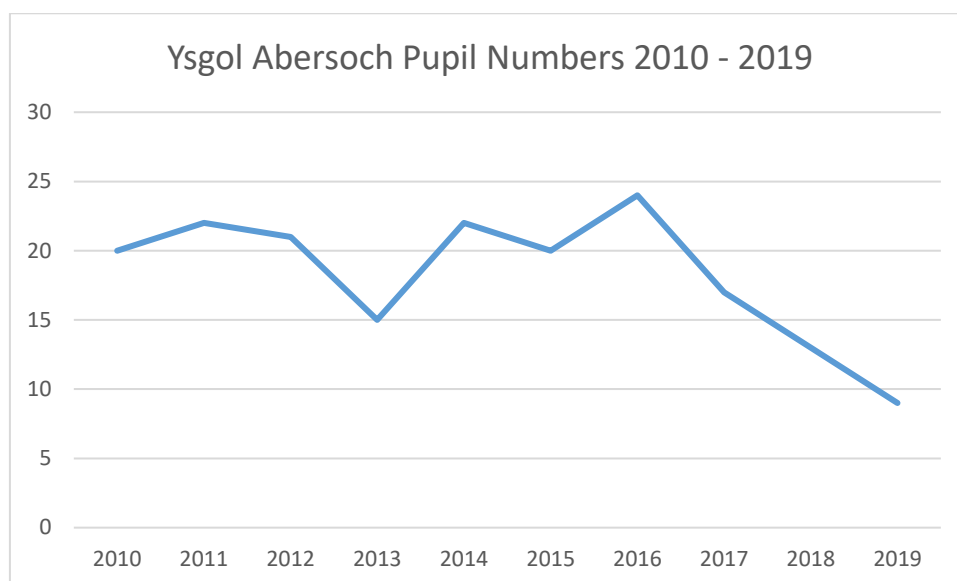
### 2. Reason why decision is needed

- 2.1 Pupil numbers at the school over recent years have been generally low, although a recent fall has meant that there are now 9 pupils attending the school (2019-20).
- 2.2 In addition, numbers are projected to remain low over the next few years. The September 2018 projections show that in September 2021 we are expecting 9 pupils to be on the school roll.
- 2.3 Given these challenges, permission is sought to enter into formal discussions with the governing body and other relevant stakeholders to consider possible options for the future of Ysgol Abersoch.

### 3. Reason and justification behind the 'decision sought'

#### 3.1 Low numbers and surplus places

- 3.1.1 It can be seen from the graph below that there has been a reduction in pupil numbers at Ysgol Abersoch over recent years. With 9 pupils on the register in September 2019, school numbers have more than halved since 2016. Comparing school numbers since 1980, we see that school numbers were at their highest and the school was full in 1981, with 35 pupils.



3.1.2 In September 2019, there are only 9 pupils on the register, a decrease of 63% since 2016. With a capacity of 34, this means that the school is 74% empty.

3.1.3 In addition, in September 2018, out of the 34 pupils aged between 3 to 8 who live in the Ysgol Abersoch catchment area, 24 (71%) choose to attend nearby schools. As Ysgol Abersoch is a school for infants and children up to the age of 8, the pupils transfer to neighbouring primary schools after Year 3. The nearest school is Ysgol Sarn Bach, a 3-11 primary school located in the village of Sarn Bach, about a mile away from Abersoch.

## 3.2 Projections

3.2.1 According to the school's projections calculated in September 2018, when there were 13 pupils registered at the school, it was anticipated the school numbers will remain low in years to come. Below are the full projections calculated in September 2018:

	Nursery	0	1	2	3	4	5	6	Total
<b>September 2019 Projections*</b>	2	1	2	3	3	-	-	-	11*
<b>September 2020 Projections</b>	2	2	1	2	3	-	-	-	10
<b>September 2021 Projections</b>	2	2	2	1	2	-	-	-	9

\*Actual pupils numbers in September 2019 = 9

## 4. Relevant Considerations

4.1 **School Organisation Code 011/2018:** Any process will be conducted in accordance with Welsh Government guidelines (School Organisation Code 011/2018).

## 5. Next Steps & Timetable

5.1 Subject to the Cabinet decision, there follows an initial outline timetable for discussions:

Next Steps	Outline Timetable
Hold formal meetings with the Governing Body and relevant stakeholders of Ysgol Abersoch to consider and formulate possible options.	October 2019
Report back to Cabinet following local feedback. + <i>Depending on the outcome of the local discussions, seek Cabinet approval to undertake a statutory consultation on the preferred option if required.</i>	November 2019

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### OPINION OF STATUTORY OFFICERS

#### Monitoring Officer:

"It is explained in the report that the intent is to identify possible steps to address the challenges facing the school. It is also acknowledged that there are a range of matters which need to be considered in trying to identify possible answers and actions. It is also noted that the provisions of the Schools Organisation Code 11/2018 will have a central role in the considerations and that options on the way ahead will be the subject of further consideration by the Cabinet when the work is concluded. From a propriety perspective, what is proposed is appropriate."

#### Head of Finance:

"I support the decision sought."

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## GWYNEDD CABINET DECISION NOTICE

<b>Date of Cabinet Meeting:</b>	17 September 2019
<b>Date decision will come into force</b> and implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution.	2 October 2019

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### SUBJECT

Item 7: YSGOL ABERSOCH

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### DECISION

It was resolved to grant permission to commence formal discussions with the governing body and other relevant stakeholders of Ysgol Abersoch, to enable the formulation of a range of potential options relating to the school's future.

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### REASONS FOR THE DECISION

Pupil numbers at the school over recent years have been generally low, although a recent fall has meant that there are now nine pupils attending the school. Numbers are projected to remain low over the next few years and the September 2018 projections anticipate that nine pupils will be on the school roll in September 2021.

As a result of these challenges, permission was granted to commence formal discussions with the governing body and other relevant stakeholders to consider a range of potential options for the future of Ysgol Abersoch.

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### DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

No declarations of personal interest or relevant dispensations were received.

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### ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

The Statutory Officers were consulted to seek their views, which had been included in the report.

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## REPORT TO THE CABINET

<b>Date of meeting:</b>	15 September 2020
<b>Cabinet Member:</b>	Councillor Cemlyn Rees Williams
<b>Contact Officer:</b>	Gwern ap Rhisiart - Dwyfor Meirionnydd Area Education Officer
<b>Title of Item:</b>	Ysgol Abersoch

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### DECISION SOUGHT:

The permission of the Council's Cabinet is sought to begin a period of statutory consultation in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposed proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards.

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### 1. INTRODUCTION

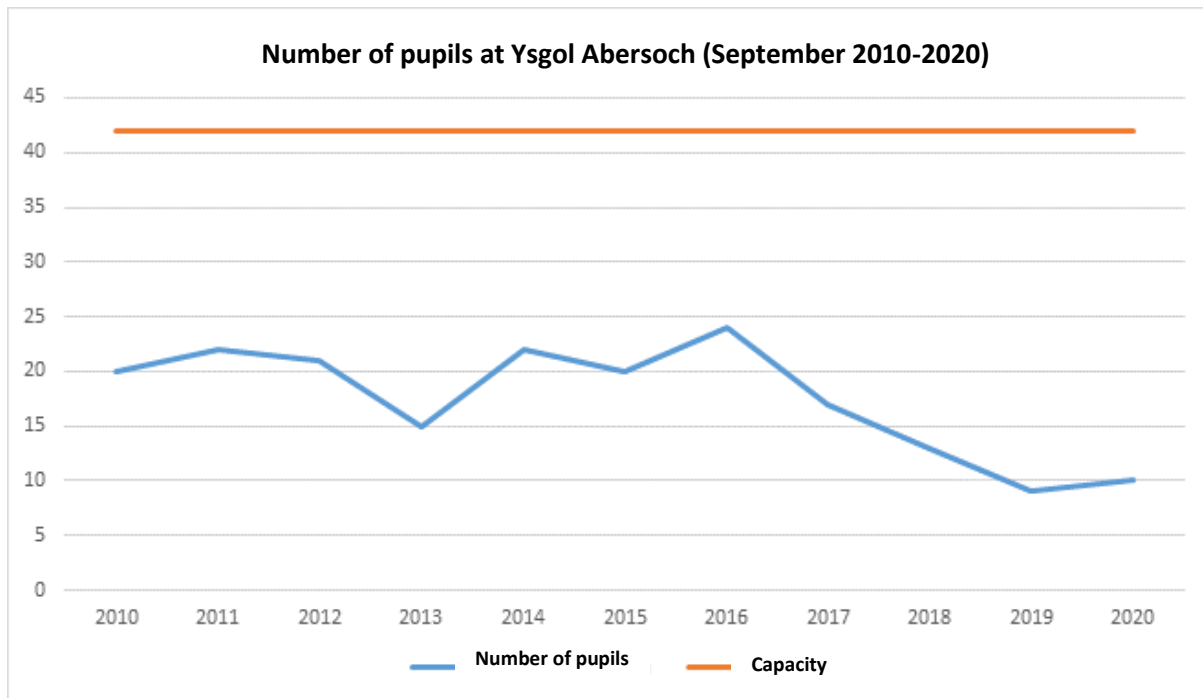
- 1.1. At their meeting on 17 September 2019, the Cabinet supported a recommendation to commence formal discussions with the governing body of Ysgol Abersoch in order to consider options for the future. The decision came about as a result of recent concerns regarding a reduction in pupil numbers at the school.
- 1.2. The purpose of this report is to report back on the outcome of the local discussions, and seek permission to carry out a statutory consultation on a proposal to close Ysgol Abersoch on 31 August 2021, and provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards.

### 2. THE STRATEGIC CONTEXT

- 2.1 The Council implemented the *Excellent Primary Education for the Children of Gwynedd* strategy following its adoption in April 2009. It was noted in the strategy that there was a need to provide a way of giving attention to the situation of some vulnerable schools.
- 2.2 At its meeting on 18 December 2018, the Cabinet approved the principles of the "Fit for Purpose Education" principles which now provide a basis to realise the Education Department's vision and develop the system to ensure a high quality education for the children and young people of Gwynedd for the twenty first century. These principles work towards rationalising age-ranges within primary classes and ensuring sufficient non-contact time for headteachers to focus on leadership matters in the primary schools.

### 3. THE CURRENT SITUATION AT YSGOL ABERSOCH

- 3.1 Ysgol Abersoch is located in the centre of the village of Abersoch, near Pwllheli, and provides education for pupils aged between 3 and 8 years. The pupils transfer to Ysgol Sarn Bach after year 3 in order to complete their primary education.
- 3.2 Ysgol Abersoch has a capacity of 42 (nursery to year 3), and there are 8 full-time pupils, and 2 nursery pupils (part-time) on the register (September 2020).



3.3 As can be seen from the above graph, the total number of pupils attending the school has consistently reduced since 2016 and this has been vulnerable for some time. Therefore, it is likely that the school is facing increasing challenges, including:

- **Pupil numbers** – In September 2020, there were 8 full time pupils, and 2 nursery pupils
- **Projected numbers** - September 2021 = 10; September 2022 = 12; September 2023 = 12
- **High percentage of surplus places** - Based on the figures for September 2020, there are approximately 76% of surplus places at the school (a total of 32)
- **Small class sizes** - 1 class with 10 pupils (September 2020)
- **Broad age ranges within classes**
- **Ysgol Abersoch receives an additional sum to the usual allocation** through the minimum staffing policy (which ensures at least a headteacher and a teacher in every school, and a headteacher and an assistant in schools with fewer than 15 pupils). The total cost during the 2020-21 financial year (based on the numbers in September 2019) is £52,582.
- **Cost per Pupil** at Ysgol Abersoch is £17,404 (2020-21), the county average cost per pupil is £ 4,198.

#### 4. RECENT DEVELOPMENTS

##### Establish a Cylch Meithrin and Cylch Ti a Fi at Ysgol Abersoch

- 4.1 During the Autumn term of 2019, Ysgol Abersoch stakeholders set up a Voluntary Management Committee to undertake the task of establishing a Cylch Meithrin and Ti a Fi group in the school.
- 4.2 The first sessions of the Cylch Meithrin and Cylch Ti a Fi were held in February this year. At present, Cylch Meithrin Abersoch is part of the free 30-hour childcare plan for 3 and 4 year olds, and runs a 2 hour playgroup session five times a week, as well as a lunch club session three times a week.



## 5. LOCAL DISCUSSIONS

5.1 In July 2019, officers from the Education Department met the Governing Body of Ysgol Abersoch in order to discuss the school's vulnerable situation. During the meeting, it was noted that it was intended to seek the Cabinet's approval to progress the discussions by holding formal meetings with the Governing Body and relevant stakeholders to discuss options for the school.

5.2 In accordance with the Cabinet's decision (17 September 2019), an Ysgol Abersoch Review Panel (PAY) was established in October 2019. An invitation was extended to all members of the Governing Body, parents and school staff, as well as the local elected member, to be members of the panel and participate in the discussions.

5.3 On 7 October 2019, the first of three PAY meetings were held in order to commence the discussion and consider options. During this meeting, it was explained that there was a need to consider options that would respond to the challenges facing the school (as detailed in paragraph 3.3 above).

5.4 The second PAY meeting was held on 13 November 2019. The strengths, opportunities, weaknesses and threats of all options were evaluated during this meeting. In addition, following the meeting, further observations were received from the governing body.

5.5 After receiving the input of the PAY members, all options were evaluated against the factors of the *Excellent Primary Education for the Children of Gwynedd* strategy, and the above-noted challenges (paragraph 3.3). Having considered the conclusions of the evaluation, the list of options was whittled down to 3. These options were presented during the third PAY meeting on 6 January 2020, and an explanation was given of the intention to undertake further assessments before making a decision on the preferred option.

## 6. OPTIONS APPRAISAL

6.1 In accordance with the "*Excellent Primary Education for the Children of Gwynedd*" strategy, a number of factors were considered when appraising the options for the situation, including:

- Class sizes
- Pupil numbers
- Leadership and Staffing
- The Community
- Financial Resources
- The Welsh Language
- Geographical Factors

6.2 With the input of members of the PAY during the local meetings, a list of options was created to be considered for the school:

- Do nothing (continue with the status quo)
- Amend the age range of Ysgol Abersoch from 3-8 to 3-11 years
- Amend the age range of Ysgol Abersoch from 3-8 to 3-9 years
- Federation with a nearby school
- Federation with a nearby school, locating the Foundation Phase on the Ysgol Abersoch site, and KS2 on the site of a nearby school

- Federation with nearby schools, locating the Foundation Phase + Years 3 and 4 + Years 5 and 6 on the sites of three different schools
- Close Ysgol Abersoch and offer a place for the pupils at an alternative school
- Locate a Language Centre on the Ysgol Abersoch site
- Establish a Cylch Meithrin at Ysgol Abersoch
- Change the age range of Ysgol Abersoch from 3-8 to 3-9 years + establish a Cylch Meithrin at Ysgol Abersoch

6.3 Following evaluating the advantages and disadvantages of the above options against the factors in the *Excellent Primary Education for the Children of Gwynedd* strategy, 3 options emerged as being the most viable and realistic to address the school's current situation, namely:

- Amend the age range of Ysgol Abersoch from 3-8 to 3-11 years
- Federation with a nearby school
- Close Ysgol Abersoch and offer a place for the pupils in an alternative school

6.4 A further comparison of all options against the strategy's factors can be seen in Appendix 1. As explained in paragraph 4.1 above, the school situation has developed since September 2019 with the opening of a Cylch Meithrin and a Cylch Ti a Fi on the school site. To ensure a fair comparison, please note that the development of the Cylch Meithrin and its potential impacts have been considered under all options, including the Status Quo.

## **7. COMPARISON OF OPTIONS**

### **7.1 Do nothing – continue with the Status Quo:**

- 7.1.1 Although the case for change has been established, the 'Do Nothing' model has been included for comparison purposes.
- 7.1.2 This model would mean that there would be no change to the current provision in the Ysgol Abersoch catchment area.
- 7.1.3 As noted above, a Cylch Meithrin and Cylch Ti a Fi opened on the school site in February 2020. However, whilst acknowledging the potential positive impact that locating a Cylch Meithrin on the Ysgol Abersoch site may have on pupil numbers, it cannot be guaranteed that it would lead to a significant increase in numbers.
- 7.1.4 Having considered the school's latest position against the relevant factors, it is concluded that this model does not adequately respond to the school's vulnerable situation. By doing nothing, the challenge of falling pupil numbers, small class sizes and the financial challenges facing the school would continue.

## **7.2 OPTIONS FOR FURTHER CONSIDERATION**

### **7.3 Amend the age range of Ysgol Abersoch**

- 7.3.1 Two options to amend the school's age range were discussed, namely extending to 3-9 and extending to 3-11.
- 7.3.2 It should be noted that the option favoured locally was the option to extend the school's age range to 3-9, including the development of the Cylch Meithrin. This option was

preferred locally for practical reasons such as improved use of the empty space in the school building as a result of providing a location for the Cylch Meithrin, and to mitigate against the possible impact of the change on the numbers of Ysgol Sarn Bach (the school which provides education to the 9-11 year old pupils in the Abersoch catchment area).

- 7.3.3 When comparing the two options, it was concluded that the best option to be considered further was the option to extend the age range to 3-11. The 3-9 option was disregarded for many reasons, specifically:
- It is anticipated that adding an educational year would not lead to a sufficient increase in the numbers. Consequently, the challenges facing the school would continue.
  - The age range would not be consistent with the majority of the county's primary schools.
  - It would not allow for the school to offer a comprehensive KS2 provision. The pupils would continue to transfer to Ysgol Sarn Bach to complete their primary education.
- 7.3.4 It is believed that the option to extend the age range to 3-11 would offer more advantages from the perspective of having an opportunity to increase the numbers at the school. The option would also rationalise the age range with the rest of the county's schools, and would mean that the school offers a comprehensive KS2 provision.
- 7.3.5 In order for the option to respond to the challenges facing the school, this increase would have to be substantial. Nevertheless, it is likely that any increase in the numbers at Ysgol Abersoch after extending the age range, would cause a reduction in the numbers of Ysgol Sarn Bach and, potentially, at nearby schools.
- 7.3.6 After further consideration, it was concluded that the option would not be a sustainable solution for the future for the school, and may have an impact on pupil numbers at neighbouring schools.

#### 7.4 Federation:

- 7.4.1 As seen above (para. 6.2), 3 different forms of federation were discussed and considered. It was concluded that the most reasonable option to be considered further was the option to federate with a nearby school.
- 7.4.2 This model would ensure the continued presence of the school in the village of Abersoch by means of a collaboration agreement with a nearby school under the leadership of a headteacher or headteachers and one Governing body. The governing bodies of the individual schools would be revoked and a (new) federal governing body would be formed. The identity of the school in question (including name, ethos and school uniform) would continue, and it would enable the possibility of sharing staff, resources, IT, buildings and expertise.
- 7.4.3 However, it is unlikely that the option would address the challenge of a reduction in numbers, and consequently, the school's financial challenges would continue.

- 7.4.4 When considering this model, any impact on the operation of both schools must be assessed. Noting the challenges facing Ysgol Abersoch, it would be necessary to ensure that such an arrangement could offer benefits to all children and young people in the federated schools by improving educational provision.
- 7.4.5 Discussions were held with the headteachers and chairs of governors of the two nearby schools (Ysgol Sarn Bach and Ysgol Llanbedrog) regarding the option to establish a federation with Ysgol Abersoch.
- 7.4.6 After weighing up the advantages and disadvantages, it was concluded that the option would not be a sustainable solution for the school. If this option were realised, it is anticipated that the challenge of low pupil numbers, small class sizes and the financial challenges facing the school would continue.

#### 7.5 Close Ysgol Abersoch and offer a place for the pupils in an alternative school

- 7.5.1 This option would mean closing Ysgol Abersoch and offering a place for the pupils to receive their education at Ysgol Sarn Bach.
- 7.5.2 Ysgol Sarn Bach is considered as the 'alternative school' for the following reasons:
- Geographically, Ysgol Sarn Bach is the closest school to Ysgol Abersoch. The school is located 1.4 miles from the site of Ysgol Abersoch.
  - Ysgol Sarn Bach already accepts pupils in year 4 from Ysgol Abersoch.
  - 40% of the children (3-8 years) from the Ysgol Abersoch catchment area already attend Ysgol Sarn Bach.
  - Ysgol Sarn Bach has capacity to accept the current pupils of Ysgol Abersoch.
- 7.5.3 This proposal is detailed further in the following section.

### **8. THE PREFERRED OPTION**

- 8.1 Of the options considered, the preferred option for further consultation is to close Ysgol Abersoch and transfer the pupils to Ysgol Sarn Bach. This option is favoured for the following reasons:

#### 8.2 Class sizes:

- 8.2.1 Ysgol Abersoch has one class, with 10 pupils aged between 3 and 8 years (September 2020). The current average class size at Ysgol Sarn Bach is 23. Delivering the proposal would mean that pupils would be educated in more sustainably sized classes, with more children from the same age group.
- 8.2.2 At Ysgol Sarn Bach, there are two classes, one with 22 pupils aged between 3 and 8 years, and one with 24 pupils aged between 8 and 11 years (September 2020). If the proposal is implemented, appropriate attention will need to be given to any potential impacts on class sizes in order to ensure the best opportunities and experiences for the children.

### 8.3 Pupil Numbers

- 8.3.1 Pupil numbers at Ysgol Abersoch have varied over the years; however, in general, there has been a 50% drop over the past 5 years. According to the projections created in September 2020, it is anticipated that numbers will remain low over the next three years. See below (table 1) the numbers at Ysgol Abersoch since September 2014 up to the projections for September 2023. The figures below do not include the potential impact of the Cylch Meithrin on the school.

**Table 1:** Numbers at Ysgol Abersoch (N - Yr. 3)

Actual Numbers (Source: Annual Census - September)							Projections (Source: September 2020)		
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
22	20	24	17	13	9	10	10	12	12

- 8.3.2 Ysgol Sarn Bach has capacity of 72 (N - Yr. 6), and in September 2020 it had 45 full-time pupils (reception - Yr. 6) and 3 part-time pupils (Nursery). With 24 surplus places (N-Yr. 6), Ysgol Sarn Bach has sufficient capacity to accept all current pupils from Ysgol Abersoch.
- 8.3.3 As a result of the low numbers, there are also a number of surplus places in Ysgol Abersoch - around 76% (32 in total). Welsh Government's School Organisation Code (2018) notes that there are "excessive numbers of unused places that could be removed meaning that resources are tied up unproductively... A significant level of surplus provision is defined as 25% or more of a school's capacity." Currently, between Ysgol Abersoch and Ysgol Sarn Bach, there are 56 (49%) surplus places in the area. Delivering the preferred option would reduce the number of surplus places in the area to 14 (19%).

### 8.4 Leadership and Staffing

- 8.4.1 The current staffing structure of Ysgol Abersoch includes one full-time headteacher, a part-time teacher, part-time PPA teacher and a part-time assistant. The Headteacher teaches for 70% of the time and receives 30% of non-contact time for managerial and leadership matters.
- 8.4.2 At Ysgol Sarn Bach, there is a headteacher, two part-time teachers (FTE 1.0), and three part-time assistants. The Headteacher teaches for 80% of the time and receives 20% of non-contact time for managerial and leadership matters.

### 8.5 Financial Resources

- 8.5.1 There is a broad range in the cost per pupil in the area:

- Ysgol Abersoch - £17,404
- Ysgol Sarn Bach - £4,683
- Ysgol Foel Gron - £4,982
- Ysgol Llanbedrog - £4,274

(2020-21 Budget - Based on the numbers in September 2019)

8.5.2 This means that the cost of educating a pupil at Ysgol Abersoch is over £10,000 more than in nearby schools.

8.5.3 In addition, in terms of the cost per pupil, Ysgol Abersoch is the highest school in the county. The average Gwynedd-wide cost per pupil is £4,198.

8.5.4 Below is a summary of Ysgol Abersoch's financial allocation compared to Ysgol Sarn Bach.

	Ysgol Abersoch	Ysgol Sarn Bach
<b>2020-21 Allocation</b>	£84,558	£228,890
<b>£ Minimum Staffing Protection (2020-21)</b>	£52,582	-
<b>2020-21 Total Allocation</b>	£137,140	£228,890
<b>£ per pupil (based on September 2019 numbers)</b>	£17,404	£4,683

8.5.5 Ysgol Abersoch receives an additional amount to the usual allocation via the minimum staffing protection policy (which ensures at least a headteacher and teacher at each school, and a headteacher and an assistant in schools with fewer than 15 pupils). This current financial year (2020-21), this sum amounted to a total of £52,582.

8.5.6 Ysgol Sarn Bach does not receive an additional amount through the protection policy. The school's current numbers attract a sufficient budget to maintain an appropriate staffing level.

8.5.7 In the 2020-21 financial year, a total of £366,030 was allocated to the two schools. In terms of revenue costs, it is projected that the proposal would create an annual saving of £110,062, less the costs of additional transport needs (£14,000) - namely around £96,062 a year.

## 8.6 Learning Environment

8.6.1 Ysgol Sarn Bach has capacity for the existing current pupils at Ysgol Abersoch. The Property Department's latest condition assessment notes that the condition category of both Ysgol Abersoch and Ysgol Sarn Bach is 'B'.

8.6.2 Both schools are community schools and provide Welsh medium education

## 8.7 The Community

8.7.1 Welsh Government guidance (The School Organisation Code 011/2018) states that a community impact assessment must be held as part of any proposal for schools reorganisation. A community impact assessment was carried out on the list of options noted in paragraph 6.3. **See the full report in Appendix 2.**

- 8.7.2 In brief, the assessment notes that there would be some negative impact on the community as a result of closing the school. Nevertheless, it is noted that 25 pupils (N-Y6) who live in the Abersoch catchment area already attend Ysgol Sarn Bach; therefore, it is concluded that a link already exists between the school and the broader area.
- 8.7.3 To mitigate any potential negative impact on the community should the proposal be realised, the assessment notes the importance of ensuring that the Abersoch community is included in the activities of the alternative school, and to encourage community collaboration between the alternative school and Abersoch community, where appropriate.

## 8.8 The Welsh Language

- 8.8.1 Welsh Government guidance (School Organisation Code 011/2018) notes that a Welsh language impact assessment must be held as part of any proposal for school reorganisation. A Welsh language impact assessment was carried out on the list of options noted in paragraph 6.3. **See the full report in Appendix 2.**
- 8.8.2 It is noted in the assessment that no negative impact is anticipated on the Welsh language, should the proposal be implemented. It appears that the linguistic situation at Ysgol Sarn Bach is very strong. With 57% of Ysgol Sarn Bach pupils coming from Welsh speaking homes. In comparison, 33% of Ysgol Abersoch pupils come from Welsh speaking homes.
- 8.8.3 Ysgol Abersoch has worked hard to develop the children's bilingual skills and promote the importance of Welsh culture. In addition, in 2019, the school managed to secure the Welsh Language Charter gold award. Therefore, it is important that the proposal acknowledges the need to support and continue this work.

## 8.9 Geographical Factors

- 8.9.1 It is noted in the "Excellent Primary Education for the Children of Gwynedd" Strategy that an attempt should be made to restrict travelling to a maximum of 30 minutes of one-way travel between the home and the school. From implementing the proposal, it is anticipated that all existing pupils of the school would be within a reasonable distance (less than 30 minutes of travel) to the alternative school, Ysgol Sarn Bach.
- 8.9.2 If the proposal was implemented, the pupils who live within the Ysgol Abersoch catchment area would receive transport to Ysgol Sarn Bach, in accordance with the County's School Transport Policy.

## 9. **IMPLICATIONS OF THE PROPOSAL**

### 9.1 Schools admissions catchment areas

- 9.1.1 It should be noted that Ysgol Sarn Bach already accepts pupils from the Ysgol Abersoch catchment area at the beginning of September following their 8<sup>th</sup> birthday.

9.1.2 If the proposal was implemented, the Ysgol Sarn Bach catchment area would be amended to include the existing Ysgol Abersoch catchment area.

**Map 1: Area's existing catchment areas**



**Map 2: Ysgol Sarn Bach Catchment Area if the proposal was implemented**



## 9.2 Transport

9.2.1 As noted in para. 8.9.2 above; if the proposal was implemented, the pupils who live within the catchment area of Ysgol Abersoch would receive transport to Ysgol Sarn Bach in accordance with the County's School Transport Policy.

## 9.3 Staffing Considerations

9.3.1 If the proposal was implemented, there would be staffing implications that could lead to redundancies. There will be consultation with staff and Union representatives specifically as part of the statutory consultation period. Gwynedd Council has developed a detailed staffing policy, jointly with Trade Unions and headteachers. Any redundancies resulting from this proposal will have to comply with that policy. Clear and open communication will play a fundamental part in the implication of any proposals.



## **10. OTHER CONSIDERATIONS**

### 10.1 The School Organisation Code 011/2018

10.1.1 Any statutory process will be conducted in accordance with Welsh Government Guidelines (School Organisation Code 011/2018).

10.1.2 As part of the process of developing the proposal, a range of options for the school were considered and evaluated and a series of impact assessments were undertaken, including:

- Welsh Language Impact Assessment (see para. 8.8)
- Assessment of the likely impact on the quality and standards of education
- Assessment of the likely impact on different transport arrangements
- Assessment of the likely impact on the community (see para. 8.7)

10.1.3 The above assessments are included in **Appendix 2**.

### 10.2 Equality Assessment

10.2.1 An equality impact assessment was carried out on the proposal - **see the full report in Appendix 2**.

10.2.2 The assessment gives specific attention to various equality elements such as race, gender, disability, language, religion or belief and age. The assessment notes the current situation and shows that policies and procedures are in place which will ensure that the proposal considers and is in accordance with equal rights.

10.2.3 Having weighed-up the relevant factors, it is concluded that the proposal is unlikely to have a negative impact on equality characteristics. It is noted that measures are already in place to ensure that there will be no unlawful discrimination and harassment.

10.2.4 The Council will follow the usual procedures by supporting and monitoring, in order to ensure the compliance of every school with the equality characteristics.

### 10.3 Well-being of Future Generations Act

10.3.1 The Education Department has a role in promoting the well-being objectives of the Act amongst pupils in the county through its activities and projects. The Act sets a duty on public bodies in Wales to improve economic, social, environmental and cultural well-being. As part of the duty, the Council has published well-being objectives that outline the way it will improve well-being in the "2018-23 Gwynedd Plan".

10.3.2 Following consideration and an assessment in line with the requirements of the Well-being Act, it is concluded that the proposal did satisfy the seven well-being objectives within the Act (as noted in para 8.1), and the Council's well-being objectives. This proposal will allow us to respond to and address the children's needs today, and strengthen their future well-being.

### **10.3.3 See the full report in Appendix 2.**

## **11. NEXT STEPS AND TIMETABLE**

- 11.1 If the Cabinet resolves to support the recommendation submitted in this report - a period of statutory consultation will need to be undertaken in accordance with the School Standards and Organisation (Wales) Act 2013 and the guidance given in the School Organisation Code 011/2018. It is anticipated that this will be held in the coming weeks.
- 11.2 Subsequently, a further report will be submitted to the Cabinet in order to report back on the outcomes of this consultation. The Cabinet will then have to consider the outcomes of the consultation, and decide whether or not a Statutory Notice should be published. If a Statutory Notice is issued, a period of 28 days is allowed for any objection to be submitted. Following the period, a further report will be submitted to the Cabinet for a final decision. That report will include a summary of any objections received along with responses to them.

## **12. VIEWS OF THE STATUTORY OFFICERS**

### **Monitoring Officer:**

The contents of this report has been the subject of legal advice by the Legal Service.

No further comments regarding propriety.

### **Head of Finance Department:**

There are clear reasons (including financial ones) supporting the proposal to close Ysgol Abersoch. I can confirm that the financial figures in sections 3.3 and 8.5.1-8.5.7 of the report and in the 'Financial Resources' section of Appendix 1 are either true accurate costs, or fair estimates (where appropriate). Establishing the new arrangements (closing Ysgol Abersoch and providing pupil places at Ysgol Sarn Bach) would save £110,062, less additional transport needs (currently estimated at around £14,000), resulting in annual net savings of approximately £96,062 (as noted in clause 8.5.7 of the report).

## **Appendices**

**Appendix 1:** Comparison of the characteristics of the models against the strategy's factors.

**Appendix 2:** Impact Assessments:

- An Assessment of the likely Impact on the Quality and Standard of Education
- Assessment of the likely impact on travel arrangements
- Assessment of the likely impact on the community
- Language Impact Assessment
- Well-being Assessment
- Equality Assessment

**Appendix 3:** Background pack, which includes presentations and minutes of the local meetings.

## GWYNEDD CABINET DECISION NOTICE

<b>Date of Cabinet Meeting:</b>	15 September 2020
<b>Date decision will come into force</b> and be implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution	30 September 2020

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### SUBJECT

Item 5: YSGOL ABERSOCH

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### DECISION

Permission was granted to undertake a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards.

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### REASONS FOR THE DECISION

At the meeting of the Cabinet in September 2019, support was given to the recommendation to commence formal discussions with the governing body of Ysgol Abersoch in order to consider options for the future. The decision came about as a result of recent concerns regarding a reduction in pupil numbers at the school.

The purpose of this report is to report back on the outcome of the local discussions, and seek permission to carry out a statutory consultation on a proposal to close Ysgol Abersoch on 31 August 2021, and provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards.

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### DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

No declarations of personal interest or relevant dispensations were received.

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### ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

The Statutory Officers were consulted to seek their views, which have been included in the report

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<b>COMMITTEE</b>	Education and Economy Scrutiny Committee
<b>DATE</b>	8 October 2020
<b>SUBJECT</b>	Cabinet Decision 15/09/2020. Item 5 - Ysgol Abersoch
<b>AUTHOR</b>	Geraint Owen, Head of Democratic Services

1. The following decision has been called in for scrutiny, in accordance with section 7.25 of the Council's Constitution.

**Item 5: Ysgol Abersoch, Cabinet decision 15/09/2020.**

**"Permission was granted to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards."**

2. The request to call in the item to be scrutinised was made by Councillors Paul Rowlinson (Chair of the Scrutiny Committee), Dewi Roberts and Elwyn Jones within the necessary requirements and timeframe.
3. The reasons for calling in, namely the aspects of the decision that it is considered should be scrutinised, have been noted as follows:

*"Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. It is also impossible to hold public meetings in the usual manner. The Head was off work during the period. Therefore, continuing with the process under these circumstances was unfair for the school and community. According to the school's representatives, it has not been registered as a Rural School and we question why this is the case. Some believe that small schools should not be closed without scrutinising the decision".*
4. In order to assist the Scrutiny Committee to scrutinise the matter in accordance with the aspects of the decision that it is considered should be scrutinised, the following documents are enclosed with this report.
  - Appendix 1 - the Education Department's response to the aspects of the decision that it is considered should be scrutinised
  - Appendix 2 - Cabinet Decision Notice (Item 5, 15/09/2020)
  - Appendix 3 - Cabinet Report (Item 5, 15/09/2020)

# **GWYNEDD COUNCIL EDUCATION AND ECONOMY SCRUTINY COMMITTEE DECISION NOTICE**

**(Section 100C of the Local Government Act 1972 (as amended by the Local Authorities (Coronavirus) Regulations (Meetings) (Wales) 2020)**

<b>Date of Education and Economy Scrutiny Committee Meeting</b>
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<b>8 October 2020</b>
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## **SUBJECT**

Item 7: CABINET DECISION 15-9-20 - ITEM 5 - YSGOL ABERSOCH

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## **DECISION**

That the scrutiny committee remained concerned about the situation and, therefore, refers the matter back to the Cabinet for reconsideration for the following reasons:

- Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some individuals who have a keen interest in the matter. It is also impossible to hold public meetings in the usual manner in the community to discuss and respond to the consultation.
  - The Head was off work during this period, and continues to be off work. As the permanent head knows the school's situation best, continuing with the process while she remains off work would be unfair to the school and the community.
  - Some believe that small schools should not be closed without scrutinising the decision.
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## **THE RESULT OF THE VOTE**

In favour: 5  
Against: 1  
Abstentions: 5

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## **DECLARATIONS OF PERSONAL INTEREST AND PROTOCOL MATTERS**

Councillor Dewi Roberts declared a personal interest in the matter as he was a governor of the school but, as he had been appointed to that role by the Authority, he had been advised that an exception in the Code allowed him to take part in the discussion fully.

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# GWYNEDD COUNCIL CABINET



## Report to a meeting of Gwynedd Council Cabinet

<b>Date of meeting:</b>	<b>3 NOVEMBER 2020</b>
<b>Scrutiny Member:</b>	<b>Councillor Paul Rowlinson, Chair of the Education and Economy Scrutiny Committee</b>
<b>Contact officer:</b>	<b>Vera Jones – Democracy and Language Services Manager</b>
<b>Contact Number:</b>	<b>32267</b>
<b>Subject:</b>	<b>Referral back to the Cabinet by the Scrutiny Committee – Cabinet Decision on 15/09/20, Item 5: Ysgol Abersoch</b>

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### THE DECISION SOUGHT

That the Cabinet reconsiders its decision to hold a statutory consultation on the proposal to close Ysgol Abersoch, following the Education and Economy Committee's decision on 08/10/20 to refer the matter back to the Cabinet. The Cabinet is asked to consider whether or not amendments should be made to the decision prior to adopting the final decision

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### REASONS FOR THE NEED FOR A DECISION

In accordance with section 7.25 d of the Council's constitution:

*"If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further 15 clear working days, amending the decision or not, before adopting a final decision."*

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### INTRODUCTION AND RELEVANT CONSIDERATIONS

## BACKGROUND

1. The Cabinet's decision regarding Item 5: Ysgol Abersoch, at the meeting held on 15/09/20, was called in for scrutiny by the Education and Economy Scrutiny Committee. That decision was:-

**"Permission was granted to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards".**

2. This request, in accordance with Section 7.25 of the Council's Constitution, was made by Councillors Paul Rowlinson (Chair of the Scrutiny Committee), Dewi Roberts and Elwyn Jones within the necessary requirements and timeframe.
3. The reasons for calling in, namely the aspects of the decision that it is considered should be scrutinised, have been noted as follows:

*"Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. The Head teacher was off work during the period. Therefore, continuing with the process under these circumstances was unfair for the school and community. According to the school's representatives, it has not been registered as a Rural School and we question why this is the case. Some believe that small schools should not be closed without scrutinising the decision".*

4. A meeting of the Education and Economy Scrutiny Committee was held on 8 October 2020. The members of the scrutiny Committee decided to refer the matter back to the Cabinet for further consideration for the following reasons:

The scrutiny committee remained concerned about the situation and, therefore referred the matter back to the Cabinet for reconsideration for the following reasons:

- Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. It is also impossible to hold public meetings in the community as is usual to discuss and respond to the consultation.



- The Head teacher was off work during the period, and continues to be absent. As the permanent head teacher is best placed to know about the school's situation, continuing with the process when she continues to be absent is unfair to the school and the community.
  - Some believe that small schools should not be closed without scrutinising the decision.
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### **ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION**

The Education and Scrutiny Committee decided to call witnesses to the Committee to answer questions. The Chairman and Vice-chairman of Ysgol Abersoch's Governing Body were questioned.

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### **VIEWS OF THE STATUTORY OFFICERS**

#### **The Monitoring Officer:**

The report traces the Process which was followed following a call in request in request under Part 7.25 OF TEH constitution. The Education and Economy Scrutiny Committee determined that the mater should be referred back to the Cabinet for re-consideration of the decision made on the 15th of September 2020. In accordance with the provisions of the Constitution this decision has been suspended from implementation until the call in process has been completed. The Scrutiny Committee has noted the matters it wished the Cabinet to consider.

The Cabinet needs to give careful consideration to the opinion of the Scrutiny Committee and whether or not it needs to amend the decision. However, the decision on the response to the Scrutiny Committee recommendations remains a Cabinet decision as to whether it should commence a statutory consultation Process on the future of Ysgol Abersoch in accordance with Section 48 of The School Standards and Organisation (Wales) Act 2013. Therefore in reviewing its original decision it remains a mater which needs to be assessed within the framework of considerations and requirements which are relevant to it. In the same way the recommendations of the Scrutiny Committee have to be placed in this context. This a solely a decision for the Cabinet.

#### **Head of Finance:**

The view of the statutory finance officer in the original report to the Cabinet on 15/09/2020 noted clear reasons, including financial reasons, to support the recommendation to close Ysgol Abersoch. It was noted that establishing the new arrangements would lead to annual net savings of £96,062. In general, Gwynedd schools need to achieve savings to contribute additional running costs.

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## **Appendices**

- APPENDIX 1 Education and Economy Scrutiny Committee Decision Notice (08/10/2020)
- APPENDIX 2 Education and Economy Scrutiny Committee draft minutes (08/10/2020)
- APPENDIX 3 Education and Economy Scrutiny Committee papers (08/10/20) that include
  - APPENDIX 3a Cover report
  - APPENDIX 3b The Education Department's response to the aspects of the decision that were scrutinised
  - APPENDIX 3c Cabinet Decision Notice on 15/09, Item 5
  - APPENDIX 3d Cabinet Report on 15/09, Item

## GWYNEDD CABINET DECISION NOTICE

<b>Date of Cabinet Meeting:</b>	3 November 2020
<b>Date decision will come into force</b> and be implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution	18 November 2020

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### SUBJECT

Item 4: MATTERS ARISING FROM OVERVIEW AND SCRUTINY  
YSGOL ABERSOCH

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### DECISION

The Cabinet resolved that its original decision made on 15 September 2020 should not be revised, which was to conduct a statutory consultation in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposed motion to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards, and adopted this as its final decision.

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### REASONS FOR THE DECISION

The Cabinet on 15 September 2020 resolved to permit the Education Department to conduct a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 August 2021 and to provide a place for the pupils at Ysgol Sarn Bach from 1 September 2021 onwards.

After this decision was published, it was called in for scrutiny by the Education and Economy Scrutiny Committee because of concerns about conducting a consultation process within COVID-19 restrictions. In accordance with paragraph 7.25 of the Scrutiny Standing Rules, the Committee decided at its meeting on 8 October 2020 to refer the matter back to the Cabinet for reconsideration, highlighting the matters they wished the Cabinet to address.

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### DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

No declarations of personal interest or relevant dispensations were received

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### ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

The Statutory Officers and the Local Member were consulted to seek their views, which have been included in the report.

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