



Background Pack

Statutory Consultation Period

Ysgol Llanaelhaearn

16 December 2019 – 29 January 2020

Order	Document
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 2019-20
5	Language Impact Assessment Report
6	Community Impact Assessment Report
7	Equality Assessment Report
8	Assessment Report of the likely impact on different travelling arrangements
9	Quality and Standards in Education Assessment Report
10	Well-being Assessment Report
11	Local Meetings
12	Cabinet Report and Decision Sheet June 2019
13	Cabinet Report and Decision Sheet November 2019

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

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Additional copies

This document can be accessed from the Welsh Government's website at 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 schools¹; 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.

¹ 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)².

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.³

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 education⁴. In order to fulfil these duties, local authorities **must** ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies⁵ 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 closure⁶, 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;

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

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

⁴ Section 14 of the Education Act 1996.

⁵ 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.

⁶ 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 proposals⁷*

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.*

⁷ 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.⁸ 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;

⁸ 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 point⁹ 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

⁹ 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 point¹⁰ 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;

¹⁰ 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 learners¹¹ 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.

¹¹ 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 merits¹² ; 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.

¹² 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 school¹³.

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;

¹³ 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.

Column 1	Column 2
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)¹⁴;
- 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

¹⁴ 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 school¹⁵ 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.

¹⁵ 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.¹⁶ 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):

¹⁶ 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. 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 in 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 currently¹⁷ 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 capacity¹⁸ 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 21st 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

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

¹⁸ 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.¹⁹

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;

¹⁹ 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 learners²⁰ 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

²⁰ 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 point²¹ 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;

²¹ 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. 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 proposal²² 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 days²³ (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;

²² Section 48 2013 Act.

²³ 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 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: Schoollmanagementdivision3@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 amendment²⁴ 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.

²⁴ 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 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:

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

Referrals should be sent by email to the Welsh Government mailbox 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 school²⁵ may not be referred to the Welsh Ministers.

²⁵ 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. 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.²⁶

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 must 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"> i. Another local authority; ii. The appropriate religious body for any school affected (the diocesan authority); 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 v. A further education institution affected by the proposals.
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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*²⁷] 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*²⁸] 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*²⁹]. [*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*].

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

²⁸ 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.

²⁹ 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 capacity³⁰]* 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 groups³¹]* 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]*.

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

³¹ 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)³²;
- 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.

³² 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)
- 21st 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	Gldestry 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)—

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

- (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;

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

- (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;

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

“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

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

- (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—

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

- (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”;

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

- (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”;

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

- (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—

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

- (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)—

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

- (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”;

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

- (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)—

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

- (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)—

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

- (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 21st 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
Llanaelhaearn
EDUCATION PROVISION REVIEW



Sefyllfa Ysgolion yn **Ardal Llanaelhaearn** Blwyddyn Academaidd 2019-20
*Situation of Schools in the **Llanaelhaearn Area** Academic Year 2019-20*

1. Map o Ardal Llanaelhaearn / Map of the Llanaelhaearn Area

Ysgol yr Eifl – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	55
Disgyblion/Pupils (D-BI6)	51
Llefydd Gwag/Surplus Places	4
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,458

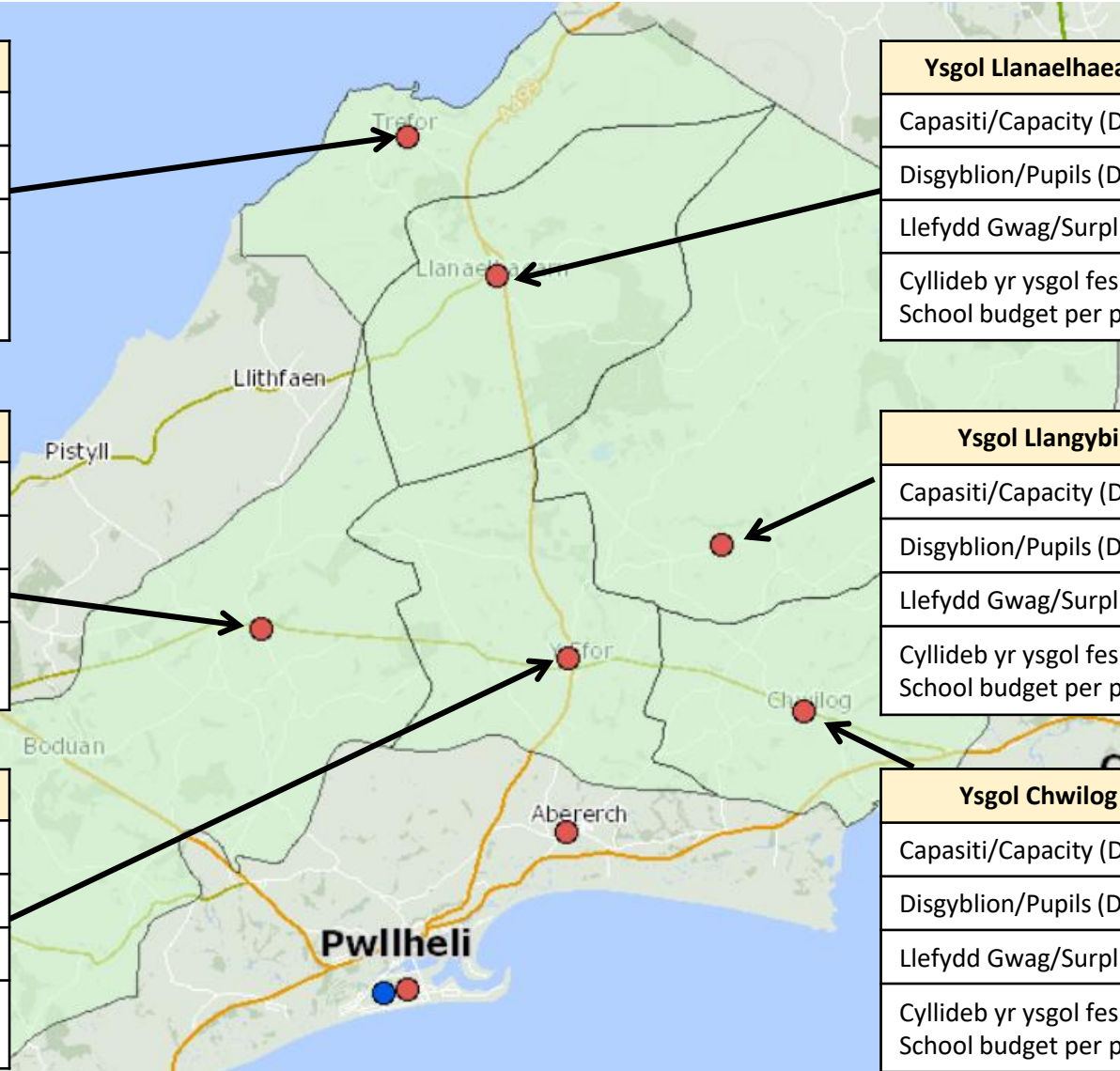
Ysgol Pentreuchaf – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	105
Disgyblion/Pupils (D-BI6)	84
Llefydd Gwag/Surplus Places	21
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,025

Ysgol Bro Plenydd – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	91
Disgyblion/Pupils (D-BI6)	68
Llefydd Gwag/Surplus Places	23
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,118

Ysgol Llanaelhaearn – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	47
Disgyblion/Pupils (D-BI6)	8
Llefydd Gwag/Surplus Places	39
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£12,671

Ysgol Llangybi – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	70
Disgyblion/Pupils (D-BI6)	31
Llefydd Gwag/Surplus Places	39
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£5,582

Ysgol Chwillog – Statws CS 2019-2020	
Capasiti/Capacity (D-BI6)	65
Disgyblion/Pupils (D-BI6)	47
Llefydd Gwag/Surplus Places	18
Cyllideb yr ysgol fesul disgybl/ School budget per pupil	£4,510



2. Pellter rhwng pob ysgol yn Ardal Llanaelhaearn / Distance of each schools in the Llanaelhaearn Area

Ysgol		Chwilog	Bro Plenydd	Llanael-haearn	Llangybi	Pentre-uchaf	Eifl
Chwilog	Milltir/Miles						
	Munudau/Minutes						
Bro Plenydd	Milltir/Miles	2.5					
	Munudau/Minutes	6					
Llanaelhaearn	Milltir/Miles	6.1	3.6				
	Munudau/Minutes	12	6				
Llangybi	Milltir/Miles	2.9	2.0	3.9			
	Munudau/Minutes	7	5	9			
Pentreuchaf	Milltir/Miles	5.5	3.3	4.6	5.3		
	Munudau/Minutes	11	6	10	11		
Eifl	Milltir/Miles	7.9	5.3	1.9	5.7	6.3	
	Munudau/Minutes	16	10	6	12	14	

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

		Ysgol / School					
		Llanaelhaearn	Bro Plenydd	Llangybi	Pentreuchaf	Yr Eifl	Chwillog
Lleoliad yr Ysgol / Location of the school		Caernarfon LL54 5AL	Pwllheli LL53 6UP	Pwllheli LL53 6DQ	Pwllheli LL53 8DZ	Caernarfon LL54 5LU	Pwllheli LL53 6PS
Ystod Oedran / Age range		3 - 11	3 - 11	3 - 11	3 - 11	4 - 11	3-11
Categori'r Ysgol / School's Category (Cymunedol/Community [CS], Gwirfoddol dan Gymorth [CWN] / Voluntary Aided [VA], Gwirfoddol dan Reolaeth [CWR] / Voluntary Controlled [VC])		CS	CS	CS	CS	CS	CS
Categori Cyfrwng Iaith / Language Medium Category		Cymraeg	Cymraeg	Cymraeg	Cymraeg	Cymraeg	Cymraeg
Nifer o ddisgyblion ar y gofrestr – Medi 2019 / Number of pupils on the register – September 2019	Meithrin /Nursery	0	6	3	14	5	5
	Derbyn – Bl.6 / Reception – Yr.6	8	68	31	84	51	47
	Cyfanswm /Total	8	74	34	98	56	52
Nifer o ddisgyblion ar y gofrestr am y pum blynedd flaenorol M-Bl.6 / Number of pupils on the register for the previous five years R-Yr.6	Medi/September 2018	11	77	38	97	59	52
	Medi/September 2017	20	79	45	112	57	47
	Medi/September 2016	20	81	48	124	60	51
	Medi/September 2015	26	83	51	122	59	53
	Medi/September 2014	29	79	65	123	53	54
Capasiti/ Capacity	Meithrin /Nursery	6	13	10	14	7	9
	Derbyn – Bl.6 / Reception – Yr.6	47	91	70	105	55	65
	Cyfanswm /Total	53	104	80	119	62	74
Llefydd Gweigion D-Bl.6 Medi 2019 / Surplus places R-Yr.6 September 2019		39	23	39	21	4	18
Rhagamcanion Disgyblion M-Bl.6/ Pupil Projections R-Yr.6	Medi /September 2020	7	76	34	92	62	55
	Medi /September 2021	5	76	31	87	64	60
	Medi /September 2022	5	74	25	82	63	60
Data perfformiad Ysgolion (Estyn) / School performance data (Estyn)		2 x Digonol / Adequate 1 x Anfoddhaol / Unsatisfactory (2015) Monitro (2016)	3 x Da / Good (2015)	5 x Da / Good* (2018)	5 x Da / Good* (2019)	2 x Digonol / Adequate (2014) Monitro (2016)	2 x Digonol / Adequate 1 x Anfoddhaol / Unsatisfactory (2013) Monitro (2014)
Categori Cyflwr Adeiladau (Criteria'r Cyngor) 2017/ Category condition of buildings (Council's Criteria) 2017		B	A	B	A	B	B
Dyranid Cyllidol 2019-20 Financial Allocation		£139,000	£292,000	£206,000	£384,000	£243,000	£207,000
Cost y disgybl 2019-20 Cost per pupil		£12,671	£4,118	£5,582	£4,025	£4,458	£4,510

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

Ysgol	Nifer ar y gofrestr Medi 2019 (M – Bl6) <i>Number on roll</i> <i>September 2019 (N – Yr6)</i>	Capasiti Llawn (M – Bl6) <i>Full Capacity</i> (N – Yr6)	Nifer o Lefydd Gwag 2019 (M – Bl6) <i>Number of Surplus Places</i> 2019 (N – Yr6)	% o Lefydd Gwag 2019 (M – Bl6) <i>% of Surplus Places</i> 2019 (N – Yr6)
Llanaelhaearn	8	53	45	85%
Bro Plenydd	74	104	30	29%
Llangybi	34	80	46	58%
Pentreuchaf	98	119	21	18%
Yr Eifl	56	62	6	10%
Chwilog	52	74	22	30%

*Mae'r tabl yma yn cynnwys niferoedd, capasiti a llefydd gweigion Meithrin

*This table contains Nursery numbers, capacity and Surplus Places

5. Niferoedd yn ysgolion cynradd yn ôl dalgylch ysgolion / Primary school pupil numbers by school catchment area

		Dalgylch Cartref / Home Catchment Area (Medi / September 2018)							
		Llanaelhaearn	Bro Plenydd	Llangybi	Yr Eifl	Chwilog	Pentreuchaf	Arall	Cyfanswm Ysgol School Total
Mynychu Ysgol / School Attending (Medi / September 2018)	Llanaelhaearn	11	-	-	-	-	-	-	11
	Bro Plenydd	6	38	12	-	6	2	13	77
	Llangybi	3	-	29	-	2	1	3	38
	Yr Eifl	-	-	-	58	-	-	1	59
	Chwilog	-	-	1	-	47	-	4	52
	Pentreuchaf	5	5	-	1	3	39	44	97
	Arall	14	6	5	5	12	15		
Cyfanswm Dalgylch Catchment Area Total		39	49	47	64	70	57		

6(a). Niferoedd disgyblion ysgolion cynradd 1980 - 2018 / Primary school pupil numbers 1980 – 2018

Niferoedd [Meithrin – Bl.6 (Oed 3-11)] Number [Nursery - Yr.6 (Age 3-11)]											
Ysgol School	1980	1985	1990	1995	2000	2005	2010	2015	2018	1980-2018	1980-2018
										twf / growth	% twf / growth
Llanaelhaearn	25	23	31	36	30	32	38	26	11	-14	-56%
Bro Plenydd	56	45	58	59	91	86	74	83	77	21	38%
Llangybi	52	47	67	57	75	88	95	51	38	-14	-27%
Pentreuchaf	75	47	54	74	100	100	111	122	97	22	29%
Yr Eifl	75	55	59	65	66	49	46	59	59	-16	-21%
Chwilog	68	68	59	59	49	50	51	53	52	-16	-24%
Cyfanswm Total	420	347	419	455	474	380	476	473	334		

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

Ysgol / School	Uchaf / Highest	Lleiaf / Fewest
Llanaelhaearn	38 (2010)	11 (2018)
Bro Plenydd	91 (2000)	45 (1985)
Llangybi	95 (2010)	47 (1985)
Pentreuchaf	122 (2015)	47 (1985)
Yr Eifl	75 (1980)	46 (2010)
Abererch	105 (1995)	61 (2010)
Chwilog	68 (1980 & 1985)	47 (2017)

7. Rhagamcanion 3 Mlynedd / 3 Year Projections

	RHAGAMCAN MEDI 2020 SEPTEMBER PROJECTION								
Ysgol / School	M / N	0	1	2	3	4	5	6	Cyfanswm / Total
Llanaelhaearn	0	0	0	3	0	2	0	2	7
Bro Plenydd	9	6	10	10	10	11	11	9	76
Llangybi	4	3	3	3	4	3	8	6	34
Pentreuchaf	10	14	5	10	10	13	15	15	92
Yr Eifl	6	6	8	6	10	9	7	4	56
Chwillog	7	5	11	7	5	8	6	6	55

	RHAGAMCAN MEDI 2021 SEPTEMBER PROJECTION								
Ysgol / School	M / N	0	1	2	3	4	5	6	Cyfanswm / Total
Llanaelhaearn	0	0	0	0	3	0	2	0	5
Bro Plenydd	9	9	6	10	10	10	11	11	76
Llangybi	3	4	3	3	3	4	3	8	31
Pentreuchaf	10	10	14	5	10	10	13	15	87
Yr Eifl	6	6	6	8	6	10	9	7	58
Chwillog	11	7	5	11	7	5	8	6	60

	RHAGAMCAN MEDI 2022 SEPTEMBER PROJECTION								
Ysgol / School	M / N	0	1	2	3	4	5	6	Cyfanswm / Total
Llanaelhaearn	0	0	0	0	0	3	0	2	5
Bro Plenydd	9	9	9	6	10	10	10	11	74
Llangybi	3	3	4	2	3	3	4	3	25
Pentreuchaf	10	10	10	14	5	10	10	13	82
Yr Eifl	6	6	6	6	8	6	10	9	57
Chwillog	6	11	7	5	11	7	5	8	60

8. Maint dosbarthiadau 2019-20 / *Class sizes 2019-20*

Ysgol <i>School</i>	Meithrin <i>Nursery</i>	Derbyn <i>Reception</i>	BI 1 <i>Yr 1</i>	BI2 <i>Yr 2</i>	BI 3 <i>Yr 3</i>	BI 4 <i>Yr 4</i>	BI 5 <i>Yr 5</i>	BI 6 <i>Yr 6</i>	Cyfanswm <i>Total</i>	Nifer y dosbar- thiadau <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>
Llanaelhaearn	0	0	3	0	2	0	2	1	8	2	5	3	4
Bro Plenydd	6	10	10	10	11	11	9	7	74	3	36	16	25
Llangybi	3	3	3	4	3	8	6	4	34	2	18	16	17
Pentreuchaf	14	2	10	10	13	15	15	16	98	4	31	14	33
Yr Eifl	5	8	6	10	9	7	4	7	56	2	34	27	28
Chwillog	5	11	7	5	8	6	6	4	52	2	28	24	26

9. Disgyblion ADY yn yr ysgolion 2019-20 / *ALN Pupils in the schools 2019-20*

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>
Llanaelhaearn	2	0	1	1	0	4
Bro Plenydd	0	2	0	2	0	4
Llangybi	4	1	0	0	0	5
Pentreuchaf	7	1	6	2	1	17
Yr Eifl	2	0	1	1	0	4
Chwillog	6	2	0	2	0	10

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	
Llanaelhaearn	6	1	1	3	0	11
Bro Plenydd	52	5	2	2	4	65
Llangybi	21	0	7	2	7	37
Pentreuchaf	83	9	3	3	1	99
Yr Eifl	48	2	3	1	4	58
Chwillog	41	3	0	2	3	49
	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	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 2018 Welsh Government Support Category 2018
Llanaelhaearn	Ebrill / April 2015	Digonol / Adequate	Digonol / Adequate	Anfoddhaol / Unsatisfactory	Hydref / October 2016	Cynnydd Da / Good Progress	Melyn / Yellow
Bro Plenydd	Chwefror / February 2015	Da / Good	Da / Good	Da / Good	-	-	Gwyrdd / Green
Yr Eifl	Rhagfyr / December 2014	Digonol / Adequate	Da / Good	Digonol / Adequate	Mehefin / June 2016	Cynnydd Da / Good Progress	Melyn / Yellow
Chwilog	Ionawr / January 2013	Digonol / Adequate	Digonol / Adequate	Anfoddhaol / Unsatisfactory	Ebrill / April 2014	Gwelliant Sylweddol / Significant Improvement	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 2018 Welsh Government Support Category 2018
Llangybi	Rhagfyr / December 2018	Da / Good	Da / Good	Da / Good	Da / Good	Da / Good	Melyn / Yellow
Pentreuchaf	Ebrill / April 2019	Da / Good	Da / Good	Da / Good	Da / Good	Da / Good	Gwyrdd / Green

12. Arweinyddiaeth a rheolaeth / *Leadership and management*

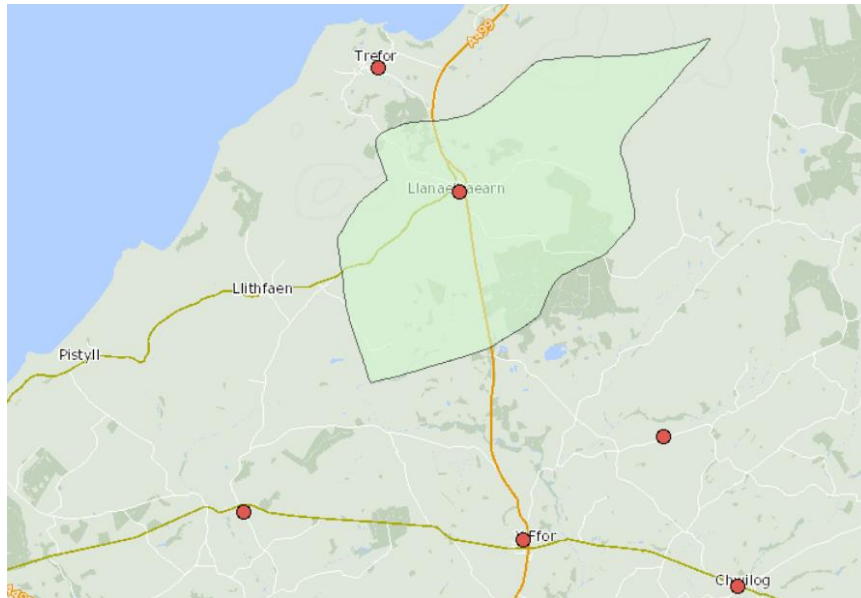
Ysgol / <i>School</i>	Ymrwymïadau Addysgu'r Pennaeth/ <i>Head Teachers' Teaching Commitments</i>
Llanaelhaearn	0% (Pennaeth yn cydweithio gydag Ysgolion Chwilog a Garndolbenmaen / <i>Headteacher collaborating with Ysgol Chwilog and Garndolbenmaen</i>)
Bro Plenydd	100%
Llangybi	80%
Pentreuchaf	40%
Yr Eifl	60%
Chwilog	0% (Pennaeth yn cydweithio gydag Ysgolion Llanaelhaearn a Garndolbenmaen / <i>Headteacher collaborating with Ysgol Llanaelhaearn and Garndolbenmaen</i>)

13. Dyranriad Ysgolion 2019-20 / *Schools Allocation 2019-20*

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>	
Llanaelhaearn	£139,000	£12,671	£43,744
Bro Plenydd	£292,000	£4,118	-
Llangybi	£206,000	£5,582	£17,731
Pentreuchaf	£384,000	£4,025	-
Yr Eifl	£243,000	£4,458	-
Chwilog	£207,000	£4,510	-
Cyfartaledd Ysgolion Cynradd y Dalgylch <i>Catchment Area Average Primary</i>	£357,000	£5,090	Cyfanswm y dalgylch: £82,317
Cyfartaledd Ysgolion Cynradd y Sir <i>County Average Primary</i>	£404,000	£3,884	Cyfanswm y Sir: £611,609

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

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



Language Impact Assessment Report

Ysgol Llanaelhaearn

- December 2019

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1.1	The Situation in Gwynedd
1.2	Language Policy
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2.	LINGUISTIC PROFILE OF THE LLANAELHAEARN CATCHMENT AREA
2.1	The Background of Gwynedd's Language Profile
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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 The 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 78% 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 confident 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 THE LLANAEHAEARN 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 Llanaelhaearn, Abererch, Llanystumdwy and Efailnewydd Wards

The existing catchment area of Ysgol Llanaelhaearn, Ysgol yr Eifl and part of the Ysgol Llanybi catchment area is within the Llanaelhaearn ward (Office for National Statistics). The catchment area of Ysgol Bro Plenydd and part of the ysgol Pentreuchaf catchment area is within the Abererch ward, the catchment area of Ysgol Chwilog and part of the Llanybi catchment area within the Llanystumdwy ward, and the rest of the Ysgol Pentreuchaf catchment area within the Efailnewydd/Buan ward. The linguistic profile of the wards of these schools has been summarised in the following table:

	Llanaelhaearn	Abererch	Llanystumdwy	Efailnewydd/Buan	Gwynedd	Wales
Welsh identity only	1,157 (68.7%)	928 (68.5%)	1,392 (66.9%)	832 (65.3%)	71,931 (59.0%)	1,761,673 (57.5%)
No Welsh identity	460 (27.3%)	337 (24.9%)	580 (27.9%)	371 (29.1%)	42,566 (34.9%)	1,045,775 (34.1%)
Households where at least one person has an alternative first language to Welsh or English	8 (0.5%)	11 (0.8%)	6 (0.3%)	6 (0.5%)	1,463 (1.2%)	42,581 (1.4%)
3+ years old population	1,621 (96.3%)	1,315 (97.1%)	2,017 (97%)	1,231 (96.5%)	117,789 (96.6%)	2,995,841 (96.5%)
Able to speak Welsh	1,197 (73.8%)	1,050 (79.8%)	1,553 (77%)	915 (74.3%)	77,000 (65.4%)	562,016 (19.0%)
No Welsh language skills	315 (19.4%)	185 (14.1%)	347 (17.2%)	260 (21.1%)	31,177 (26.5%)	2,167,987 (73.3%)
Can understand Welsh verbally only	90 (5.6%)	70 (5.3%)	100 (5%)	50 (4.1%)	8,125 (6.9%)	157,792 (5.3%)
Able to speak but unable to read or write in Welsh	98 (6.0%)	80 (6.1%)	76 (3.8%)	58 (4.7%)	6,838 (5.8%)	80,429 (2.7%)
Able to speak and understand Welsh but unable to write in Welsh	45 (2.8%)	42 (3.2%)	64 (3.2%)	41 (3.3%)	3,947 (3.4%)	45,524 (1.5%)
Able to speak, read and write in Welsh	1,049 (64.7%)	926 (70.4%)	1,406 (69.7%)	814 (66.1%)	65,921 (56.0%)	430,717 (14.6%)
Another combination of Welsh language skills	24 (1.5%)	12 (0.9%)	24 (1.2%)	8 (0.6%)	1,781 (1.5%)	73,392 (2.5%)

Source: 2011 Census, Office for National Statistics

2.3 Ysgol Llanaelhaearn

Ysgol Llanaelhaearn is a Welsh Medium School.

The table below shows that the number of pupils who speak Welsh fluently at home is 6, which is 55% of pupils (PLASC 2019).

Linguistic Information for Ysgol Llanaelhaearn

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
Llanaelhaearn	6 (55%)	1 (9%)	1 (9%)	3 (27%)	0 (0%)	11

Source: Data from Headteachers PLASC January 2019

2.4 Nearby schools

As the rest of Gwynedd schools, Ysgol Bro Plenydd, Ysgol yr Eifl, Ysgol Llangybi, Ysgol Pentreuchaf and Ysgol Chwilog are Welsh medium schools. The linguistic data of these schools can be viewed in the table below:

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
Bro Plenydd	62 (83%)	5 (6%)	2 (3%)	2 (3%)	4 (5%)	75
Yr Eifl	48 (83%)	2 (3%)	3 (5%)	1 (2%)	4 (7%)	58
Llangybi	21 (57%)	0 (0%)	7 (19%)	2 (5%)	7 (19%)	37
Pentreuchaf	83 (84%)	9 (9%)	3 (3%)	3 (3%)	1 (1%)	99
Chwilog	41 (84%)	3 (6%)	0 (0%)	2 (4%)	3 (6%)	49

Source: Data from Headteachers PLASC January 2019

2.5 Attainment Level

Schools	% of pupils who have reached the expected level - Welsh (first language)					
	Foundation Phase (Reached level 5+)			KS2 (reached at least level 4)		
	2017	2018	2019	2017	2018	2019
Llanaelhaearn	100%	-*	0%	-*	100%	100%
Bro Plenydd	100%	92.3%	100%	100%	90.9%	100%
Yr Eifl	80%	75%	66.7%	62.5%	100%	83.3%
Llangybi	75%	71.4%	66.7%	100%	100%	75%
Pentreuchaf	92.9%	84.2%	83.3%	100%	100%	100%
Chwilog	100%	66.7%	87.5%	100%	100%	100%

*There were no pupils in the relevant academic year this year.

Source: GwE (September 2019)

We can see a wide range of success when it comes to the academic attainment of schools in the area. Over 75% of KS2 pupils managed to reach the expected level (Welsh - Language) in every school last year, including 100% of Ysgol Llanaelhaearn and Ysgol Bro Plenydd. A wide range of results in the Foundation Phase vary in the Foundation Phase between Ysgol Llanaelhaearn and Ysgol Bro Plenydd.

As part of the work to implement the Welsh Language Charter, all primary school KS2 pupils in Gwynedd complete a language web questionnaire on their use of the Welsh language at school twice a year. The following tables demonstrate the October 2018 statistics on the use of the Welsh language made by pupils with their teachers:

Percentage of children who speak Welsh with their teachers (with the exception of English lessons)					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	100%	0%	0%	0%	0%
Ysgol Bro Plenydd	100%	0%	0%	0%	0%
Ysgol Yr Eifl	96%	0%	4%	0%	0%
Ysgol Pentreuchaf	98%	2%	0%	0%	0%
Ysgol Chwillog	95%	0%	2.5%	0%	2.5%

Percentage of children who speak Welsh with their assistants (with the exception of English lessons)					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	100%	0%	0%	0%	0%
Ysgol Bro Plenydd	100%	0%	0%	0%	0%
Ysgol Yr Eifl	100%	0%	0%	0%	0%
Ysgol Pentreuchaf	95%	3%	0%	0%	2%
Ysgol Chwillog	95%	0%	5%	0%	0%

Percentage of children who speak Welsh with the rest of the school staff					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	100%	0%	0%	0%	0%
Ysgol Bro Plenydd	100%	0%	0%	0%	0%
Ysgol Yr Eifl	100%	0%	0%	0%	0%
Ysgol Pentreuchaf	98%	2%	0%	0%	0%
Ysgol Chwillog	95%	0%	5%	0%	0%

Percentage of children who speak Welsh with children in class					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	40%	60%	0%	0%	0%
Ysgol Bro Plenydd	95%	5%	0%	0%	0%
Ysgol Yr Eifl	88.5%	11.5%	0%	0%	0%
Ysgol Pentreuchaf	83%	17%	0%	0%	0%
Ysgol Chwillog	91%	0%	4.5%	0%	4.5%

Percentage of children who speak Welsh with children in the corridor and in the canteen					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	60%	40%	0%	0%	0%
Ysgol Bro Plenydd	92%	8%	0%	0%	0%
Ysgol Yr Eifl	81%	4%	15%	0%	0%
Ysgol Pentreuchaf	75%	25%	0%	0%	0%
Ysgol Chwilog	91%	0%	4.5%	0%	4.5%

Percentage of children who speak Welsh on the school playground					
	Always	Often	Sometimes	Very little	Never
Ysgol Llanaelhaearn	0%	100%	0%	0%	0%
Ysgol Bro Plenydd	86%	14%	0%	0%	0%
Ysgol Yr Eifl	46%	31%	11.5%	11.5%	0%
Ysgol Pentreuchaf	50%	40%	10%	0%	0%
Ysgol Chwilog	77%	18%	0%	0%	5%

Percentage of children who speak Welsh confidently					
	Very confidently	Confidently	Fairly confidently	Not confident	Not at all confident
Ysgol Llanaelhaearn	100%	0%	0%	0%	0%
Ysgol Bro Plenydd	92%	5%	3%	0%	0%
Ysgol Yr Eifl	88%	8%	4%	0%	0%
Ysgol Pentreuchaf	82%	13%	5%	0%	0%
Ysgol Chwilog	95%	5%	0%	0%	0%

Percentage of children who think it is important to speak Welsh					
	Very important	Important	Fairly important	Not important	Not at all important
Ysgol Llanaelhaearn	100%	0%	0%	0%	0%
Ysgol Bro Plenydd	100%	0%	0%	0%	0%
Ysgol Yr Eifl	96%	4%	0%	0%	0%
Ysgol Pentreuchaf	78%	18%	4%	0%	0%
Ysgol Chwilog	91%	9%	0%	0%	0%

The above information demonstrates that there is a high use of the Welsh Language in schools in the area. On the whole, most pupils in all schools use Welsh when speaking to teachers and staff. We see that there is slightly less informal use of the language - on the playground and with other pupils. That said, the data shows that Welsh is the main social language of schools in the area.

All the children in Llanaelhaearn use Welsh to talk to the teachers, assistants and staff, as do the pupils of Ysgol Bro Plenydd. A higher percentage of children at Ysgol Bro Plenydd make informal use of Welsh - together in the classroom, and on the yard, and it is anticipated that transferring to Ysgol Bro Plenydd is likely to have a positive impact on the language and increases opportunities for the children of Llanaelhaearn to use Welsh when socialising.

Number of responses:

Ysgol Llanaelhaearn: 5

Ysgol Chwillog: 22

Ysgol Pentreuchaf: 60

Ysgol yr Eifl: 26

Ysgol Bro Plenydd: 37

Ysgol Llangybi: sample too small

2.6 After-school Activities

Currently, no after-school activities are held at Ysgol Llanaelhaearn.

Here is a summary of what other nearby schools offer after school:

	Llanaelhaearn	Yr Eifl	Chwillog	Bro Plenydd	Pentreuchaf	Llangybi
Play Groups (School holidays)						✓
Aelwyd yr Urdd		✓	✓	✓	✓	✓
Coffee Morning/Evening			✓			
Cylch/Nursery School			✓	✓	✓	✓
Sports Club/Activity		✓			✓	✓

It can be seen in the table above that many schools in the area, including Ysgol Bro Plenydd, hold Urdd clubs after school where pupils can take advantage of them as an additional opportunity to use the Welsh language.

2.7 Community Activities

Currently, no community activities are held at Ysgol Llanaelhaearn. The community hall of Y Ffôr is located on the Ysgol Bro Plenydd site and the School is also allowed to use this space. A number of activities are held at Y Ganolfan in Y Ffôr, which includes a hall, a computer room and snooker room.

2.8 Welsh in Education Strategic Plan 2017-2020

Both schools, Ysgol Llanaelhaearn and Ysgol Bro Plenydd, 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 with the Welsh in Education Strategic Plan in Education 2017-20 objectives.

2.9 Additional Evidence

Ysgol Llanaelhaearn

The Estyn report in 2015 states:

"60% of pupils come from homes where Welsh is spoken" and that a "pattern of progress can be seen over the last three years in the percentage of pupils who attained the expected outcome in language at the end of both key stages".

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

Ysgol Bro Plenydd

The school website states:

"Ysgol Bro Plenydd will aim at getting every child to speak Welsh fluently. We will also aim at fostering a feeling of being Welsh and respect towards Welsh in every child."

The Estyn report in 2015 states:

"A little over half of the pupils come from Welsh-speaking homes" and "Nearly all pupils use the Welsh language naturally and correctly across the school."

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

Ysgol yr Eifl

The Estyn report in 2014 states:

"Most pupils come from homes in which Welsh is spoken as a first language. No pupils are from an ethnic minority background."

(<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Inspection%20report%20Ysgol%20Yr%20Eifl%202014%20.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf>)

Ysgol Llangybi

The Estyn report in 2018 states:

"Welsh is the main medium of the school's life and work, and English is introduced to pupils in key stage 2."

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

Ysgol Pentreuchaf

The Estyn report in 2019 states:

"The school has a very strong Welsh ethos. Provision encourages pupils to make full use of the Welsh language in all aspects of school life. Pupils show pride towards the language and a clear appreciation of the culture and history of the local area. During their time at the school, most pupils develop as competent and confident bilingual learners, and make good progress."

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

Ysgol Chwillog

The Estyn report in 2013 states:

"Welsh is the school's main language medium and the aim is to ensure that pupils are completely bilingual by the time they transfer to the secondary sector. 89% of pupils speak Welsh at home. There are no pupils from ethnic minority backgrounds at the school at present."

(https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Inspection%20report%20Ysgol%20Gynradd%20Chwillog%202013_0.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf.pdf)

3. IMPACT ON THE WELSH LANGUAGE

3.1 Options

This assessment has been carried out on two models that would offer advantages compared to the school's current situation, namely federalisation with another school or schools, or to close the school and the pupils to be educated in an alternative school.

Those models, in addition to doing nothing and continuing with the current situation, have been detailed below:

- *Do nothing - continue with the school's current situation.*

Keeping the current situation would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Headteacher for Ysgol Llanaelhaearn, Garndolbenmaen and Chwillog who would spend one day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be educated by a full-time teacher and senior assistant.

- *To federalise with another School / Schools*

Ysgol Llanaelhaearn would form a formal, legal Federation with another nearby school or schools. This means that the schools continue separately but the Governing Bodies would be abolished, and a single Governing Body would be elected for the Federation. Geographically, the schools that would be reasonable to consider would be one or more of the following schools: Yr Eifl, Llangybi, Bro Plenydd, Chwillog and Pentreuchaf.

The schools' budgets would remain separate.

It is not envisaged that federalisation would have an impact on the Welsh language as Ysgol Llanaelhaearn would continue, with opportunities to strengthen the leadership position, and collaboration opportunities for a school.

- *Close Ysgol Llanaelhaearn and send the pupils to be educated at an alternative school*

This means that Ysgol Llanaelhaearn will close, and the current pupils would transfer to Ysgol Bro Plenydd (the alternative school).

The table on the following page includes an impact assessment of closing Ysgol Llanaelhaearn and educating pupils at Ysgol Bro Plenydd, Y Ffôr, on the Welsh language compared to the current situation. The table also outlines additional opportunities to strengthen the Welsh language and methods to mitigate any possible negative effect that could arise from the model.

WELSH LANGUAGE IMPACT ASSESSMENT

Positive	Neutral	Negative		
Impact Criteria	Description	Status of the impact and the work	Have any measures been identified to mitigate any negative impact or to create more positive opportunities?	Final impact (following mitigation methods)
The language of the school	<p>Ysgol Llanaelhaearn is a Welsh medium school. The proposal to transfer pupils to Ysgol Bro Plenydd would not impact the language of the children's education as the alternative school is also a Welsh medium school.</p> <p>The proposal could strengthen opportunities for pupils to socialise through the medium of Welsh with their peers.</p>	<p>Neutral</p> <p>No impact on the language of the school</p>	N/A	N/A
Access to Welsh medium education	The alternative school already provides Welsh medium education, therefore, no additional benefit to this can be anticipated.	<p>Neutral</p> <p>No impact on the situation of the language</p>	N/A	N/A
Non-statutory provision	Pupils would have access to a wider range of suitable resources, a higher supply in terms of staffing, and they would be part of a larger peer group of the same age.	Positive	The Local Authority and the Ysgol Bro Plenydd Governing Body could discuss methods to ensure that pupils can participate in extra-curricular activities.	Positive
Before/after school activities	<p>Pupils would have access to a wider range of suitable facilities outside the classroom, there would be more teachers and they would be part of larger peer group of the same age.</p> <p>A larger school offers a wider range of activities. It is possible that some parents will have to travel further (to Ysgol Bro Plenydd) to enable pupils to attend before and after school activities.</p>	<p>Positive</p> <p>More opportunity to use the Welsh language</p>	The Local Authority and the Ysgol Bro Plenydd Governing Body could discuss methods to ensure that after-school activities are available and are as convenient as possible for all pupils.	Positive

<p>Using Welsh in the community</p>	<p>According to the 2011 Census, 74% of the population of the Llanaelhaearn ward were Welsh speakers. The alternative school is also within a ward that has a high percentage of Welsh speakers (80% in the Abererch ward).</p> <p>Welsh education would continue to be provided to the current pupils of Ysgol Llanaelhaearn at Ysgol Bro Plenydd. Increasing opportunities for pupils to socialise in Welsh and access to more activities could increase the use of the Welsh language outside the school and in the community.</p>	<p>Positive</p> <p>More opportunity to use the Welsh language</p>	<p>The Local Authority and the Governing Body of the alternative school could discuss methods to promote use of the Welsh language as a social medium to arrange activities outside the school.</p>	<p>Positive</p>
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4. CONCLUSION

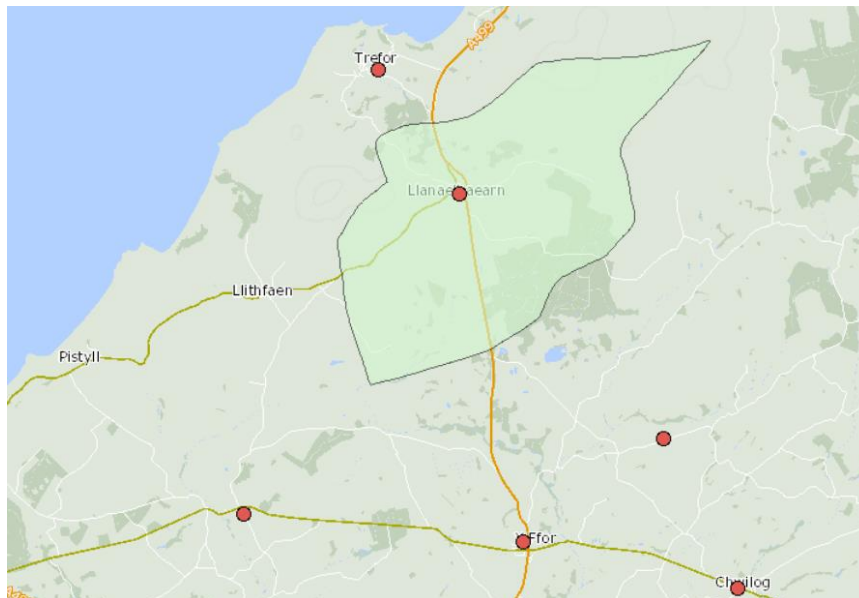
Having considered a range of potential options for the future, the Council is undertaking a statutory consultation on the proposal to close Ysgol Llanaelhaearn on 31 August 2020, and to teach the pupils at Ysgol Bro Plenydd, Y Ffôr, from 1 September 2020. As part of the statutory consultation process, local authorities are required to prepare a language impact assessment on a school reorganisation proposal - this is the purpose of this document.

Our expectations are that all of the county's pupils have ability-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.

No change to the linguistic situation of Ysgol Llanaelhaearn is anticipated by continuing with the current situation or by federalising with another school or schools, as these options do not offer any change in terms of education provision in the village of Llanaelhaearn.

The option of closing the school and sending the pupils to be educated at Ysgol Bro Plenydd, Y Ffôr, would mean that Ysgol Llanaelhaearn pupils are educated in a Welsh medium school, as they currently are, and at a school where the Welsh language is used socially by pupils. It is noted that the linguistic situation of Ysgol Bro Plenydd is very strong, with 83% of pupils coming from Welsh speaking homes. In comparison, 54% of Ysgol Llanaelhaearn pupils come from Welsh speaking homes.

Having considered the information in this assessment, it was concluded that the proposal to close Ysgol Llanaelhaearn and educating the pupils at Ysgol Bro Plenydd, Y Ffôr, would not have a negative impact on the language. As already noted, there is a higher percentage of children coming from Welsh-speaking homes at Ysgol Bro Plenydd. As a result, there will be more opportunities for Llanaelhaearn children to use the Welsh language with peers in class, and socially as well. It is recognised that Ysgol Llanaelhaearn has worked hard to develop the bilingual skills of the children and to promote a Welsh culture. Therefore, should this proposal be approved, it is noted that it is important to recognise the need to support and continue with this work.



Ysgol Llanaelhaearn Community Impact Assessment Report

- December 2019

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1. INTRODUCTION

On 4 June 2019, Gwynedd Council Cabinet authorised the Education Department 'to hold formal meetings with the governing body and other relevant stakeholders to discuss a range of potential options for the school's future' as a result of the concerns of the Education Department regarding a substantial decline in the numbers attending the school.

The Schools Organisation Code 011/2018 includes 'a Presumption against the Closure of Rural Schools'. Ysgol Llanaelhaearn has been designated as a Rural School for the purpose of the Code.

This means, as part of the statutory process, that there is a need to assess the likely impact on the community, in the case of every reasonable option, in accordance with the Schools Organisation Code 011/2018. This assessment derives from Welsh Government 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

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn between Pwllheli and Caernarfon. The school's capacity from Nursery to Year 6 is 53, with 8 pupils between 3 and 11 years of age attending the school (September 2019). All the pupils live in the Llanaelhaearn catchment area.

The number of pupils attending the school has fallen substantially since 2013, when over 40 pupils attended the school.

The eight pupils who currently attend are educated in two classes, with three pupils in one class and five pupils in the other.

On 24 June 2019, a meeting was held to review the school's situation, at which several options were proposed for consideration of the school's future. Subsequent meetings were held during September to evaluate the options and identify the options that would be reasonable in an attempt to resolve the challenge that is facing the school, namely a low number of pupils.

On November 5th 2019, Gwynedd Council's Cabinet agreed 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020.

2. OPTIONS

This assessment has been carried out on two models that would offer advantages compared to the school's current situation, namely federalisation with another school or schools, or to close the school and for the pupils to be educated at an alternative school.

Those models, in addition to doing nothing and continuing with the current situation, have been detailed below.

- *Do nothing - continue with the school's current structure.*

Keeping the status quo would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Headteacher for Ysgol Llanaelhaearn, Garndolbenmaen and Chwillog who would spend one day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be educated by a full-time teacher and senior assistant.

- *Federalisation with another School / Schools*

Ysgol Llanaelhaearn would form a legal, formal federal model with another nearby school or schools. Geographically, the schools that could reasonably be considered are one or more of the following schools: Yr Eifl, Llanybi, Bro Plenydd, Chwillog or Pentreuchaf.

This means that the schools would remain separate but the Governing Bodies would be dissolved, and a single Governing Body would be elected for the Federation.

The schools' budgets would remain as they are, but with prospects to strengthen the school's leadership and increase opportunities for pupils to collaborate and socialise with peers.

- *Close Ysgol Llanaelhaearn and for the pupils to be educated at an alternative school*

This means that Ysgol Llanaelhaearn would close, and the current pupils would transfer to Ysgol Bro Plenydd (the alternative school).

3. SUMMARY OF THE CATCHMENT AREA

3.1 The Area

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn between Pwllheli and Caernarfon in Gwynedd. The school's catchment area includes the village and nearby area, located between the catchment areas of Ysgol yr Eifl (Trefor), Ysgol Llangybi, Ysgol Bro Plenydd (Y Ffôr) and Ysgol Pentreuchaf.

The latest data (2011 census) shows that the population of the Llanaelhaearn ward is 1,683.

3.2 The Economy

65.9% of people aged between 16 and 74 years old within the Llanaelhaearn ward are economically active, 5.8% of whom are unemployed. 31.4% of people in the same age group are economically inactive, and 17.6% of whom either have a long-term illness or disability.

The type of industry in which the population is active varies in the area, with the highest rate (15.3%) working in the health and social work field.

According to the 'Welsh Index of Multiple Deprivation (2014)', the employment rate of the Llanaelhaearn ward, compared to other wards in Wales, is ranked 1095 out of 1909 wards. Therefore, the Llanaelhaearn ward is not within the 50% most deprived in Wales.

In 1974, Antur Aelhaearn was established - a social enterprise aiming to create work locally to keep families and young people in the area, and a number of projects and plans were introduced to the local area. The Antur remains operational to this day and is active working on projects such as the development of a disused chapel.

A number of businesses operate in the village, including a bakery, garage, B&B and a pet grooming business.

3.3 Deprivation

The Llanaelhaearn Ward (which is a broader area than the geographical area of the school's catchment area) is in the 40% most deprived wards in Wales (ranked 622 out of 1909 wards).

A number of fields are measured to draw up this general index, including income, employment, health, education, access to services, community safety, physical environment and housing.

Note that the Llanaelhaearn ward is within the 10% most deprived wards in Wales in the 'Housing' field. The indicators of this field are the proportion of people who live in an overcrowded home (bedroom use), and the proportion of people living in homes that do not have central heating.

In addition, the Llanaelhaearn ward is within the 10% most deprived areas in Wales in the 'access to services' field, i.e. deprivation, as people are unable to access the various services considered essential for daily living. The indicators include the average public transport and private travel times to a number of services such as supermarkets, 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 Llanaelhaearn area is placed in the context of other areas in Wales according to the Welsh Index of Multiple Deprivation (2014):

Area	Rank in Wales, out of 1909 areas. 1 = most deprived 1909 = least deprived	Most deprived % in Wales
Employment	1095	
Income	778	Within the 40-50% most deprived
Health	1075	
Education	994	Within the 40-50% most deprived
Housing	88	Within the 0-10% most deprived
Physical environment	1651	
Access to services	15	Within the 0-10% most deprived
Community Safety	1046	

3.4 The Community

A number of activities are held in Llanaelhaearn, including;

- Cylch Ti a Fi
- Merched y Wawr
- Various courses in the Community Centre
- Playing Field Committee
- Eisteddfod Gadeiriol Aelhaearn
- Aelhaearn Memorial Committee
- Steering Committee
- Community Council

In addition, there are a number of facilities in the village, including St Aelhaearn Church / Cemetery, Surgery, Residential Home for the Elderly, Bakery, Canolfan y Babell, Playing Field, Football Pitch and Antur Aelhaearn. Members of Antur Aelhaearn have also been working on a project to develop the Chapel as a resource for the community, and this is located next to the Community Centre and the re-roofing work has been completed. A garden project is also in the pipeline.

4. CATCHMENT AREA SCHOOLS

4.1 Context of the schools according to Estyn inspections

As part of Estyn 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 Llanaelhaearn by Estyn inspectors.

Ysgol Llanaelhaearn

"Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn between Pwllheli and Caernarfon in Gwynedd. The school serves the village and nearby area"

Source: Estyn Report, April 2015

4.2 Schools' statistical information

The table below shows the numbers at Ysgol Llanaelhaearn, and other nearby schools, from nursery to year 6. Also shown in this table is the school's capacity and the number of surplus places. Each of these schools are community schools and they teach through the medium of Welsh.

School	Full Capacity (N – Yr6)	Number on roll September 2019 (N – Yr6)	Number of Surplus Places 2019 (N – Yr6)	Legal Category
Llanaelhaearn	53	8	45	Community school
Bro Plenydd	104	74	30	Community school
Llangybi	80	34	46	Community school
Pentreuchaf	119	98	21	Community school
Yr Eifl	62	56	6	Community school
Chwillog	74	52	22	Community school

Source: September 2019 Census

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

Every school has a specific catchment that it serves and this is important in relation to 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 the other catchment areas in the area, the number of pupils who move out of the school's catchment area is high. The latest data of pupils' homes shows that 39 children lived in the Llanaelhaearn catchment area last year (*September 2018 data*), 11 of whom attended the school. This has now fallen to eight pupils. This means that 72% of children who live in the catchment area of Ysgol Llanaelhaearn attend out-of-catchment area schools, according to 2018 data.

Another school in the area where a high number of children attend out-of-catchment area schools is the Ysgol Llangybi catchment area; 38% of children from the Ysgol Llangybi catchment area attended out-of-catchment area schools in 2018, however, nine children who attend Ysgol Llangybi live outside

the school's catchment area. No pupils living outside the Ysgol Llanaelhaearn catchment area attend the school.

		Dalgyllh Cartref / Home Catchment Area (Medi / September 2018)						Arall	Cyfanswm Ysgol School Total
		Llanaelhaearn	Bro Plenydd	Llangybi	Yr Eifl	Chwillog	Pentreuchaf		
Mynyddu Ysgol / School Attending (Medi / September 2018)	Llanaelhaearn	11	-	-	-	-	-	-	11
	Bro Plenydd	6	38	12	-	6	2	13	77
	Llangybi	3	-	29	-	2	1	3	38
	Yr Eifl	-	-	-	58	-	-	1	59
	Chwillog	-	-	1	-	47	-	4	52
	Pentreuchaf	5	5	-	1	3	39	44	97
	Arall	14	6	5	5	12	15		
Cyfanswm Dalgyllh Catchment Area Total		39	49	47	64	70	57		

Source: September 2018 Census

The above table provides comprehensive information about the location of pupils' homes and their choice of school. The table below summarises how many pupils live in each catchment area, the number who live in the catchment area and attend the school, and the number of pupils who attend the school but live outside the catchment area.

School	Number living in the Catchment Area*	Number of children in the Catchment Area who attend the school*	Numbers who attend the school from outside the Catchment Area*
Llanaelhaearn	39	11	0
Yr Eifl	67	58	1
Llangybi	47	29	9
Bro Plenydd	49	38	38
Chwillog	70	47	5
Pentreuchaf	57	39	58

Source: September 2018 Census

4.4 Summary of the various facilities in the rural communities

The information below has been collected on the areas of the schools that would be affected by any of the models.

	Llanaelhaearn	Trefor	Chwilog	Y Ffôr	Pentreuchaf	Llangybi
Village Hall Community Centre	✓	✓	✓	✓	✓	
Chapel/Church	✓	✓	✓	✓	✓	✓
Public Transport	✓	✓	✓	✓	✓	✓
Shop	✓ (Bakery)	✓	✓ (Butcher)	✓	✓	
Café/Pub		✓			✓	✓
Post Office	✓ (van)	✓	✓ (Village Hall)	✓	✓ (van)	
Surgery/Pharmacy	✓	✓		✓		
Library	✓ (van)	✓ (van)	✓ (van)	✓	✓ (van)	
Children's Playing Field	✓	✓	✓	✓	✓	✓
Bank						
Residential Home for the Elderly	✓			GC Houses for the Elderly		
Leisure Centre						
Garage	✓	✓				
Tourism Attraction	✓ (Tre'r Ceiri)	✓				
Cylch Ti a Fi + Cylch Meithrin	✓	✓	✓		✓	

Source: Headteachers' Questionnaires September 2019

Ysgol Llanaelhaearn, and the other schools that are a part of this assessment, have 'Friends of the School' that hold fund-raising activities for the benefit of the school and the pupils.

As there is no hall in Ysgol Llanaelhaearn, the school makes regular use of nearby Canolfan y Babell.

It is acknowledged in a community impact questionnaire that members of the community visit Ysgol Llanaelhaearn regularly to assist with the learning experiences, and that the School has a Mini Bus, which enriches the children's experiences by enabling them to visit other schools and sites. Indeed, members of the communities of each of the schools included in this assessment visit the schools to hold activities with the pupils, such as a gardening or reading club.

4.5 Summary of the school's use outside the school's core hours

Currently, the Ysgol Llanaelhaearn school building is not used by the community. A summary of the community or extra-curricular use of the buildings of local schools is seen below:

	Llanaelhaearn	Trefor	Chwillog	Y Ffôr	Pentreuchaf	Llangybi
Play Groups (School holidays)						✓
Aelwyd yr Urdd		✓	✓	✓	✓	✓
Plays						
Voluntary Groups						
Coffee Morning/Evening			✓			
Community Auction						
Community Library						
Choir Practice						
Welsh for Adults						
Town/Community Council Meeting						
Cylch/Nursery School			✓	✓	✓	✓
Sports Club/Activity					✓	✓
After School Club		✓				
Local Interest Club						

Source: Headteachers' Questionnaires September 2019

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

	Llanaelhaearn	Trefor	Chwillog	Y Ffôr	Pentreuchaf	Llangybi
Ti a Fi Group / Cylch Meithrin			✓	✓	✓	✓
Eisteddfodau (Local/County/National)	✓	✓	✓	✓	✓	✓
Urdd Adranau		✓	✓	✓	✓	✓
Visits to Glan Llyn / Llangrannog / Cardiff	✓	✓	✓	✓	✓	✓
Other activities (sports, clubs)		✓	✓	✓	✓	✓

Source: Headteachers' Questionnaires September 2019

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?
Llanaelhaearn	<p>Currently, the community makes no use of the Ysgol Llanaelhaearn school building, therefore, there would be no changes if the school were to close.</p> <p>If use of a community building were required, Canolfan y Babell, a community hall, is located within 50m of the school.</p>

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 yr Eifl is closest to Ysgol Llanaelhaearn, with Ysgol Bro Plenydd second closest. The following travel times considers the nature of the roads and the impact that this could have on travel times in a rural area.

School		Chwillog	Bro Plenydd	Llanaelhaearn	Llangybi	Pentreuchaf	Yr Eifl
Chwillog	Miles						
	Minutes						
Bro Plenydd	Miles	2.5					
	Minutes	6					
Llanaelhaearn	Miles	6.1	3.6				
	Minutes	12	6				
Llangybi	Miles	2.9	2.0	3.9			
	Minutes	7	5	9			
Pentreuchaf	Miles	5.5	3.3	4.6	5.3		
	Minutes	11	6	10	11		
Eifl	Miles	7.9	5.3	1.9	5.7	6.3	
	Minutes	16	10	6	12	14	

5. ASSESSMENT OF THE PROBABLE 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 – CONTINUE WITH THE 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 - FEDERALISE WITH ANOTHER SCHOOL OR OTHER SCHOOLS

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 from the current situation	Neutral
Implications of the change on public transport provisions	No change from the current situation	Neutral
Impact on facilities / other services provided at the school	No change from the current situation	Neutral
The impact on broader community safety	No change from 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 from the current situation	Neutral
Impact on other services provided locally	No change from the current situation	Neutral
Detrimental effect on the community's broader economy	No change from the current situation	Neutral
The general impact on the local community	No change from the current situation, however opportunities are identified for the community of Llanaelhaearn and the other school that would be part of the federal model to come together.	Neutral

MODEL 3 - CLOSE YSGOL LLANAEHAEARN, AND SEND THE PUPILS TO BE EDUCATED AT YSGOL BRO PLENYDD

Positive	Neutral	Negative
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Impact Criteria	Description	Status of the impact and the work
Impact on Health and Well-being	<p>As the alternative school is more than two miles from Ysgol Llanaelhaearn and the pupils' homes, it is unlikely that they would walk to school.</p> <p>Nevertheless, the school is located close to the main road between Pwllheli and Caernarfon. It is possible to drop the children off in the car park, be that in a car or taxi / mini bus, and a bus stop (public service bus) is located outside the school's boundary. Therefore, if pupils are less able to walk or cycle, it is not anticipated that there will be any difficulties reaching the school.</p>	Negative
Implications of the change on public transport provisions	Public bus (no. 12) runs between the village of Llanaelhaearn and the alternative school. Some families could be dependent on public transport to reach the alternative school; nevertheless, a substantial impact is not anticipated on the public transport provision as only eight pupils attend this school at present.	Neutral
Impact on facilities / other services provided at the school	The school is used for educational purposes only.	Neutral
The impact on broader community safety	No impact is anticipated on broader community safety	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	It is not anticipated that families with young children would leave the community, on the grounds that most children in the catchment area's children already attend other schools.	Neutral
Impact on other services provided locally	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 affect other services.	Neutral
Detrimental effect on the community's broader economy	Again, as the majority of the catchment area's children attend other schools, it is not anticipated that losing the school would affect the community's broader 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 Llanaelhaearn, 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

The contents of this report shows that the option to continue with the status quo, or to federalise with another school, would not have an impact on the community, as both options mean continuing with a school in Llanaelhaearn, with amendments made to the governance and collaboration with another school under a federal model. This would mean that a school would remain in the Llanaelhaearn community, and would carry out the same activities and use the same facilities as it currently does.

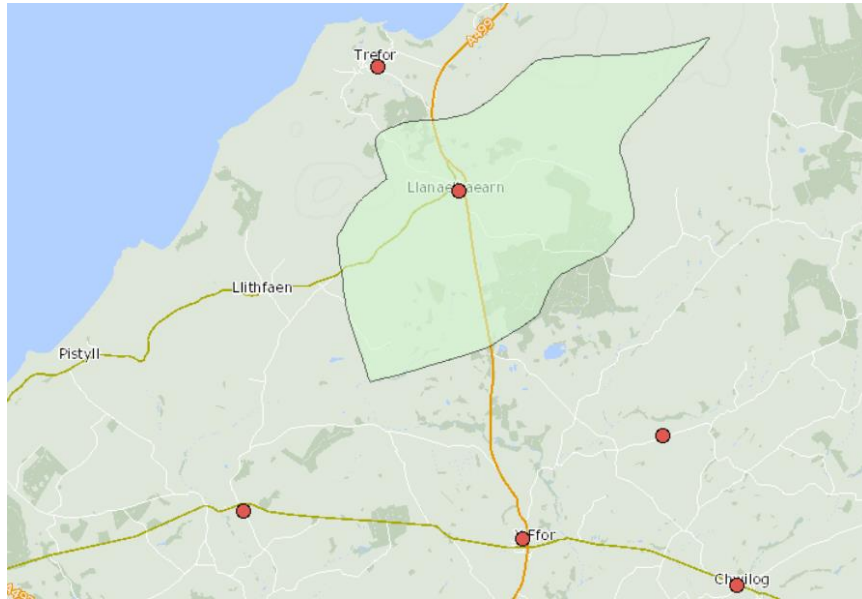
If the option to close Ysgol Llanaelhaearn and for the pupils to be educated at Ysgol Bro Plenydd, Y Ffôr was to be implemented, some elements of community events would be affected.

Although the school building is not used by the community, this assessment shows that the school is involved with its community and uses the community's facilities, such as Canolfan y Babell, on a regular basis. Canolfan y Ffôr is linked to the hall building and Ysgol Bro Plenydd uses this facility. If this option were realised, then Ysgol Bro Plenydd could also be encouraged to make occasional use of the facilities in the village of Llanaelhaearn.

It is not anticipated that closing the school would encourage school-age families to leave the community, as a substantial proportion of the children who live in the school's catchment area already attend other schools. Similarly, it is not anticipated that young families would be less likely to move to the community.

As part of the process, it will be essential to encourage discussions between the alternative school and the parents of Ysgol Llanaelhaearn pupils, so that parents and pupils can use their facilities and participate in after school activities, and to encourage the alternative school to also use the facilities in the community of Llanaelhaearn.

This assessment shows that there will be some negative impact on the community from closing the school. To mitigate the impact on the community, opportunities to ensure that the community of Llanaelhaearn is aware of the activities of the alternative school are noted, and community collaboration will be encouraged between Ysgol Bro Plenydd and the community of Llanaelhaearn, where appropriate.



- December 2019

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

1. INTRODUCTION

1.1 Ysgol Llanaelhaearn Context

On 4th June 2019, Gwynedd Council's Cabinet allowed the Education Department to hold formal meetings with the Governing Body of Ysgol Llanaelhaearn, and other relevant stakeholders, to discuss a range of possible options for the future of the school.

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn which is between Pwllheli and Caernarfon. The school has a capacity from Nursery to Year 6 of 53, with 8 pupils aged 3-11 attending the school (September 2019). All pupils live in the Llanaelhaearn catchment area.

The 8 pupils attending the school are taught in two classes with 3 in the foundation phase and 5 in key stage 2.

Between June and September 2019, meetings were held with the Governing Body and other relevant stakeholders to review the school's position, where a number of options were put forward to consider the future of the school.

On November 5th 2019, Gwynedd Council's Cabinet agreed 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020.

2. OPTIONS

During the local meetings, a range of options were presented and evaluated for the future of the school.

Following a detailed assessment of 8 options, it was concluded that two options offered advantages compared to the school's current situation.

Those models in addition to doing nothing and continuing the status quo, are detailed below:

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

Retaining the current system would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Head at Ysgol Llanaelhaearn, Garndolbenmaen and Chwilog who would spend one day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be taught by a full-time teacher and a senior assistant.

- *To federalise with other School(s)*

Ysgol Llanaelhaearn would form a formal, legal Federation with one or more neighbouring Schools. This means that the schools remain separate but the Governing Bodies are abolished, and a single Governing Body is elected for the Federation. Geographically, the schools that would be reasonable to consider would be one or more of Yr Eifl, Llanybi, Bro Plenydd, Chwilog and Pentreuchaf schools. The schools budgets would remain separate. Forming a formal federation with another school or schools would strengthen the school's leadership and increase opportunities for pupils to collaborate and socialise with peers.

By introducing a federal model with another school to Ysgol Llanaelhaearn, it is not envisaged that the change would have an impact on equality characteristics, mainly as the school would remain in Llanaelhaearn, implementing the same equality and anti-bullying policies.

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

This means that Ysgol Llanaelhaearn is closing, and current pupils transfer to Ysgol Bro Plenydd (the alternative school).

Following a more detailed assessment of these options, it is concluded that the proposal to close Ysgol Llanaelhaearn and transfer the pupils to Ysgol Bro Plenydd responded to the main challenges facing the school, namely low numbers of pupils and small classes.

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?
Race (including nationality)	None	<p>It is anticipated that implementing the proposal would not affect people on racial grounds. Implementing the option will mean that everyone of any race is treated according to their need. Ysgol Llanaelhaearn, and its neighbouring schools operate an equalities policy which states that they:</p> <p><i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i></p>
The Welsh language	None	<p>The children of Ysgol Llanaelhaearn are educated through the medium of Welsh, and this would not change by implementing the proposed option.</p> <p>A Welsh Language impact assessment has been conducted on the proposal.</p>
Disability	None	<p>Change is not anticipated for disabled people.</p> <p>Should the proposal to close Llanaelhaearn school and educate the pupils at Ysgol Bro Plenydd be approved, the number of disabled pupils attending the schools will need to be monitored. Depending on the disability the schools will have to adapt their plans for giving access to pupils with specific disabilities. As a result, the authority will also need to ensure that relevant departments are aware of changes and obtain the necessary input. An assessment of the accessibility of the proposed site would be undertaken in accordance with specific situations.</p>
Gender	None	<p>It is anticipated that implementing the proposal would not affect people on the grounds of gender. Ysgol Llanaelhaearn and its neighbouring schools operate an equalities policy which states that the school:</p> <p><i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i></p>
Age	Any effect would be minimal (positive or negative)	<p>It is anticipated that implementing the proposal would not affect people on the basis of age. Implementing the option would mean that everyone of any age is treated the same. Ysgol Llanaelhaearn and its neighbouring schools operate an equalities policy which states that the school:</p>

		<i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i>
Sexual orientation	None	<p>It is anticipated that implementing the proposal would not affect people on the grounds of sexual orientation. Implementing the option would mean that everyone of any sexual orientation is treated according to their need. Ysgol Llanaelhaearn and its neighbouring schools operate an equalities policy which states that the school:</p> <p><i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i></p>
Religion or belief (or lack of belief)	None	<p>It is anticipated that implementing the proposal would not affect people on the grounds of religion or belief. Implementing the option would mean that everyone of any religion or belief is treated according to their need. Ysgol Llanaelhaearn and its neighbouring schools operate an equalities policy which states that the school:</p> <p><i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i></p> <p>Ysgol Llanaelhaearn and all surrounding schools (Yr Eifl, Llanybi, Pentreuchaf, Bro Plenydd, Chwilog) are community schools, and there is no intention to change this.</p>
Gender Reassignment	None	<p>It is anticipated that implementing the proposal would not affect people on the grounds of gender reassignment. Implementing the option would mean that everyone is treated fairly. Ysgol Llanaelhaearn and its neighbouring schools operate an equalities policy which states that the school:</p> <p><i>“...opposes to all types of prejudice and discrimination and acknowledges that pupils have different needs, requirements and objectives.”</i></p>
Pregnancy and maternity	None	Implementing the proposal would not affect any pregnant person, whether staff or parent, as both schools implement the same policy.
Marriage and civil partnership	None	The implementation of the proposal would not affect anyone married or in a civil partnership, as both schools implement the same policy.

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.

General Duties of the Equality Act	Does it make an impact? *	In what way? What is the evidence?
Remove illegal discrimination, harassment and victimisation	No	Implement the alternative school's equality and anti-bullying policies to eliminate unlawful discrimination and harassment. The Education Department's standard policies are implemented by both schools.
Promote equal opportunities	No	The aim is to promote equal opportunities and promote the alternative school to continue to follow equality policies and procedures.
Encouraging good relationships	Yes	The aim is to promote equal opportunities and promote the alternative school to continue to follow equality policies and procedures. As some children living in the Llanaelhaearn catchment area already attend Ysgol Bro Plenydd, a link between the school and the Llanaelhaearn community already exists. However, opportunities are promoted for the school to build on links with the Llanaelhaearn community.

4. ANALYSING THE RESULTS

- 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?

The proposal is unlikely to have a significant impact on any of the equality characteristics or the General Duty. The alternative school has equalities and anti-bullying policies, as Ysgol Llanaelhaearn currently has.

- 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?

The proposal is unlikely to have a significant impact on any of the equality characteristics or the General Duty. The alternative school has equalities and anti-bullying policies, as Ysgol Llanaelhaearn currently has.

- 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?

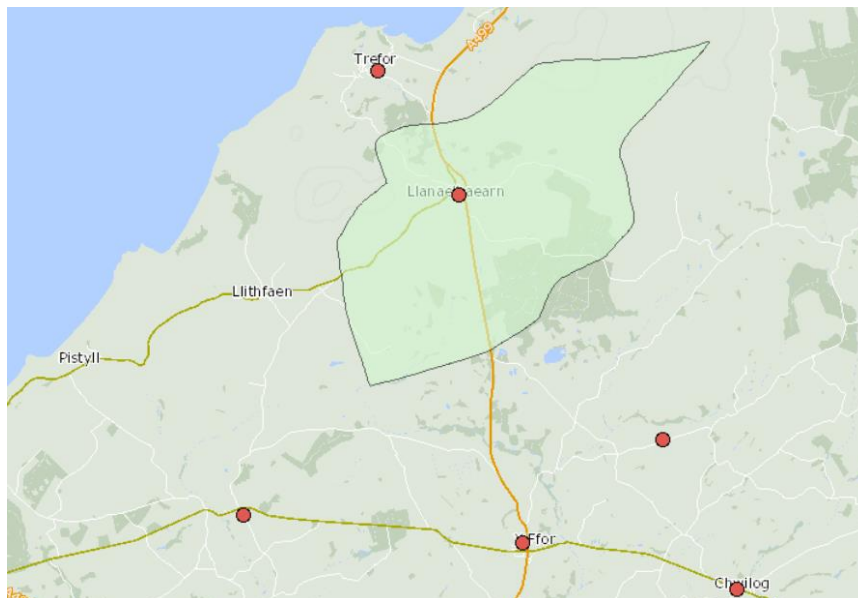
Although the loss of a local school could have a negative impact on community cohesion, this will need to be mitigated by encouraging links between the alternative school and the local community of Llanaelhaearn.

- 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

It is concluded that implementing the proposal to close Ysgol Llanaelhaearn and transfer the pupils to Ysgol Bro Plenydd would not affect equality, whether as a characteristic or a general duty. Robust equality and anti-bullying policies are implemented by the alternative school which would extend to Llanaelhaearn pupils and parents. Should some be identified following the consultation (subject to Cabinet decision), then the Council will consider the necessary actions.



Assessment Report of the likely impact on different travelling arrangements - Ysgol Llanaelhaearn

- December 2019

1. INTRODUCTION

1.1 Gwynedd Council Transport Policy

1.2 Context of Ysgol Llanaelhaearn

2. OPTIONS

3. ASSESSMENT OF THE IMPACT ON TRANSPORT ARRANGEMENTS

3.1 Location of the alternative school

3.2 Free transport options

3.3. Financial impact

4. CONCLUSIONS

1. INTRODUCTION

In accordance with the Schools Organisation Code 011/2018, which includes 'a Presumption Against the Closure of Rural Schools', an assessment is required on the likely impact that any reasonable option proposed to resolve the main challenges facing the school would have on various transport arrangements.

Ysgol Llanaelhaearn has been designated as a Rural School for the purpose of the Code.

"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."

Source: The Schools Organisation Code 011/2018

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn, which is between Pwllheli and Caernarfon. The School has a Nursery to Year 6 capacity of 53, with 8 pupils aged 3-11 attending the school (September 2019 Census). All pupils live in the Llanaelhaearn catchment area.

The number of pupils attending the school have decreased significantly since 2013, when there were over 40 pupils at the school.

The 8 pupils now attending are taught in two classes with three pupils in one class and five pupils in the other.

On the 24th June 2019, a meeting was held to review the school's situation, at which a number of options were put forward for consideration for the future of the school. Further meetings were held in September to evaluate the options and identify the options that would be reasonable to try to solve the challenge of low pupil numbers at the school.

On November 5th 2019, Gwynedd Council's Cabinet agreed 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020.

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 Llanaelhaearn

On the September 2018 census day, 38 primary age children lived in the catchment area of Ysgol Llanaelhaearn, 27 of whom attended out-of-catchment schools and 11 of whom attended Ysgol Llanaelhaearn. No children who live outside the Llanaelhaearn catchment area attend the school, as the table below shows:

		Dalgyllh Cartref / Home Catchment Area (Medi / September 2018)							
		Llanaelhaearn	Bro Plenydd	Llangybi	Yr Eifl	Chwillog	Pentreuchaf	Arall	Cyfanswm Ysgol School Total
Mynychu Ysgol / School Attending (Medi / September 2018)	Llanaelhaearn	11	-	-	-	-	-	-	11
	Bro Plenydd	6	38	12	-	6	2	13	77
	Llangybi	3	-	29	-	2	1	3	38
	Yr Eifl	-	-	-	58	-	-	1	59
	Chwillog	-	-	1	-	47	-	4	52
	Pentreuchaf	5	5	-	1	3	39	44	97
	Arall	14	6	5	5	12	15		
Cyfanswm Dalgyllh Catchment Area Total		39	49	47	64	70	57		

Source: September 2018 Census

2. OPTIONS

This assessment has been carried out on two models that would offer advantages over the school's current situation, namely federalisation with another school or schools, or to close the school and for the pupils to be educated at an alternative school.

These models, in addition to doing nothing and continuing with the status quo, have been detailed below.

- *Do nothing - continue with the school's current structure.*

Keeping to the status quo would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Head-teacher for Ysgol Llanaelhaearn, Garndolbenmaen and Chwilog who would spend one day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be educated by a full-time teacher and an assistant.

This model would have no impact on current transport arrangements, as the pupils would continue to be educated at Ysgol Llanaelhaearn.

- *To federate with another School / Schools*

Ysgol Llanaelhaearn would form a legal, formal federal model with another nearby school or schools. Geographically, the schools that could reasonably be considered are one or more of the following schools: Yr Eifl, Llangybi, Bro Plenydd, Chwilog or Pentreuchaf.

This means that the schools would remain separate but the Governing Bodies would be dissolved, and a single Governing Body would be elected for the Federation. The schools' budgets would remain as they are.

Forming a formal federation with another school or schools would strengthen the school's leadership and increase opportunities for pupils to collaborate and socialise with peers

This model would have no impact on current transport arrangements, as the pupils would continue to be educated at Ysgol Llanaelhaearn.

- *Close Ysgol Llanaelhaearn and for the pupils to be educated at an alternative school*

This means that Ysgol Llanaelhaearn would close, and the existing pupils would transfer to an alternative school.

This model would have an impact on transport arrangements, as the pupils would be educated at an alternative school. Ysgol Bro Plenydd, Y Ffôr, is the alternative school that forms part of the proposal.

Since Ysgol Bro Plenydd is 3.6 miles from Ysgol Llanaelhaearn, Gwynedd Council would have to provide transport for pupils attending Ysgol Bro Plenydd who live more than two miles from the school, in line with the Authority's Transport Policy.

3. ASSESSMENT OF THE IMPACT ON TRANSPORT ARRANGEMENTS

3.1. Location of the alternative school

Ysgol Bro Plenydd, Y Ffôr, is 3.6 miles from Ysgol Llanaelhaearn. The school is close to the A499 with access to the site of the school off this road. This makes it easy to travel between Llanaelhaearn and Y Ffôr in a car or on public transport.

3.2. Free transport options

In line with Gwynedd Council's transport policy, the Authority would arrange for taxis or a mini-bus to transport pupils from the Llanaelhaearn catchment to the alternative school. And, as noted in this 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.

It is noted that several school buses operate in the area. None of the primary school buses run between Llanaelhaearn and Y Ffôr that could be used for this purpose.

Ysgol Glan y Môr bus travels through both villages. However, it is not customary for primary school children to use secondary school buses.

</

Ysgol Glan y Môr bus timetable

It is also noted that a service bus has a service between the two villages (timetable below).

Pwllheli - Trefor - Caernarfon													BERWYN / CLYNNOC AND TREFOR				12				
Llun i Sadwrn Dim ar Wyliau Cyhoeddus						o/from 01/04/18		Monday to Saturday Except Public Holidays													
PWLLHELI, Gorsaf Bws/Bus Station (C)						....	0740	0840	0940	1040	1140	1240	1340	1440	1550	1640	1740	1825	1945	2115	2240
Pwllheli, Ysbyty Bryn Beryl						....	0745	0845	0945	1045	1145	1245	1345	1445	1555	1645	1745	1830	1950	2120	2245
Y Ffôr						....	0748	0848	0948	1048	1148	1248	1348	1448	1558	1648	1748	1833	1953	2123	2248
Llanaelhaearn						....	0754	0854	0954	1054	1154	1254	1354	1454	1604	1654	1754	1839	1959	2129	2254
Llanaelhaearn						0711	0801	0906	1011	1111	1211	1311	1411	1511	1611	1711	1811	1931	2104	2229	....
Y Ffôr						0717	0807	0912	1017	1117	1217	1317	1417	1517	1617	1717	1817	1937	2107	2232	....
Pwllheli, Ysbyty Bryn Beryl						0720	0810	0915	1020	1120	1220	1320	1420	1520	1620	1720	1820	1940	2110	2235	....
PWLLHELI, Gorsaf Bws/Bus Station (C)						0725	0815	0920	1025	1125	1225	1325	1425	1525	1625	1725	1825	1945	2115	2240	....

Public transport timetable

3.3. Financial impact

Below is a summary of the financial impact on transport arrangements:

Alternative school (option)	Distance from Ysgol Llanaelhaearn (miles)	Transport costs from the centre of Llanaelhaearn village to the alternative school
Minibus / taxi for eight pupils.	3.6	£11,400

	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
Federalise formally with another school or other schools	No change	£0
Closing Ysgol Llanaelhaearn and moving the pupils to be educated at Ysgol Bro Plenydd, Y Ffôr - transport for eight pupils.	Convene at an agreed place to catch the bus.	£11,400

It is noted that seven pupils who live in the Llanaelhaearn catchment area already attend Ysgol Bro Plenydd (2018 data).

If the Ysgol Bro Plenydd catchment area were to be modified to include the Ysgol Llanaelhaearn catchment area in future, then it is anticipated that:

- Transport costs for the current Ysgol Llanaelhaearn pupils and those pupils that already attend Ysgol Bro Plenydd, would be approximately £19,000 a year.
- The transport costs for all pupils in the Ysgol Llanaelhaearn catchment area, if they all decided to attend Ysgol Bro Plenydd in future, would be approximately £25,000 a year.

4. CONCLUSIONS

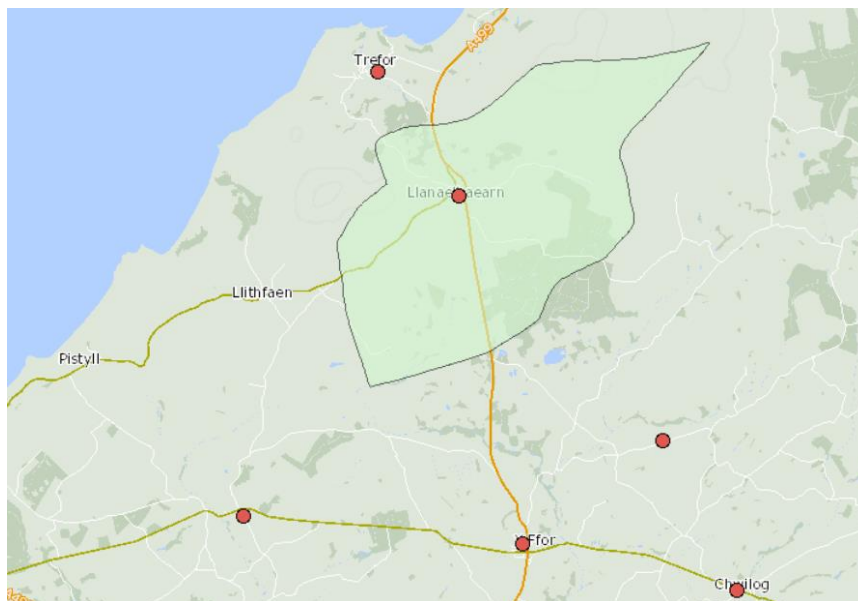
There would no impact on current travel and transport arrangements from introducing a model of formal federalisation, as the pupils would continue to be educated at Ysgol Llanaelhaearn.

Implementing the proposal to close Ysgol Llanaelhaearn and offering the pupils an education at Ysgol Bro Plenydd, Y Ffôr, would have some impact on the children's travel arrangements, as it would for the Authority.

In accordance with the most recent data, from September 2018, 38 children live in the catchment area and 27 choose to attend other schools, of whom six already attend Ysgol Bro Plenydd.

This option would involve arranging a bus or taxi for the learners that would drop off the children at the car park at Ysgol Bro Plenydd.

This option would incur additional costs for the Authority. These costs are estimated to be approximately £11,400 to transport the eight existing pupils to Ysgol Bro Plenydd, and up to approximately £25,000 if all the children in the Ysgol Llanaelhaearn catchment area chose to attend Ysgol Bro Plenydd (subject to modifying the catchment areas for the future).



Quality and Standards in Education Assessment Report - Ysgol Llanaelhaearn

- December 2019

Contents

1. INTRODUCTION
2. SUMMARY
3. ASSESSMENT OF IMPACT ON QUALITY AND STANDARDS OF EDUCATION
4. CONCLUSIONS

1. INTRODUCTION

On 4th June 2019, Gwynedd Council's Cabinet allowed the Education Department to *'hold formal meetings with the governing body and other relevant stakeholders to discuss a range of possible options for the future of the school'* as a result of the Education Department concerns regarding a significant drop in numbers attending school.

In accordance with the requirements of the School Organisation Code 011/2018, which includes 'The presumption against the closure of rural schools', an assessment of the likely impact on quality and standards of education of any reasonable option needs to be undertaken that can address the main challenges the school faces.

For the purpose of the Code, Ysgol Llanaelhaearn is designated as a 'Rural School'.

"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."

Source: School Organisation Code 011 /2018

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn, which is between Pwllheli and Caernarfon. The School has a Nursery to Year 6 capacity of 53, with 8 pupils aged 3-11 attending the school (September 2019 Census). All pupils live in the Llanaelhaearn catchment area.

The number of pupils attending the school have decreased significantly since 2013, when there were over 40 pupils at the school.

The 8 pupils now attending are taught in two classes with three pupils in one class and five pupils in the other.

On the 24th June 2019, a meeting was held to review the school's situation, at which a number of options were put forward for consideration for the future of the school. Further meetings were held in September to evaluate the options and identify the options that would be reasonable to try to solve the challenge of low pupil numbers at the school.

On November 5th 2019, Gwynedd Council's Cabinet agreed 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020.

2. SUMMARY

Ysgol Llanaelhaearn was last inspected by Estyn in 2015 where it was concluded that the school's current performance and prospects for improvement were adequate. It is acknowledged that the school has been on a journey of improvement since the inspection period and that several Headteachers have led the school since then.

In 2019 the school was placed in the yellow category in terms of support and the ability of school to improve by the Welsh Government.

Below is a summary of the latest reports of neighbouring schools, or schools that are subject to any of the reasonable options for the future of Ysgol Llanaelhaearn.

2.1 Ysgol Llanaelhaearn

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn, which is between Pwllheli and Caernarfon in Gwynedd. The school's catchment area includes the village and the surrounding area, which is located between the catchment areas of Ysgol Yr Eifl (Trefor), Ysgol Llangybi, Ysgol Bro Plenydd (Y Ffôr) and Ysgol Pentreuchaf. Ysgol Llanaelhaearn was last inspected in 2015, when there were 28 pupils on the register, taught in two mixed-age classes.

It is also recognised that due to the low pupil to child ratio currently at Ysgol Llanaelhaearn, the children are making good progress.

School	Year of Inspection	How good are the outcomes?	How good is the provision?	How good are leadership and management?	Level of Progression (if appropriate)		Welsh Government Support Category 2019
Llanaelhaearn	April 2015	Adequate	Adequate	Unsatisfactory	October 2016	Good Progress	Yellow

2.2 Other Schools in the Area

School	Year of Inspection	How good are the outcomes?	How good is the provision?	How good are leadership and management?	Level of Progression (if appropriate)		Welsh Government Support Category 2019
Yr Eifl	December 2014	Adequate	Good	Adequate	June 2016	Good Progress	Yellow
Bro Plenydd	February 2015	Good	Good	Good	-	-	Green
Chwilog	January 2013	Adequate	Adequate	Unsatisfactory	April 2014	Significant Improvement	Yellow

The table below summarises Estyn inspection report which has been inspected since September 2017, when Estyn introduced the five areas of review:

School	Year of Inspection	Standards	Well-being and attitudes to learning	Teaching and learning experiences	Care, support and guidance	Leadership and management	Welsh Government Support Category 2019
Llangybi	December 2018	Good	Good	Good	Good	Good	Yellow
Pentreuchaf	April 2019	Good	Good	Good	Good	Good	Green

3. ASSESSMENT OF IMPACT ON QUALITY AND STANDARDS OF EDUCATION

This assessment has been carried out on two models that would offer advantages to the school's current situation, namely to federate with another school or schools, or closing the school and pupils being educated at an alternative school.

These models, in addition to do nothing and continue the *status quo*, are detailed below.

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

Retaining the current system would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Head at Ysgol Llanaelhaearn, Garndolbenmaen and Chwillog who would spend 1 day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be taught by a full-time teacher and a senior assistant.

- *To federalise with another school (s)*

Ysgol Llanaelhaearn would form a formal, legal federal model with a neighbouring school or schools. Geographically, the schools that would be reasonable to consider would be one or more of the following; Yr Eifl, Llanybi, Bro Plenydd, Chwillog, or Pentreuchaf.

This would mean that the schools remain separate but the Governing Bodies are abolished, and a single Governing Body is elected for the Federation. The schools budgets would remain as they are.

Forming a formal federation with another school or schools would strengthen the school's leadership and increase opportunities for pupils to collaborate and socialise with peers.

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

This would mean to close Ysgol Llanaelhaearn, and current pupils would transfer to Ysgol Bro Plenydd (the alternative school).

DO NOTHING - ASSESSMENT OF IMPACT ON QUALITY AND STANDARDS OF EDUCATION

Positive	Neutral	Negative
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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 is based on the information of Ysgol Llanaelhaearn's Estyn report April 2015.

FEDERALISATION - ASSESSMENT OF IMPACT ON QUALITY AND STANDARDS OF EDUCATION

	Positive	Neutral	Negative
Impact Criteria	Description		
The impact and status of work			
Standards and general progress of specific groups and in terms of skills	No negative impact on these criteria is envisaged through federalisation with a neighbouring school. All of the schools in question are at least in the same category as Llanaelhaearn		
Well-being and attitude to learning	No negative impact on these criteria is envisaged through federalisation with a neighbouring school. All of the schools in question are at least in the same category as Llanaelhaearn		
Teaching and learning experiences	The current arrangement of working with Ysgol Chwillog provides pupils with transition experiences and opportunities. A federal model would likely include the same opportunities, with the potential to expand on this.		
Care guidance and support	No negative impact on these criteria is envisaged through federalisation with a neighbouring school. All of the schools in question are at least in the same category as Llanaelhaearn.		
Leadership and management	Save the Headteacher's time by planning across the federation rather than in individual schools.		
Vulnerable groups, including children with Additional Learning Needs (ALN)	Provisions for vulnerable groups would not change under a federal model.		
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	No change as Ysgol Llanaelhaearn will continue.		

The above assessment has been based on the information of Ysgol Llanaelhaearn's Estyn report April 2015; Ysgol Bro Plenydd February 2015; Ysgol Chwillog, April 2014; Ysgol Llanybi 2018 and Ysgol Pentreuchaf 2012.

**TO CLOSE YSGOL LLANAEHAEARN AND PUPILS TAUGHT AT AN ALTERNATIVE SCHOOL - ASSESSMENT OF
IMPACT ON QUALITY AND STANDARDS OF EDUCATION**

Positive	Neutral	Negative
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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	'Adequate' was the result of Estyn survey for the standards indicators at Ysgol Llanaelhaearn, whilst Ysgol Bro Plenydd was 'Good'. Therefore, based on the information from the last survey (2015) educating the children at Ysgol Bro Plenydd would have a positive effect.	Positive
Well-being and attitude to learning	'Adequate' was the result of the Estyn survey for the wellbeing indicators at Ysgol Llanaelhaearn and Ysgol Bro Plenydd during their most recent survey (2015), therefore based on these reports no impact is anticipated.	Neutral
Teaching and learning experiences	'Adequate' was the result of these indicators at Ysgol Llanaelhaearn, whilst Ysgol Bro Plenydd was 'Good' according to Estyn in 2015. It is therefore anticipated that this model could have a positive impact on teaching and learning experiences. Education at Ysgol Bro Plenydd would involve teaching in larger groups and with peers to broaden their experiences.	Positive
Care guidance and support	'Adequate' was the result of these indicators at Ysgol Llanaelhaearn, whilst Ysgol Bro Plenydd was 'Good' according to Estyn in 2015. It is therefore anticipated that this model could have a positive impact on teaching and learning experiences.	Positive
Leadership and management	During their last Estyn review, in February 2015, Ysgol Bro Plenydd was categorized as 'Good' for all aspects of 'leadership and management'. Ysgol Llanaelhaearn was categorised as 'adequate' with the 'Leadership' area being specifically 'unsatisfactory'. However, the school met its prospects for improvement.	Positive
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, which is a standard in all Gwynedd schools.	Neutral
Provision that is at least commensurate with what is currently available to learners (including those with ALN)	The alternative school has been categorized as 'A' in terms of condition, compared to Ysgol Llanaelhaearn which is categorised as 'B'.	Positive

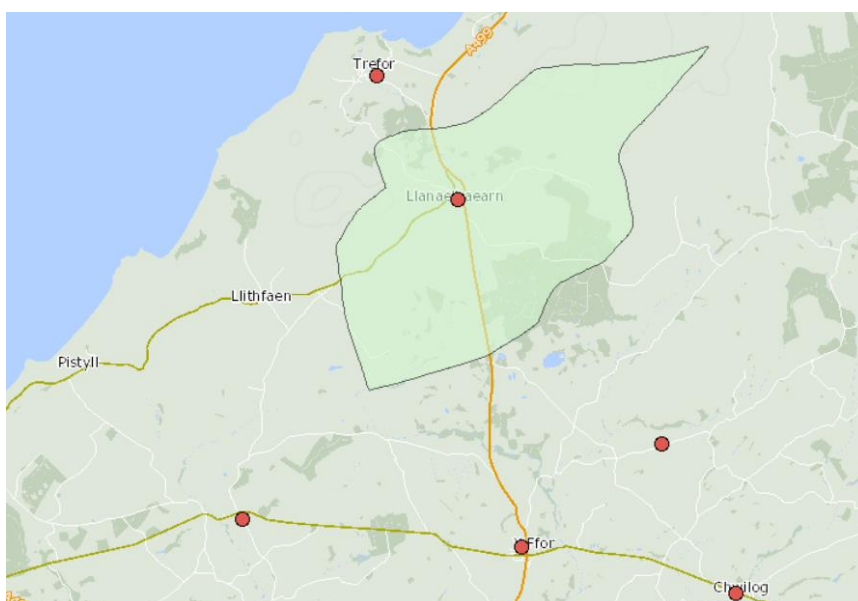
The above assessment has been based on the information of Ysgol Llanaelhaearn Estyn report April 2015, and Ysgol Bro Plenydd, February 2015.

4. CONCLUSIONS

This assessment of the impact on the quality and standards of education demonstrated that introducing either option of federalisation, or closing Llanaelhaearn school and transferring the children to Ysgol Bro Plenydd is likely to be positive.

It is acknowledged that the low numbers of Ysgol Llanaelhaearn now mean that there is currently a low pupil to child ratio, and as a result the children are making good progress.

The information in this assessment on the most recent Estyn inspections on the schools in question indicates that each of the schools has been placed in a category at least equivalent to Ysgol Llanaelhaearn, and all of the schools placed in the yellow, or green, in terms of the level of Welsh Government support.



Well-being Assessment Report Ysgol Llanaelhaearn

- December 2019

Contents

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.

We will ensure that the residents of Gwynedd can:	Prosperous	Resilient	Healthier	Equal	Cohesive Communities	A vibrant culture where the Welsh language is thriving	Globally responsible
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 Llanaelhaearn Context

On 4th June 2019, Gwynedd Council's Cabinet allowed the Education Department to hold formal meetings with the Governing Body of Ysgol Llanaelhaearn, and other relevant stakeholders, to discuss a range of possible options for the future of the school.

Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn which is between Pwllheli and Caernarfon. The school has a capacity of 53 from Nursery to Year 6, with 8 pupils aged 3-11 attending the school (September 2019). All pupils live in the Llanaelhaearn catchment area.

The 8 pupils now attending the school are taught in two classes with 3 in the foundation phase and 5 in key stage 2.

Between June and September 2019, a series of meetings were held to review the school's situation, at which a number of options were proposed and assessed for the future.

Having considered and evaluated the 8 options, the Education Department considered in more detail two options, which would offer advantages over the current situation, which are to federalise with another school or schools, or closing the school and pupils to be educated at an alternative school.

Those models, in addition to doing nothing and continuing the status quo, are detailed below.

- *Do nothing - continue with existing school structure.*

Maintaining the current system would mean that Ysgol Llanaelhaearn would continue in the same way, with the same staffing structure. There would be a Strategic Head at Ysgol Llanaelhaearn, Garndolbenmaen and Chwilog who would spend 1 day a week leading Ysgol Llanaelhaearn.

The pupils would continue to be taught by a full-time teacher and a senior assistant.

- *To federalise with other school (s)*

Ysgol Llanaelhaearn would form a formal, legal federal model with a neighbouring school or other schools. Geographically, the schools that would be reasonable to consider would be one or more of the following; Yr Eifl, Llanybi, Bro Plenydd, Chwilog, or Pentreuchaf.

This means that the schools remain separate but the Governing Bodies are abolished, and a single Governing Body is elected for the Federation. Schools budgets would remain as they are.

Forming a formal federation with another school or schools would strengthen the school's leadership and increase opportunities for pupils to collaborate and socialise with peers.

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

This means that Ysgol Llanaelhaearn is closing, and current pupils transfer to Ysgol Bro Plenydd (the alternative school).

Following detailed consideration of those options, a recommendation will be presented to Gwynedd Council's Cabinet on the 5th of November to close Ysgol Llanaelhaearn and transfer the pupils to Ysgol Bro Plenydd, Y Ffôr.

2.HOW DOES THE PROPOSAL MEET GWYNEDD COUNCIL'S WELL-BEING OBJECTIVES?

Gwynedd Council's well-being objectives were considered when evaluating the options.

Do nothing - continue with the status quo.	
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

Federation with other School (s)	
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. Federalisation would be a process of formalising the current arrangement of collaboration, and although there will be minor changes such as a single Governing Body, and reducing the administrative burden on the Headteacher, it is presumed that the school would continue with the arrangement of collaborating with Ysgol Chwillog and Garndolbenmaen, or another school if they formed a federation with them.
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

Close Ysgol Llanaelhaearn and pupils to be educated at an alternative school	
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	Introducing this option could result in staff redundancy. 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 redundancies arising from any proposal. Clear and open communication will be essential to the successful implementation of any proposals.
Receive education of the highest quality that will allow them to do what they want to do	Ensuring that the pupils receive a first class education will be at the heart of the proposal, ensuring that they receive at least the same quality and standard in the alternative school.

To live with dignity and independently for as long as possible	No effect
Live in a naturally Welsh society	A language impact assessment has been undertaken. Pupils at Ysgol Llanaelhaearn live in a Welsh community and are educated through the medium of Welsh, as Ysgol Bro Plenydd. The linguistic impact assessment notes that the position of the alternative school is very strong, with 83% of pupils coming from Welsh-speaking homes. By comparison, 54% of Ysgol Llanaelhaearn's pupils come from Welsh-speaking homes.
Take advantage beauty of the County's natural environment	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:
A prosperous Wales An innovative society using resources efficiently and proportionately, educated people, creating wealth and work.	Implementing the proposal to close Ysgol Llanaelhaearn and educate the children at Ysgol Bro Plenydd means that the pupils develop experiences through socialising with other children and will receive a quality education using resources efficiently. This proposal could result in staff losing their jobs.	Staff and Union representatives will be consulted specifically as part of the statutory consultation period. 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 be in line with that policy. Clear and open communication will play a central role in implementing any proposals.
A resilient Wales A nation that maintains and enhances biodiversity and healthy ecosystems that support resilience and the ability to adapt to change (for example climate change).	The proposal is unlikely to have an impact on this aim.	No effect
A healthier Wales A society where people's physical and mental well-being is as good as possible and people understand what affects their health.	The proposal is unlikely to have an impact on this aim.	No effect
A more equal Wales A society that enables people to fulfil their potential irrespective of background or circumstances (including their socio-economic background and circumstances).	The education and experiences of the catchment area pupils are at the forefront of the proposal. Our aim is to ensure that pupils achieve their potential regardless of their background.	An equality assessment has been undertaken and it is concluded that implementation of the proposal would not impact on equality, and that all pupils and families have equal opportunity irrespective of their background or socio-economic circumstances. The alternative school operates a robust equality and anti-bullying policy.
A Wales of cohesive communities Attractive, viable and safe communities with good connections	The community of Llanaelhaearn is strong and active and it is recognised that closing the school would have some negative impact on the community.	An assessment of the likely impact on the community has been undertaken where it is noted that although there is some negative impact on the community, but 7 pupils living in the Llanaelhaearn catchment area already attend Ysgol Bro Plenydd, and therefore there is already contact between the school and the wider area. The assessment also notes that discussions would be held to discuss the possibility that Ysgol Bro Plenydd's community activities includes the community of Llanaelhaearn.

A vibrant Wales and culture where the Welsh language thrives A society that promotes and protects culture, heritage and the Welsh language and encourages people to participate in the arts, sports and leisure activities.	Implementing this proposal will mean that pupils at Ysgol Llanaelhaearn will continue to be educated in a Welsh medium school.	The language impact assessment notes that there would be no change to this aim by realising the proposal as a result of the Welshness of the Llanaelhaearn area and other nearby areas.
Wales is globally responsible. 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.	The proposal is unlikely to have an impact on this aim.	No effect

4. SUSTAINABLE DEVELOPMENT PRINCIPLES

Sustainable Development Principles	Does the proposal consider the principle?
Long term 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 declining numbers since 2012, with projections showing that numbers will reduce further, and so it shows that the current challenging situation facing the school will be long-term and need to be reviewed as soon as possible.
Suspension How action to prevent problems from occurring or escalating can help public bodies achieve their objectives.	Pupils' needs will be prioritised at all stages of the process.
Integration 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.	A critical situation of low numbers at Ysgol Llanaelhaearn has led to a review of the school's position for the future.
Collaboration Collaboration with any other person (or different departments within the organisation itself) could help the organization meet its well-being goals.	A number of other departments have had input during the process and whilst evaluating the possible options. In addition, relevant stakeholders of the school have been involved in the process.
Contents 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 to public consultation, and consultation for children. The process to date has included local review meetings to engage with the relevant stakeholders of the school. These meetings have involved the Governing Body, staff, and parents of Ysgol Llanaelhaearn.

5. CONCLUSION

Following consideration and assessment in accordance with the requirements of the well-being act, the 7 well-being goals of the Act, together with the Council's well-being objectives were considered and it was 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 this proposal leads to the loss of a school in the Llanaelhaearn community, however a large number of the children living within the school catchment area already attend other schools, including the alternative school and therefore some engagement between both communities already exists. Every effort will be made to mitigate the effects on the community by encouraging engagement between the communities. Should the proposal be approved, discussions will be facilitated to discuss the possibility for Ysgol Bro Plenydd's community activities extend to the community of Llanaelhaearn, where appropriate.

The proposal will ensure that the children of the area are educated on a suitable site and in a naturally Welsh society, increasing opportunities for socialising and working with others and giving them a fair chance to flourish among their peers.

Cyfarfod Adolygu Ysgol Llanaelhaearn

Ysgol Llanaelhaearn Review Meeting

Addysg

Ysgol Llanaelhaearn

19:30 – 21:00, Dydd Llun/*Monday*, 24 Mehefin/*June* 2019
Canolfan Y Babell, Llanaelhaearn

1. **CROESO (Garem Jackson, Pennaeth Addysg)**
Welcome (Garem Jackson, Head of Education)

2. **GEIRIAU AGORIADOL YR AELOD CABINET DROS ADDYSG (Cyng. Cemlyn Williams)**
OPENING WORDS FROM CABINET MEMBER FOR EDUCATION (Cllr. Cemlyn Williams)

3. **CYFLWYNIAD AR Y SEFYLLFA BRESENNOL (Gwern ap Rhisiart, Swyddog Addysg Ardal Dwyfor a Meirionnydd)**
PRESENTATION ON THE CURRENT SITUATION (Gwern ap Rhisiart, Dwyfor and Meirionnydd Area Education Officer)

4. **TRAFODAETH**
DISCUSSION

5. **CAMAU NESAF**
NEXT STEPS

6. **CLOI**
CLOSE

Adolygu Sefyllfa Ysgol Llanaelhaearn



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Agenda

- Geiriau agoriadol yr Aelod Cabinet dros Addysg
Cabinet Member for Education's opening words
- Y sefyllfa bresennol
The current situation
- Trafodaeth
Discussion
- Camau nesaf
Next steps

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Cyng. Cemlyn Rees Williams

- Ein bwriad heddiw yw i adolygu sefyllfa bresennol Ysgol Llanaelhaearn, oherwydd pryder yn y nifer o ddisgyblion ar y gofrestr.
Our aim today is to review Ysgol Llanaelhaearn's current situation, due to concerns over the number of pupils on the register.
- Amcan y cyfarfod yw i lunio a thrafod gwahanol opsiynau posibl ar gyfer dyfodol yr ysgol.
The purpose of this meeting is to draw up and discuss possible options for the school's future.
- Mae'n bwysig i ni ein bod yn derbyn eich mewnbwn chi yn y broses.
It is important that we receive your input in the process.
- Byddwn yn cynnal un neu ddau gyfarfod pellach er mwyn cytuno ar opsiwn ffafredig i mi ei gyflwyno i Gabinet Cyngor Gwynedd yn yr Hydref.
We will hold one or two further meetings to agree on a preferred option to present to Gwynedd Council's Cabinet in the Autumn.

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Y Sefyllfa Bresennol / The Current Situation

Gwern ap Rhisiart
Swyddog Addysg Ardal

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Niferoedd / Numbers

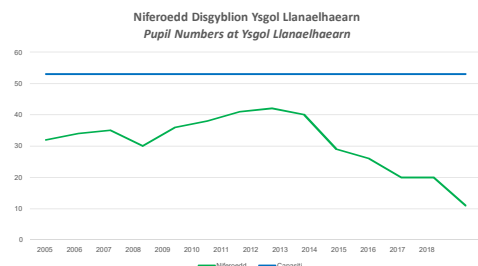
Nifer ar y gofrestr Medi 2018 (M – Bl6) Number on roll September 2018 (N – Yr6)	Capasiti Llawn (M – Bl6) Full Capacity (N – Yr6)	Nifer o Lefydd Gwag 2018 (M – Bl6) Number of Surplus Places 2018 (N – Yr6)	% o Lefydd Gwag 2018 (M – Bl6) % of Surplus Places 2018 (N – Yr6)
11	53	42	79%

Ffynhonnell : Cyfrifiad Medi 2018
Source: Census September 2018

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Niferoedd / Numbers



Ffynhonnell: Gwefan Cyngor Gwynedd
Source: Gwynedd Council Website

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Niferoedd / Numbers

		Dalgylch Cartref / Home Catchment Area (Medi / September 2018)		Cyfanswm Ysgol M-B16 School Total N-Yr6
		Llanaelhaearn	Arall Other	
Mynychu Ysgol / School Attending (Medi / September 2018)	Llanaelhaearn	11	-	11
	Arall Other	28		
Cyfanswm Dalgylch Catchment Area Total		39		

Ffynhonnell: Cyfrifiad Medi 2018
Source: Census September 2018

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Maint dosbarthiadau 2018/19 Class sizes

Ysgol School	Meithrin Nursery	Derbyn Reception	BI 1 Yr 1	BI 2 Yr 2	BI 3 Yr 3	BI 4 Yr 4	BI 5 Yr 5	BI 6 Yr 6	Cyfanswm Total
Llanaelhaearn	0	3	1	2	0	2	1	2	11

Nifer y dosbarthiadau No. of Classes	Dosbarth mwyaf Largest Class	Dosbarth lleiaf Smallest Class	Maint dosbarth ar gyfartaledd Average Class Size
2	6	5	6

Ffynhonnell: Cyfrifiad Medi 2018
Source: Census September 2018

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Rhagamcanian / Projections

	M	0	1	2	3	4	5	6	Cyfanswm Total
Medi 2018 September 2018	0	3	1	2	0	2	1	2	11
Amcangyfrif Medi 2019 September 2019 Projection	2	0	3	1	2	0	2	1	11
Amcangyfrif Medi 2020 September 2020 Projection	0	2	0	3	1	2	0	2	10
Amcangyfrif Medi 2021 September 2021 Projection	0	0	2	0	3	1	2	0	8

Ffynhonnell: Cyfrifiad Medi 2018
Source: Census September 2018

- Dengys y rhagamcanian y bydd 8 disgybl yn mynychu'r ysgol yn 2021
Projections indicate that numbers at Ysgol Llanaelhaearn will decrease to 8 pupils by September 2021
- Gwyddom bellach mai 8 fydd yn mynychu'r ysgol ym mis Medi 2019
It is now apparent that 8 pupils will be attending the school in September 2019.

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Cyllideb Ysgol 2019-20 / School budget 2019-20

Ysgol School	CYLLIDEB 2019-20 / 2019-20 BUDGET			
	Dyranid / Allocation	Gwarchodaeth lleiafswm staffio* / Minimum staffing protection*	Cyfanswm cyllideb / Total budget	Cyfrateb y Disgybl / Average per pupil
Llanaelhaearn	£95,635	£43,744	£139,379	£12,671
Cyfrateb Ysgolion Cymuned y Str / County Average Primary			£404,000	£3,884

Ffynhonnell: Dyranid Cyllideb Ysgolion Cymuned 2019-20
Source: Primary Schools Budget Allocation 2019-20

*Mae'r polisi gwarchodaeth yn sicrhau o leiaf pennewth ac atbroffwrdd ym mhob ysgol sydd gyda mwy na 15 disgybl, a pennewth a broffwrdd ym mhob ysgol sydd gyda 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.

- Diffyg o £14,482 yng nghyllideb eleni / £14,482 deficit in this year's budget
- Defnyddio balansau i fantoli'r gyllideb eleni / Balances used to offset the deficit this year
- Wedi hyn, ni fydd y gyllideb yn ddigonol i gynnal y strwythur staffio presennol / From 2020/21, the budget will not sustain the current staffing structure

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Sefyllfa staffio / Staffing situation

Rôl / Role	
Pennaeth / Headteacher	1 diwrnod yr wythnos 1 day a week
Athrawes / Teacher	Llawr amser - 80% arweinyddiaeth / 20% athrawes Full time - 80% leadership / 20% teacher
Uwch-gymhorthydd / Senior Classroom Assistant	34 awr yr wythnos 34 hours a week
Cymhorthydd ADY / SEN Assistant	(grant ychwanegol) (additional grant)
Llanw / Supply	1 diwrnod yr wythnos 1 day a week

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Cyflwr yr adeilad / Building condition

- Cafodd yr archwiliad cyflwr adeilad diwethaf ei gynnal ym mis Ebrill 2018
The Building was last inspected in April 2018
- Adnabuwyd gwerth £100mil o waith bryd hynny
£100k worth of work was identified at that time
- Cyflwr wedi gwaethgu ers yr archwiliad diwethaf ac felly costau yn debygol o fod yn uwch
Condition has deteriorated since the last inspection and costs are likely to be higher
- Gwaith cynnal a chadw rhaglenedig ac adweithiol wedi parhau fel yr arfer
Reactive and planned maintenance has continued as usual

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Crynodeb / Summary:

Prif heriau Ysgol Llanaelhaearn

Key challenges

- 1 Nifer isel o ddisgyblion
Low pupil numbers
- 2 Cost y disgybl dair gwaith yn uwch na chyfartaledd y Sir
Cost per pupil three times the County average
- 3 Cyllideb ddim yn ddigonol wedi diwedd y flwyddyn ariannol bresennol i gynnal y strwythur staffio
Next year, the budget won't be sufficient to maintain the current staffing structure

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Trafodaeth / Discussion

- Bydd y Cyngor yn ymgeisio i ystyried pob opsiwn posib i adfer y sefyllfa argyfyngus bresennol /
The Authority aspires to consider every possible option to resolve the current critical situation
- I'r perwyl hwn, rydym yn awyddus ein bod yn derbyn mewnbwn a gwybodaeth lleol ynglŷn a datrysiadau posib /
To this end, we are eager to receive local knowledge and input regarding possible solutions

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Trafodaeth / Discussion

Dyma rai o'r opsiynau y byddwn yn eu asesu/

We will be assessing the viability of the following options:

- 1 Parhau gyda'r sefyllfa bresennol
Continue with the current arrangements
- 2 Ffedereiddio gydag ysgol arall
To create a Federation with a nearby school
- 3 Cau Ysgol Llanaelhaearn a symud y disgyblion i ysgol amgen
Discontinue Ysgol Llanaelhaearn and relocate pupils to an alternative school

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Camau nesaf / Next steps

- **Gorffennaf 2019** - Cyflwyno unrhyw gwestiynau neu sylwadau ychwanegol erbyn 1 Gorffennaf:
ModerneiddioAddysg@gwynedd.llyw.cymru
- **Medi 2019** - Cyfarfod i drafod canlyniadau asesu'r opsiynau, a chyfarfod pellach i gytuno a phenderfynu ar opsiwn ffafredig.
- **Hydref 2019** - Aelod Cabinet i gyflwyno opsiwn ffafredig i Gabinet Cyngor Gwynedd ei ystyried.

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Camau nesaf / Next steps

- **July 2019** – Present additional questions or comments by 1st July:
ModernisingEducation@gwynedd.llyw.cymru
- **September 2019** – Meeting discuss the options assessment. Further meeting to agree and decide a preferred option.
- **October 2019** – Cabinet Member for Education to present the preferred option to Gwynedd Council's Cabinet for consideration.

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Ysgol Llanaelhaearn Review Meeting

Addysg

Meeting:	Ysgol Llanaelhaearn Review	Date: 24/06/2019 7:30pm
		Location: Canolfan y Babell, Llanaelhaearn

Present:	<p><u>Officers:</u> Gwern ap Rhisiart (GapRh); Gareem Jackson (GJ); Cyng. Cemlyn Williams (CW); Ffion Jones (FfJ); Betsan Williams (BW);</p> <p><u>On behalf of the Governors of Ysgol Llanaelhaearn:</u> 9 Members</p> <p><u>Parents/Family</u> 7 Members</p>
Apologies:	2 Members

Item Number	Item / Subject	Action
1.	WELCOME	<ul style="list-style-type: none"> Gareem Jackson, Gwynedd's Head of Education welcomed everyone to the meeting and thanked everyone for their attendance. A brief presentation was given on the purpose of this meeting. It was confirmed that the Cabinet had approved to review the position and future of the school on 4 June 2019. It was explained that the Education Officers will try and answer any questions and there will be an opportunity at the end to hear everyone's views.
2.	CABINET MEMBER FOR EDUCATION'S OPENING WORDS	<ul style="list-style-type: none"> A further presentation was given from Councillor Cemlyn Williams. It was explained that the Councillor will present the preferred option to Cabinet in October following further meetings in September.
3.	PRESENTATION ON THE CURRENT POSITION	<ul style="list-style-type: none"> The Area Education Officer went through the presentation which showed the current position of the school (September 2018 data). It was explained that there will be an opportunity after the meeting to discuss and ask questions with comments to be received by 1st July. Officers will return to the September meeting with answers and findings. The school's current challenges were explained and then options that have arisen at present that will be assessed. There is an opportunity for discussion and to come up with more possible options at the end of the meeting.
4.	DISCUSSION	<ul style="list-style-type: none"> It was explained that the Council must go through every possible option and assess them. An issue was raised on behalf of the Governors that these steps should have been taken some time ago. The Governors believe that the Authority is partially responsible for allowing the numbers to fall following local meetings some years ago, and that local rumors that the school is closing has made it more difficult to attract families to choose to send their children to the school. The matters raised by the Governors were noted but it was added that the main purpose of the meeting was to discuss the current situation of possible solutions to the challenges facing the school. The options presented during the meeting were: <ul style="list-style-type: none"> Referral unit It was proposed to try to increase the numbers of Ysgol Llanaelhaearn's children in

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		<p>order to balance the numbers.</p> <ul style="list-style-type: none"> – The Council was asked to try hard to make a change to the school. Young families in the village are needed to increase numbers. It was asked if it is possible for Gwynedd Council to influence who moves to the village, e.g. by prioritising local young families in a social housing allocation process. It was stated that people had come here to live and had heard that the school was closing and therefore they were attending a nearby school with sustainable numbers instead. – Standards are as high as all other schools in the catchment area. It is impossible to try and sell the school/place to families. – It was asked if information could be prepared for parents which would confirm that the school is not closing at the end of the Summer term 2019. – A 5 year warranty was requested to borrow time to increase school numbers. – The meaning of federalisation was explained. Informal federation is the current arrangement for sharing a Headteacher with other schools. Creating a formal Federation is a legal process where two or more schools come together to form a Federation. The schools would remain separate schools but with one Governing Body. – It was noted that there have been no cuts to school budgets by the Council and that the Welsh education improvement grant has reduced significantly in recent years. – The option to federate was raised with 3 schools where the Headteacher currently leads namely Ysgol Chwillog and Ysgol Garndolbenmaen but it was explained that the Headteacher needed to be released to ensure that he had 80% non-contact time. It would be necessary to ensure that the other schools would benefit from federating with Ysgol Llanaelhaearn. – It was asked if it is possible for Gwynedd Council to send out a letter to parents whose pupils attend out of area schools. The Council is unable to do this as it will be in breach of school admissions law by trying to influence parental choice. Parents have the right to choose which school their children can attend - the Council has no control over this. It was proposed that Education Officers would be willing to check any letter that the Body wrote to parents to assist with the wording and structure of such a letter. – Options were explored to see how to increase child numbers - breakfast club, after school club, childcare etc. but this will need to be done by September. It will be possible to ask the Early Years team for data on the demand for these services in the area. – It was proposed to open a café at the school for the people of the village to use the school, and to raise money to contribute towards the running costs of the building. • It was stated that more items need to be made on radio, television and newspaper to get the message about the school stronger over to the public. • Asked what other schools are doing to raise awareness. They hold concerts, coffee evenings etc to raise the profile of the school.
5.	NEXT STEPS	<ul style="list-style-type: none"> • It was emphasised that options have been discussed and will need to be assessed and researched. • We will hold further meetings in September to agree a preferred option and the Cabinet Member for Education will present any proposal to Gwynedd Council's Cabinet in October. If this option required a statutory procedure, it was explained that we would follow the statutory process from October 2019 to May 2020. • It was emphasised that all cabinet reports are public and therefore these can be viewed on the internet.

		<ul style="list-style-type: none">• By the next meeting everyone's ideas will have been collated and options research and assessments will have been undertaken.• During the September meeting we will discuss the findings and agree a preferred option that will answer the challenges that the school faces.
6.	TO CLOSE	<ul style="list-style-type: none">• Everyone was thanked for attending the meeting and the next meeting will be held in September.

Adolygu Ysgol Llanaelhaearn

19:30 – 21:00, Dydd Llun, 9 Medi 2019

Canolfan Y Babell, Llanaelhaearn

1. **CROESO (Garem Jackson, Pennaeth Addysg)**
2. **GEIRIAU AGORIADOL YR AELOD CABINET DROS ADDYSG (Cyng. Cemlyn Williams)**
3. **CYFLWYNIAD – OPSIYNAU POSIBL (Gwern ap Rhisiart, Swyddog Addysg Ardal Dwyfor a Meirionnydd)**
5. **CAMAU NESAF**
6. **CLOI**

Ysgol Llanaelhaearn



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Agenda

- Respond to ideas presented at the last meeting
- Review the long list of options
- Next steps

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Assessment of Possible Options

Gwern ap Rhisiart
Area Education Officer

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Responding to Proposals

	Comments	Considerations / Gwynedd Council response
1	Can the Education Department try to campaign to increase school numbers?	In accordance with the School Admissions Code (005/2013): <i>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 .</i> The authority has no right to seek to influence parental choice
2	Is it possible for Gwynedd Council to influence who moves to the village?	A Common Housing Allocation 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 (eg typically three-bedroom houses for families with two or three children). A person who is offered a house in the village of Llanaelhaearn 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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Responding to Proposals

	Comments	Consideration / Gwynedd Council response
3	Can parents be provided with information that would confirm that the school is not closing at the end of the Summer term 2019.	It would not be appropriate for the Education Department to do this, it may seem like a tactic to try to influence parental choice. However, parents may be contacted by the school / Governing Body.
4	Could Gwynedd Council send out a letter to parents who have pupils attending schools outside the catchment area.	The Council is unable to do this as it will be in breach of school admissions law.

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Possible Options

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Long List of Options

OPTIONS	
1.	Continue with the 'status quo'
2.	Change Staff Structure
3.	Early Years Assessment Centres (ABC)
4.	Federisation
5.	Guarantee that the school will be open for at least 5 years
6.	Childcare Club
7.	Community Café
8.	Close Ysgol Llanaelhaearn and pupils to be educated at an alternative school

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Options

- We have researched these 8 options.
- Each option has been analysed by means of a 'SWOT analysis'
- We are eager to receive your input to further develop these assessments

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1. Continue with the 'status quo'

1. Strengths	1. Weaknesses
<ul style="list-style-type: none"> • Keep a school presence in Llanaelhaearn • Welsh-medium education for learners • School within a reasonable distance of the catchment area learners' homes • The quality of education and benefits of the school • Small classes 	<ul style="list-style-type: none"> • Small classes • Low numbers • High cost per pupil
1. Opportunities	1. Threats
	<ul style="list-style-type: none"> • Projections of numbers • Budget deficit • Surplus places • Maintenance costs - £ 100k not a big threat • Only 4 non-contact days for the Headteacher (three schools) • High percentage of children attending schools outside the catchment area

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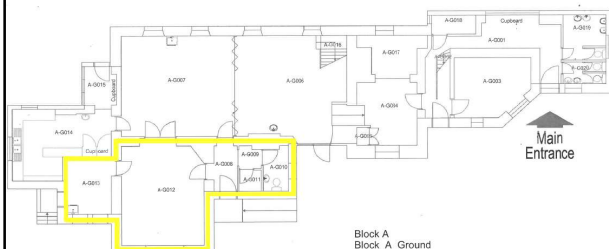
2. Change Staff Structure

2. Strengths	2. Weaknesses
<ul style="list-style-type: none"> • Keep a school presence in Llanaelhaearn • Welsh-medium education for learners • School within a reasonable distance of the catchment area learners' homes • The quality of education and benefits of the school • Small classes 	<ul style="list-style-type: none"> • Small classes • Low numbers • High cost per pupil
2. Opportunities	2. Threats
<ul style="list-style-type: none"> • Reduce staff costs 	<ul style="list-style-type: none"> • Projections of numbers • Risk of not appointing a Headteacher and losing staff in the meantime. • Must have a Headteacher for a school to open • Surplus places • Maintenance costs • School relies on 'Minimum Staffing Protection' funding • High percentage of children attending schools outside the catchment area

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3. Early Years Assessment Centre (ABC)



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3. Early Years Assessment Centre (ABC)

3. Strengths	3. Weaknesses
<ul style="list-style-type: none"> • Keep a school presence in Llanaelhaearn • Welsh-medium education for learners • School within a reasonable distance of the catchment area learners' homes • The quality of education and benefits of the school • Small classes 	<ul style="list-style-type: none"> • Early Years Assessment Centre does not usually attract pupils to school. • It would not generate an income • Small classes • Low numbers • High cost per pupil
3. Opportunities	3. Threats
<ul style="list-style-type: none"> • Increased use of building 	<ul style="list-style-type: none"> • Sacrifice learning space • Budget deficit • Projections of numbers • Surplus places • Maintenance costs • Only 4 non-contact days for the Headteacher (three schools) • High percentage of children attending schools outside the catchment area

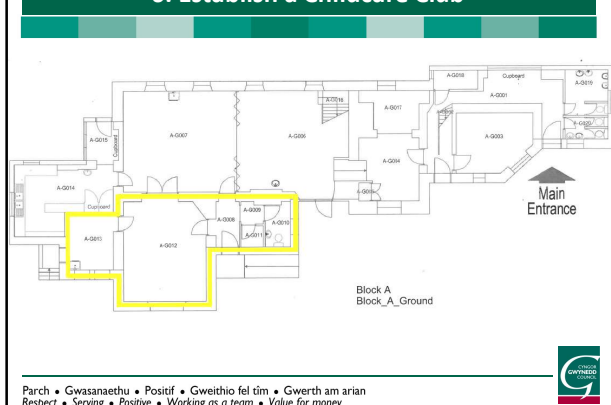
4. Federisation

4. Strengths	4. Weaknesses
<ul style="list-style-type: none"> Formalise the current collaboration arrangement Keep a school presence in Llanaelhaearn Welsh-medium education for learners School within a reasonable distance of the catchment area learners' homes A formal model with a definite structure and any new Headteacher would have to agree to this. The quality of education and benefits of the school Small classes 	<ul style="list-style-type: none"> Geographical distance between schools Numbers not enough to allow non-contact time for Headteacher Small classes High cost per pupil Low numbers
4. Opportunities	4. Threats
<ul style="list-style-type: none"> Release Headteacher's time One Governing Body for the three schools To share resources 	<ul style="list-style-type: none"> Possibility of budget deficit Maintenance costs Surplus places Projections of numbers High percentage of children attending schools outside the catchment area Lack of interest from neighboring schools.

5. 5 Years Guarantee

5. Strengths	5. Weaknesses
<ul style="list-style-type: none"> Keep a school in Llanaelhaearn for at least 5 years Welsh-medium education for learners School within a reasonable distance of the catchment area learners' homes Impact on the community The quality of education and benefits of the school Small classes 	<ul style="list-style-type: none"> Small classes Low numbers High cost per pupil
5. Opportunities	5. Threats
<ul style="list-style-type: none"> Opportunity for the school to campaign to increase numbers 	<ul style="list-style-type: none"> Projections of numbers Budget deficit Surplus places Maintenance costs Only 4 non-contact days for the Headteacher (three schools) High percentage of children attending schools outside the catchment area No guarantee that numbers will rise in this period Unlikely that children will move back to the school from catchment area schools

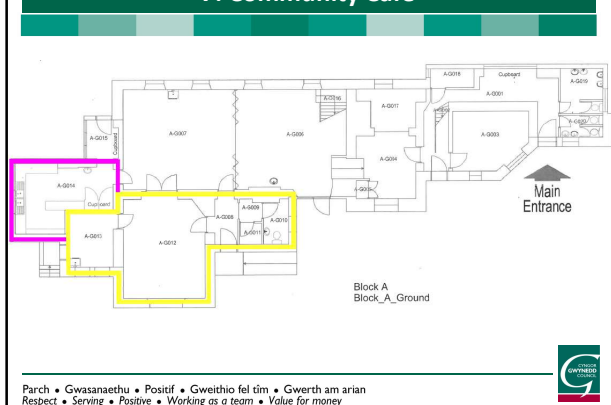
6. Establish a Childcare Club



6. Establish a Childcare Club

6. Strengths	6. Weaknesses
<ul style="list-style-type: none"> Keep a school presence in Llanaelhaearn Welsh-medium education for learners School within a reasonable distance of the catchment area learners' homes The quality of education and benefits of the school Small classes 	<ul style="list-style-type: none"> Need to register with Care Inspectorate Wales Small classes High cost per pupil Low numbers
6. Opportunities	6. Threats
<ul style="list-style-type: none"> It can attract children to the school 	<ul style="list-style-type: none"> Not being able to find a qualified and registered provider Minimum of 10 children required on a regular basis Need to charge a fee of £ 8.50- £ 13 for an after school club Projections of numbers Budget deficit Surplus places Maintenance costs Only 4 non-contact days for the Headteacher (three schools) High percentage of children attending schools outside the catchment area

7. Community Cafe



7. Community Cafe

7. Strengths	7. Weaknesses
<ul style="list-style-type: none"> Keep a school presence in Llanaelhaearn Promote community use of the building Welsh-medium education for learners School within a reasonable distance of the catchment area learners' homes The quality of education and benefits of the school Small classes 	<ul style="list-style-type: none"> Restricted to operate outside of school hours Small classes High cost per pupil Low numbers
7. Opportunities	7. Threats
<ul style="list-style-type: none"> Raise the profile of the school by being a community hub Potential for additional income 	<ul style="list-style-type: none"> Need to invest in the kitchen (£45,000). Projections of numbers Budget deficit Surplus places Building maintenance costs Only 4 non-contact days for the Headteacher (three schools) High percentage of children attending schools outside the catchment area Risk regarding the use of the café (lack of interest) DBS / health and safety risks if the children would be working with the public

8. Close Ysgol Llanaelhaearn and pupils to be educated at an alternative school

8. Strengths	8. Weaknesses
<ul style="list-style-type: none"> Learners to be educated in classes of more appropriate sizes Welsh-medium education for learners School within a reasonable distance of the catchment area learners' homes Reduce the cost per pupil of teaching 	<ul style="list-style-type: none"> Loss of a school in the village of Llanaelhaearn Further distance to travel from learners' home
8. Opportunities	8. Threats
<ul style="list-style-type: none"> An opportunity for pupils to mix daily with others of the same age Significant reduction in surplus places 	<ul style="list-style-type: none"> Staff redundancy

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Long List of Options

OPTIONS
1. Continue with the 'status quo'
2. Change Staffing Structure
3. Early Years Assessment Centre (ABC)
4. Federalisation
5. Guarantee that the school will be open for at least 5 years
6. Childcare Club
7. Community Café
8. Close Ysgol Llanaelhaearn and pupils to be educated at an alternative school

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Next Steps

- September 2019** - Meeting to discuss the results of the options assessment
- September 2019** - Further meeting to agree on a short list of options
- November 2019** – Having considered the short list of options, Cabinet Member to present his recommendation to Gwynedd Council's Cabinet.

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Ysgol Llanaelhaearn Review Meeting

Addysg

Meeting:	Ysgol Llanaelhaearn Review Meeting	Date: 09/09/2019 7:30pm Location: Canolfan y Babell, Llanaelhaearn
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Present:	<p><u>Officers:</u> Gwern ap Rhisiart (GapRh); Gareem Jackson (GJ); Cllr. Cemlyn Williams (CW); Ffion Jones (FfJ); Rhian Hughes (RH);</p> <p><u>On behalf of Ysgol Llanaelhaearn Governors:</u> 10 Member</p> <p><u>Guardian / Family</u> 4 Member</p>
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Item No.	Item / Subject	Actions
1.	WELCOME	<ul style="list-style-type: none"> Gareem Jackson, Head of Education Gwynedd Council welcomed everyone to the second meeting. The interest shown by the school and the community during the process was praised. It was explained that the purpose of the meeting was to go through the options that had been proposed.
2.	CABINET MEMBER FOR EDUCATION OPENING WORDS	<ul style="list-style-type: none"> The words of the Head of Education were reiterated and explained that the purpose of the meeting was to look at the options in more detail and assess the strengths, weaknesses, opportunities and threats for the 8 options. The Cabinet Member noted that it was essential that we received the input of Ysgol Llanaelhaearn's stakeholders as part of the process.
3.	INTRODUCTION - POSSIBLE OPTIONS	<ul style="list-style-type: none"> The importance of Ysgol Llanaelhaearn's stakeholder contribution was emphasised when discussing the options. It was noted that it is possible to elaborate on the options. Accepting the views and input of stakeholders was essential. The Area Education Officer went through the presentation that summarised the SWOT Analysis that was undertaken for each of the 8 options. 'SWOT Analysis' templates were shared so that individuals had the opportunity to contribute either in writing or orally during the meeting. It was also noted that they had an opportunity to express their views / comments by email (by Thursday, September 12). <p>Option 1 – Status Quo:</p> <ul style="list-style-type: none"> It was explained that Welsh-medium education is included in the 'SWOT Analysis' as the Welsh language must be considered when assessing the options.

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	<ul style="list-style-type: none">• It was also explained that the Minimum Staffing Protection funding contributes a substantial amount to the school budget each year.• Budget deficit by continuing with the current model and that the school would need to reset the budget to meet the deficit.• It was noted that £55,000 needed to be invested in the building and £45,000 in the kitchen, should the kitchen be used again. It was explained that Maintenance Department funding is separate from Education funding and £100,000 cannot be deducted from the school budget.• Quality of education and the interests of the school needs to be added to the 'Strengths'.• It was stated that it could be argued that small classes can be a strength as well as a weakness.• Attendees asked whether the Maintenance work needs to be commissioned by the Council, and whether the school could arrange for local contractors to carry out the work. It was explained that any contractor needed to be registered with CHAS in order to manage health and safety risks.• It was noted that £100,000 is not a huge amount and therefore not a major threat to the option <p>Option 2 – Change Staff Structure:</p> <ul style="list-style-type: none">• 'Minimum Staffing Protection' funding is an additional contribution that allows the school to employ 1.5 teachers.• It was noted that the current model of Ysgol Llanaelhaearn was costly in terms of employing a teacher, an Assistant and 1 day of the Headteacher of Ysgol Garndolbenmaen time.• It was noted that the school has had difficulty in appointing a Headteacher in the past, which is a weakness of the model. <p>Option 3 – Early Years Observation Unit:</p> <ul style="list-style-type: none">• It was confirmed that a possible location had been identified for the ABC Unit.• It was noted that this type of unit does not tend to attract more children to the schools.• It was discussed that there is no demand for behavioural units in the area as a Behaviour Unit had been opened in Penygroes last September.• 2 exceptions for establishment /placements on school grounds for income; Ysgol y Moelwyn (house on the yard) Ysgol Dyffryn Nantlle (Youth Club). <p>Option 4 – Formal Federalisation</p> <ul style="list-style-type: none">• It was explained that there is an informal ('soft') federalisation arrangement between Ysgol Llanaelhaearn and Ysgol Garndolbenmaen.• This federalisation is not 'natural' in terms of how the catchment area lies as Ysgol Llanybi is in the middle of the schools.
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	<ul style="list-style-type: none">• It was explained that formal ('hard') federation would mean that schools' budgets remained separate, and the governing bodies would be abolished with the appointment of a single governing body for the federation.• Formalising the current model between the schools would not allow sufficient time for non-contact time for the Headteacher.• A similar federal model had been established between Ysgol Corris and Ysgol Pennal (one formal governing body). There has also been a recent consultation on a formal federation arrangement between Ysgol Talysarn and Ysgol Brynaerau.• It was noted that a clear threat that was not included in the table was the lack of interest from neighbouring schools to federate.• It was explained that the option needed to be looked at in more detail and to consider all the neighbouring schools and not just Ysgol Chwillog and Ysgol Garndolbenmaen.• It was noted that the Area Education Officer would contact the schools. It was emphasised that Ysgol Llanaelhaearn's stakeholders do not need to contact neighbouring schools to discuss the matter.• It was noted that a federation process would take approximately 9 months (statutory process and consultation).• It was asked what the anticipated timescale was for feedback from neighbouring schools regarding their interest to federate with Ysgol Llanaelhaearn. It was explained that the intention is to draft possible federalisation models in the coming weeks.• The importance of achieving the right balance for the Headteacher was emphasised. It was explained that three schools can be challenging in terms of what is practical.• It was noted that if there was a change of Headteacher in the short term, the new Headteacher would have the right to reject the informal arrangement between Ysgol Garndolbenmaen and Ysgol Llanaelhaearn.• It was explained that a formal model would give a definite structure and if a new Headteacher would be appointed the responsibility would be part of the job description.• It was noted that geographically, Ysgol Garndolbenmaen is not the best option.• Over all opinion - option 4 would be the best solution. <p>Option 5 – 5 Year Warranty:</p> <ul style="list-style-type: none">• It was noted that the Education Department has not provided such a guarantee to a schools in the past.• It was noted that the Council can only offer one year guarantee at a time due to the way the authority receives their budget allocation from the Government.• It was expressed that it would be very difficult to attract children who have already left the Llanaelhaearn catchment area to go to another school, to attend Ysgol Llanaelhaearn. A guarantee would probably only attract new children in the catchment area to the school.
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		<p>Option 6 – Establish a Childcare Club:</p> <ul style="list-style-type: none"> • Childcare Club very popular in many areas, but finding qualified providers can be challenging. • Estimated fee for childcare at Ysgol Llanaelhaearn is more expensive compared to other areas, but this may be due to the number of children attending (cheaper if there are more children). • The question was raised if options 5 and 6 can be merged <p>Option 7 – Community Cafe:</p> <ul style="list-style-type: none"> • At least £45,000 would be needed to refurbish the kitchen and the Maintenance Department would probably not prioritise this. An obvious threat. • Hafod Lon is Gwynedd Council's only example of a community café on a school site. • DBS / health and safety risks were identified when mixing pupils with the public. • There would also be a risk regarding how many people would use the café in Llanaelhaearn. <p>Option 8 – Close Ysgol Llanaelhaearn, and educate the pupils at an alternative school:</p> <ul style="list-style-type: none"> • Attendees asked what would happen to the site if Ysgol Llanaelhaearn will close. • It was explained that a Disposal Plan must be followed. The community would receive the first offer in accordance with the Authority's after-use policy. • It was asked which school the pupils would attend and it was explained that this has not yet been discussed, but Ysgol Bro Plenydd is the nearest school with enough capacity to be able to cope with additional numbers. • It was asked if a school could refuse the children. It was explained that a school cannot refuse pupils if it is a catchment area school for Llanaelhaearn. • The question was raised, why is it possible for the school to reject pupils with a formal federalisation process. It was noted that it was a more complex process and the matter should be discussed with the governing body of that particular school. • It was noted that a transport system would be available for the pupils to reach the alternative school in accordance with the Authority's Transport Policy. • It was noted that consideration must be given to the fact that parents can choose to send their children to any school.
4.	NEXT STEPS	<ul style="list-style-type: none"> • It was noted that the intention of the next meeting would be to shortlist (3 or 4 options which will be assessed further) • The question was raised if the process will be discussed with the pupils. The Area Officer noted that he was happy to go to the school but it was not necessary at this time. It would be more appropriate for the Headteacher to discuss directly with the pupils once a formal decision has been made. • The Area Education Officer will discuss the Cabinet Member's recommendation with the Governing Body in November.

		<ul style="list-style-type: none"> Attendees were concerned that the decision had already been made as more information was included with 'Option 8'. It was emphasised that clear guidelines were being followed when considering 'SWOT Analysis' and it was noted that no decision had been made internally on the process. One member expressed the need to add the reason he believed the numbers had reduced in 'Option 5'. It was explained that it was possible for the individual to make an official complaint on the matter and it was noted that that trying to justify reasons for the current situation was not part of the SWOT Analysis exercise for the options. It was explained that the shortlist was decided by reviewing all the options and comments we have received by following a criteria in accordance with the Education Department's objectives. Action: Ysgol Llanaelhaearn Stakeholders to share further comments by email by Thursday *. An electronic copy of the presentation will be shared.
5.	CLOSE	<ul style="list-style-type: none"> Everyone was thanked for attending the meeting and the next meeting will be held in two weeks (23 September)*.

***Since the meeting, it was decided to allow more time to submit further responses and comments, by Monday 16th September 2019, and the next meeting will be held on Monday 30th September 2019 at 7.30pm at Canolfan y Babel, Llanaelhaearn.**

Adolygu Ysgol Llanaelhaearn

19:30 – 21:00, Dydd Llun, 30 Medi 2019

Canolfan Y Babell, Llanaelhaearn

1. **CROESO (Garem Jackson, Pennaeth Addysg)**
2. **GEIRIAU AGORIADOL YR AELOD CABINET DROS ADDYSG (Cyng. Cemlyn Williams)**
3. **CYFLWYNIAD – ASESIAD OPSIYNAU (Gwern ap Rhisiart, Swyddog Addysg Ardal Dwyfor a Meirionnydd)**
5. **CAMAU NESAF**
6. **CLOI**

Ysgol Llanaelhaearn



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Options Assessment

Gwern ap Rhisiart
Area Education Officer

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Agenda

- Assessing the list of options
- Options
- Next steps

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List of Options

OPTIONS	
1.	Continue with the 'status quo'
2.	Changing Staffing Structure
3.	Early Years Observation Unit
4.	Federalisation
5.	Guarantee that the school will be open for at least 5 years
6.	Childcare club
7.	Community Café
8.	Close Ysgol Llanaelhaearn and pupils to be educated in an alternative school

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Options

- We have researched these 8 options.
- Following your input, the SWOT analysis findings for each option have been considered and measured against the criteria

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"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."

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Excellent Primary Education for Children

Factors:

1. Class sizes
2. Pupil Population and Numbers
3. The Child's Learning Environment
4. Leadership
5. The Community
6. Financial Resources
7. Specific request for consideration or an exceptional situation
8. The Welsh Language
9. Geographical Factors

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	Options							
	1. Status Quo	2. Change staffing structure	3. ABC Unit	4. Federalisation	5. 5 year warranty	6. Child care	7. Open a café	8. Close Ysgol Llanaelhaearn
1. Class sizes								
2. Pupil Population and Numbers								
4. Leadership								
5. The Community								
6. Financial Resources								
8. The Welsh Language								
9. Geographical Factors								

Options

OPTIONS

4. **Federalisation**
8. **Close Ysgol Llanaelhaearn and pupils to be educated in an alternative school**

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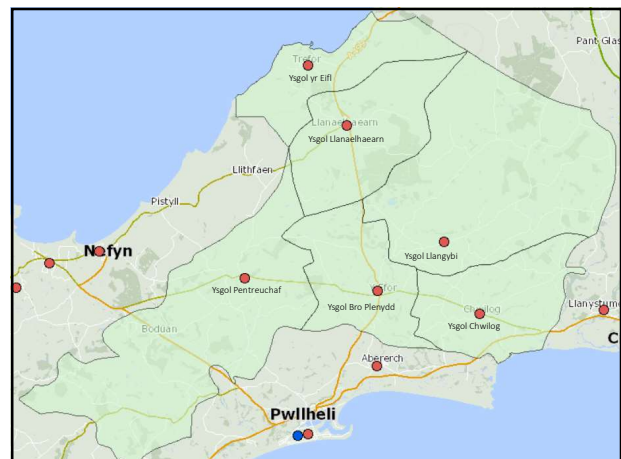
4. Formal Federalisation

4. Cryfderau / Strengths	4. Gwendidau / Weaknesses
<ul style="list-style-type: none"> Formalise the collaboration arrangement ¹⁰ Keep a school presence in Llanaelhaearn ⁵ Welsh-medium education for learners ⁸ School within a reasonable distance of the catchment area learners' home ⁹ A formal model with a definite structure and any new Headteacher would have to agree to the arrangement ⁴ The quality of education and the interests of the school ¹⁰ 	<ul style="list-style-type: none"> Numbers not enough to allow non-contact time for Headteacher ⁴ Small classes ¹ High cost per pupil ⁶ Low Numbers ² Uncertainty remains regarding the sustainability of education provision in Llanaelhaearn ⁵
4. Cyfleon / Opportunities	4. Bygythiadau / Threats
<ul style="list-style-type: none"> Release Headteacher's time ⁴ One Governing Body for the two or more schools ⁴ To share resources ⁶ Opportunity to set up a childcare club to try to increase numbers and generate income ² Opportunity to employ staff across the federation in the future ⁶ 	<ul style="list-style-type: none"> Possibility of budget deficit ⁶ Building maintenance costs ³ Surplus places ² Projections of numbers ² High percentage of children attending schools outside the catchment area ⁵ Lack of interest from neighbouring schools ¹⁰

4. Formal Federalisation

- 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
- In the future, an option to employ staff across the federation

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Options

OPTIONS

4. **Federalisation**
8. **Close Ysgol Llanaelhaearn and pupils to be educated in an alternative school**

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Next steps

- Impact assessments for options:
 - Language
 - Community
 - Equality
 - Travel Arrangements
 - Well-being
 - Quality and Standards in Education
- Cabinet Member to present a report to Gwynedd Council's Cabinet.

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Ysgol Llanaelhaearn Review Meeting

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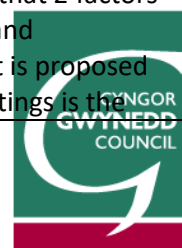
Meeting:	Ysgol Llanaelhaearn Review 3	Date: 30/09/2019 7:30pm
		Location: Canolfan y Babell, Llanaelhaearn

Present:	<p><u>Officers:</u> Gwern ap Rhisiart (GapRh); Gareem Jackson (GJ); Cyng. Cemlyn Williams (CW); Ffion Jones (FfJ); Betsan Williams (BW);</p> <p><u>On behalf of the Governors of Ysgol Llanaelhaearn:</u> 7 Members</p> <p><u>Parents/Family</u> 2 Members</p>
Apologies:	

Item Number	Item / Subject	Actions
1.	WELCOME	<ul style="list-style-type: none"> Head of Education Gareem Jackson welcomed everyone to the third local meeting. This will be the last meeting and will present the final options. It was noted that it was the professional opinion of the Education department and therefore every effort has been made to obtain the information. It was emphasised that it was always an option to do nothing, namely to continue with the 'Status Quo' and that the options being presented tonight were those that the Education Department was of the opinion which would be an improvement on the current situation. It was also emphasised that the Cabinet would make the final decision with the recommendation of the Cabinet Member for Education
2.	CABINET MEMBER FOR EDUCATION'S OPENING WORDS	<ul style="list-style-type: none"> Cabinet Member for Education, Cllr. Cemlyn Williams. Noted that impact assessments will be carried out such as linguistic, well-being, travel etc. It was noted that there is an intention to go to Cabinet on 5 November and the final decision would be made by Cabinet members.
3.	OPTIONS ASSESSMENT PRESENTATION	<ul style="list-style-type: none"> Thanks were expressed for the responses following the last meeting for the SWOT analysis. It was explained that the objective of the meeting is to go through the options and explain the next steps in the process. The 8 options discussed at the previous meeting were discussed. The department has looked in detail through the options and incorporated the comments and is now in a position to measure the specific criteria contained in the Strategy for Primary Education of the Best Quality for Children in Gwynedd. Since the document's introduction, the cabinet has adopted the educational principles that are fit for purpose as an ambition to rationalise the age range in classes and a fair time for headteachers to lead their schools. It was explained that the basis of the discussion at the meeting was the factors of the Excellent Primary Education for Children in Gwynedd Strategy when weighing up the options. The 9 factors of the document were shown and it was explained that 2 factors would not be used as a criterion, namely Learning Environment and Exceptional Situation. This is because it is not a situation where it is proposed to build a new school, and also the reason for holding these meetings is the

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		<p>exceptional and critical situation of low numbers that the school is already facing.</p> <ul style="list-style-type: none"> • The draft document comparing the models was distributed to members of the meeting and everyone was given time to go through the table. It was explained that the significance of the document is to go through the 8 options against the 7 factors in the strategy. • It was stated that a number of red factors are consistent across the table as some of the options do not change the current position of the school in terms of that particular factor. It was noted that if members felt that the comments needed to be changed or that facts were incorrect, this would need to be responded to the officers before the end of Wednesday, 2 October. <p>Federalisation</p> <ul style="list-style-type: none"> • The option of hard federalisation, a formal arrangement not the current soft arrangement, was discussed. • The department has looked at the strengths, weaknesses, opportunities, threats of federalisation. It was reported that there is a risk of another school refusing to federate but it is possible to force a school to federate. It was explained that a federation model meant abolishing the governing bodies of the schools and establishing one new governing body for the federation. Formal federalisation will mean going through the statutory consultation process. Budgets will remain separate, but there would be an opportunity to share resources and employ staff across schools. • This option will require the willingness of other schools to collaborate, otherwise a similar formal process of reviewing the situation of those schools will have to be initiated. <p>Close Llanaelhaearn School and pupils to educate them in alternative school</p> <ul style="list-style-type: none"> • The option of closing Ysgol Llanaelhaearn was discussed.
4.	NEXT STEPS	<ul style="list-style-type: none"> • It was explained that the next steps would be to look at these options and look in more detail at the assessments. Everything included (including the model comparison document, assessments, strategy etc.) will be presented to the Cabinet on 5 November. • It was asked if the Cabinet report could also be presented to the Body. The Education Officer will present the report to the governing body. The report is made public on the council's website around 25 October and the Local Member will have had an opportunity to include his comments in it, in his capacity as the Local Member for the Ysgol Llanaelhaearn catchment area. • FfJ was asked to email the strategy to members of the Governors. • Members of the meeting will need to submit any comments via email by Wednesday, 2 October for the model comparison document.
5.	TO CLOSE	<ul style="list-style-type: none"> • Everyone was thanked for attending the meeting and for their input throughout the process.

Following the local meetings, a summary of the responses received are below:

Meeting 1 - 24 June 2019

1 request to modify the minutes.

Meeting 2 - 9 September 2019

3 responses:

1 noting that Authority's commitment to ensure that the school is open for a fixed period would provide an opportunity to increase numbers, and to establish a nursery school.

1 sets out the Governing Body's preferred options of federalisation, 5 year guarantee or setting up a childcare club.

1 request that the Education Department carry out a housing stock assessment available in Llanaelhaearn and the surrounding area (including houses that could be available in the near future - we know of two houses that could be available to families in the village). Also, an assessment of the Welsh families with an interest in this area/names on the list, and a short list of people who could be encouraged into the village.

Meeting 3 - 23 September 2019

There was no input following this meeting.

Following the third meeting, the Education Department was informed of an open day to be held on 23 October 2019 to gather local views on the need for housing for local people in the Llanaelhaearn area.

MEETING	Gwynedd Council Cabinet
DATE	4 June 2019
CABINET MEMBER	Councillor Cemlyn Rees Williams
OFFICER	Gwern ap Rhisiart
TITLE OF ITEM	Ysgol Llanaelhaearn

1. THE DECISION SOUGHT

Further to initial discussions between the governing body of Ysgol Llanaelhaearn and officers from the Education Department about concerns regarding pupil numbers at the school, permission is sought to hold formal meetings with the governing body and other relevant stakeholders to discuss a range of potential options for the school's future.

2. BACKGROUND

- 2.1 Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn which is between Pwllheli and Caernarfon. The school's capacity from Nursery to Year 6 is 53, with 11 pupils between 3 and 11 years of age attending the school (September 2018). All of the pupils live in the catchment area of Ysgol Llanaelhaearn.
- 2.2 Ysgol Llanaelhaearn was last inspected in 2015 where it was concluded that the school's performance was adequate. However, improvements have been introduced in light of recent management arrangements. In 2017/18, the school was placed in the 'amber/yellow' category in terms of support and the school's ability to improve.
- 2.3 As a result of the current low numbers, the school is in a fragile position and under increasing budgetary pressures. Officers from the Education Department have already held initial meetings with the school's governing body to explain the reasons for the need to discuss the future of Ysgol Llanaelhaearn, and the arrangements for holding local discussions.

3. REASONS FOR THE NEED FOR A DECISION

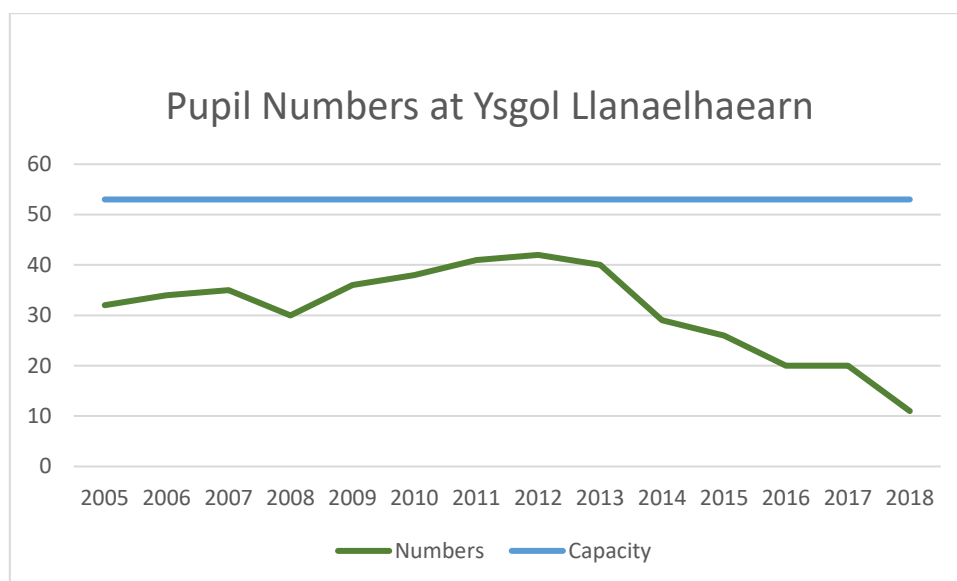
Permission is sought to commence formal discussions on potential options for the future of Ysgol Llanaelhaearn with the governing body and other relevant stakeholders as the school is facing a number of challenges, specifically:

- 3.1 There has been a substantial drop in the number of pupils on the register, with 11 pupils attending the school in 2018/19. The pupils are being taught in two classrooms.
- 3.2 Projections show that there will be a further reduction in numbers with 8 pupils on the register in 2021.

4. THE REASONING AND JUSTIFICATION FOR RECOMMENDING THE 'DECISION SOUGHT'

4.1 Low Numbers

- 4.1.1 Pupil numbers at Ysgol Llanaelhaearn have reduced over the past few years. There has been a substantial drop in numbers since 2013 as seen in the graph below. Although the school has a capacity of 53 (Nursery to Year 6), the highest number the school has managed to obtain since 1980 is 42 pupils in 2012. Since then, numbers have reduced with 11 pupils on the school register in September 2018.



- 4.1.2 With 11 pupils on the school register in September 2018, this leaves 42 surplus places in the school, which represents 79% of the capacity.
- 4.1.3 39 children live in the Llanaelhaearn catchment area with 28 of them attending nearby schools.

4.2 3 year projections

- 4.2.1 Based on calculations in September 2018, the latest projections indicate that numbers at Ysgol Llanaelhaearn will decrease to 8 pupils by September 2021, with only 2 pupils in the Foundation Phase, as shown in the table below:

Table 2 - Projection number of Ysgol Llanaelhaearn

	N	0	1	2	3	4	5	6	Total
September 2018	0	3	1	2	0	2	1	2	11
September 2019 Projection	2	0	3	1	2	0	2	1	11
September 2020 Projection	0	2	0	3	1	2	0	2	10
September 2021 Projection	0	0	2	0	3	1	2	0	8

5. RELEVANT CONSIDERATIONS

5.1 The School Organisation Code 011/2018

- 5.1.1 Any process will be held in accordance with Welsh Government Guidelines (*Schools Organisation Code 011/2018*).

6. NEXT STEPS AND TIMETABLE

- 6.1 Subject to the Cabinet's decision, formal discussions will commence with the governors of Ysgol Llanaelhaearn and other relevant stakeholders to identify and discuss potential options, with a recommendation to the Cabinet on the way forward and the procedure to be followed.
- 6.2 Following these discussions, a Cabinet report will be prepared, to request permission to proceed to undertake any necessary statutory processes, in accordance with the Schools Organisation Code (011/2018).
- 6.3 Work programme

Date	Work
June/July 2019	Subject to the Cabinet's decision, formal discussions will commence with the Governors of Ysgol Llanaelhaearn and other relevant stakeholders to discuss options.
October 2019	Report back to the Cabinet following receipt of local feedback and seek the Cabinet's permission, as required, to follow a statutory consultation process on the preferred option in accordance with guidelines of the Schools Organisation Code (011/2018).

7. VIEWS OF THE 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 Department:

I support the decision sought.

Local Member:

Ysgol Llanaelhaearn is a small, **happy** school, which has worked hard to raise the standard of education and attainment of the children over the last few years. The School's reports clearly demonstrates their success, and it is certain that the present parents are very happy with the children's development.

I am disappointed and sad that the school's situation, due to pupil numbers, is so fragile, and I am aware that the Governors are working to try to increase the number of children at present.

I accept that the School will have a significant funding problem if the number of children does not increase significantly by September this year.

I ask you to consider the quality of education and the happiness of the children and parents when discussing the possible options.

I look forward to discussing possible options for seeking a future for the School.

GWYNEDD CABINET DECISION NOTICE

Date of Cabinet Meeting:	4 June 2019
Date decision will come into force and implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution.	19 June 2019

SUBJECT

Item 6: YSGOL LLANAE LHAEARN

DECISION

To grant permission to the Education Department to hold formal meetings with the governing body and other relevant stakeholders to discuss a range of potential options for the school's future.

REASONS FOR THE DECISION

As a result of the current low numbers, the school is in a fragile position and under increasing budgetary pressures. Officers from the Education Department have already held initial meetings with the school's governing body to explain the reasons for the need to discuss the future of Ysgol Llanaelhaearn, and the arrangements for holding local discussions.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

No declarations of personal interest or relevant dispensations were received.

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

The Statutory Officers and Local Member were consulted to seek their views, which had been included in the report.

MEETING	Gwynedd Council Cabinet
DATE	5 November 2019
CABINET MEMBER	Councillor Cemlyn Rees Williams
OFFICER	Gwern ap Rhisiart
TITLE OF ITEM	Ysgol Llanaelhaearn

1. THE DECISION SOUGHT

The permission of the Council 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020.

2. THE REASON FOR THE NEED FOR A DECISION

- 2.1. The reason for seeking permission to consult on the basis of the preferred proposal is the need to address the vulnerable position of the school. There has been a significant fall in numbers recently which has led to a critical situation with eight pupils on the roll in the September 2019 census, with projections indicating that there will be a further fall to five pupils on the roll by 2021. The eight pupils are taught in two classes - one class of three and one class of five pupils.

3. BACKGROUND

3.1. Recent Developments

- 3.1.1. Ysgol Llanaelhaearn is located in the centre of the village of Llanaelhaearn between Pwllheli and Caernarfon. Pupil numbers at Ysgol Llanaelhaearn have been falling over recent years, and this has led to the critical situation of only eight pupils on the register.
- 3.1.2. At the Cabinet meeting on 4 June 2019, the Cabinet's decision was '*to grant permission to the Education Department to hold formal meetings with the governing body and other relevant stakeholders to discuss a range of potential options for the school's future*'.
- 3.1.3. Three meetings were held between June and October 2019. During the initial meeting, the Governing Body and other relevant stakeholders presented ideas for possible options to resolve the key challenges facing the school. Following a detailed assessment of these options, a second local meeting was held, in which the strengths, weaknesses, opportunities and threats for these options were outlined, with input provided by the Governing Body and stake-holders. This information was used to weigh up the options on the basis of whether they addressed the challenges facing the school. A third local meeting was then held to present these options.

3.2. The Strategic Context

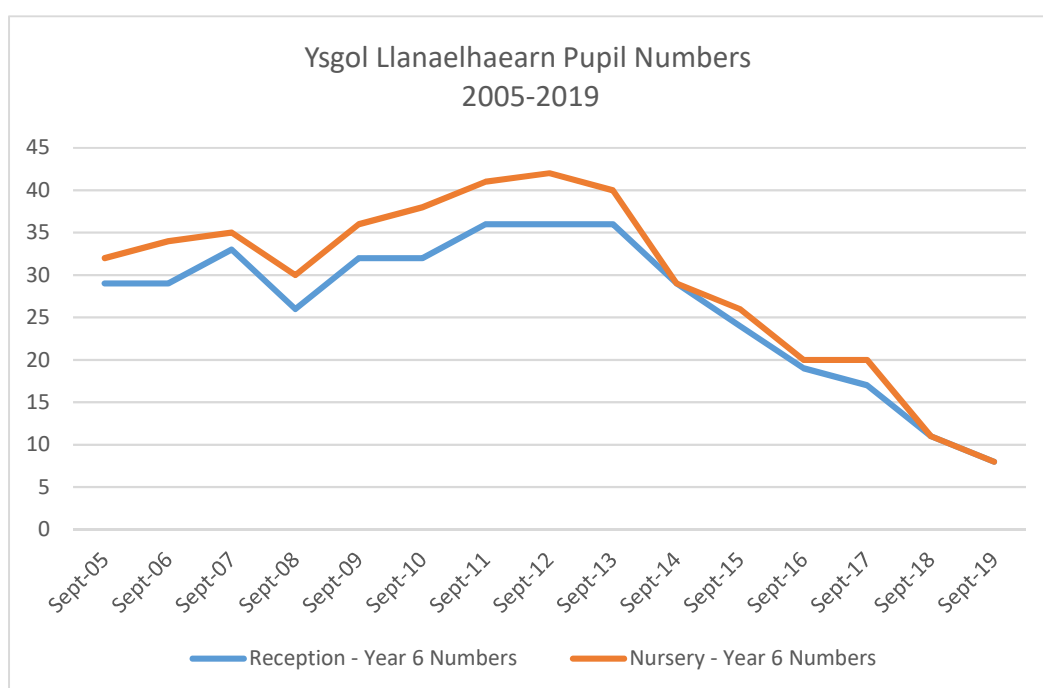
- 3.2.1. At its meeting on 18 December 2018, the Cabinet approved the principles of a '*Fit for Purpose Education System*', as the foundation for delivering the Education Department's vision and developing a system to ensure high quality education for the children and young people of Gwynedd for the twenty first century. This would specifically be achieved through rationalising the age ranges

in classes and providing head-teachers with the opportunity to focus on leadership issues in primary schools.

- 3.2.2. The Council has implemented the '*Excellent Primary Education for the Children of Gwynedd Strategy*' since its adoption in April 2009. This strategy notes factors which support the process for reviewing catchment areas or specific situations. The details relating to these factors appear later in the report (Part 5 - Options Appraisal).

4. THE CURRENT SITUATION AT YSGOL LLANAELHAEARN

- 4.1. Pupil numbers at Ysgol Llanaelhaearn have fallen in recent years. There has been a substantial drop in numbers since 2013, as seen in the graph below. Although the school has a capacity of 47 (Reception to Year 6) and six nursery places, since 1980, the highest number on the school register was 42 pupils in 2012. Since then, numbers have fallen with eight pupils attending the school in September 2019.



- 4.2. As a result of the current low numbers, the school is in a vulnerable position and under increasing budgetary pressures, specifically:
- School numbers are concerning. In September 2019, eight pupils were registered at the school.
 - The classroom sizes are small - with one class of three pupils and one class of five.
 - Projections indicate seven pupils in 2020, five pupils in 2021, and five pupils in 2022.
 - Number of surplus places - 83% surplus places (39 Reception to Year 6, and six surplus places in Nursery).
 - Ysgol Llanaelhaearn receives an additional sum to the usual allocation via the minimum staffing protection policy. This additional sum during the 2019/20 financial year was £43,774. This will only enable the employment of a head-teacher and assistant in the future.
 - The per pupil cost for Ysgol Llanaelhaearn during the 2019/20 financial year is £12,671 (based on September 2018 numbers, i.e. 11 pupils), compared with the county-wide average per pupil cost of £3,884 for the same period.
 - 2018 data shows that 39 children live in the Llanaelhaearn catchment area, 28 of whom attend other schools.

5. OPTIONS APPRAISAL

- 5.1. During the local meetings several possible models were proposed and discussed, specifically:
- i. Do nothing (maintain the status quo)
 - ii. Change the staffing structure
 - iii. Establish an Early Years Observation unit at the school
 - iv. Formally federate with another school or other schools
 - v. The Authority to guarantee that the school remains open for five years to provide an opportunity to increase numbers.
 - vi. Establish a childcare club on the site of the school
 - vii. A community café at the school
 - viii. Close the school, with pupils being educated at an alternative school.

Appendix A contains an appraisal of these options.

- 5.2. In line with the '*Excellent Primary Education for the Children of Gwynedd*' Strategy, many factors were considered in appraising the options for the situation, specifically:
- i. Classroom Sizes
 - ii. Pupil Numbers
 - iii. Leadership and Staffing
 - iv. The Community
 - v. Financial Resources
 - vi. The Welsh Language
 - vii. Geographical Factors
- 5.3. During the Options Appraisal, the Governing Body and other relevant stakeholders provided input and comments.
- 5.4. It should be noted that the option described above in 5.1 (v) was proposed by the Governing Body in view of their concern that a meeting with Education Officers, parents and School Governors during July 2016 resulted in a significant reduction in pupil numbers. It was alleged that comments from Education Officers had led to parents deciding to move their children to nearby schools.

The Governing Body invited the Education Officers to the meeting as the School did not have a headteacher in place for the following September. This represented the severity of the situation at the time as a school cannot open without a Headteacher. In accordance with normal practice, the Department advertised the Headteacher's post twice externally, and twice internally. However, there were no suitable candidates. This was the context for the meeting. At the end of the meeting, a number of parents made enquiries with the Education Officers about the procedure to transfer children to other schools. Officers informed them in accordance with the usual procedure.

Numbers have fallen steadily since 2012. Numbers decreased from 42 in 2012 to 26 July 2016 and fell further to 20 by September 2016. Therefore the fall in pupil numbers cannot be related to alleged comments from Education Officers at the end of one meeting. Rather, the meeting highlighted the critical situation of the School at that time and as a result many parents may have chosen to move their children as there was no Headteacher in post for September 2016. The Authority has been working with the Governors since 2016 to support and maintain the School.

It is also important to note that the Authority is unable to commit to not taking any action in respect of the school for 5 years. This would represent an unlawful fettering of its statutory rights.

- 5.5. Following the appraisal, two options emerged as being the most viable and realistic to address the school's situation:
- i. Formally federate with a nearby school or schools
 - ii. Close the school, with pupils being educated at an alternative school.

This report details and elaborates on the school's vulnerable situation and the need to take further steps to address this. Whilst the option of maintaining the current situation has been considered, we are not of the opinion that it would address the issues that need attention.

- 5.6. Several of the other options made better use of the building, such as establishing an Early Years Observation Unit, Opening a Café or a Child Care club. Nevertheless, these options were not considered to be ones that would resolve the key challenges facing the school when appraised against the factors noted above in 5.2 (A full assessment is provided in Appendix A).

IMPACT ASSESSMENTS - ASSUMPTION AGAINST CLOSING RURAL SCHOOLS

- 5.7. The Schools Organisation Code 011/2018 has introduced new, special arrangements in relation to rural schools, establishing a procedural presumption against closure. This does not mean that a rural school will never close but that the case for closure must be strong, and that all other viable options have been conscientiously considered. Ysgol Llanaelhaearn is designated a 'rural school' for the purpose of the Code. This means that a more detailed set of procedures and requirements must be followed when formulating a closure proposal.
- 5.8. In addition to the factors relevant to the development of any proposal, specific assessments must also be carried out in relation to a proposed proposal of this kind. Several assessments were conducted in line with the requirements of the Code for the options considered to address the school situation. As noted above, these options were to federate or close the school.
- 5.9. An Assessment of the Likely Impact on the Quality and Standard of Education (Appendix B)
- 5.9.1. The Assessment of the Likely Impact on the Quality and Standard of Education demonstrates that forming a federation would not necessarily have an effect on the school's current situation in the short term due to an existing informal collaboration arrangement with another school which would be likely to be continued under a formal federal model arrangement.
 - 5.9.2. According to the most recent Estyn reports, Ysgol Bro Plenydd would offer education of equal if not better quality than Ysgol Llanaelhaearn.
 - 5.9.3. Ysgol Llanaelhaearn was last inspected in April 2015. The inspection concluded that the school's performance was adequate with expectations for improvement. It is acknowledged that the school, since the time of the inspection, has been on an improvement journey under the leadership of several different head-teachers.
 - 5.9.4. In 2019, the school was placed in the Welsh Government's 'yellow' category in terms of support and the school's ability to improve.
 - 5.9.5. Ysgol Bro Plenydd was last inspected in February 2015. The inspection concluded that the school's current performance was good.
 - 5.9.6. In 2019, the school was placed in the Welsh Government's green category in terms of support and the school's ability to improve.

- 5.9.7. The alternative school offers education of at least equal standard, and provides pupils with more opportunities for collaborating and socialising with their peers, and enables the pupils to gain a range of curricular and extracurricular experiences. Further relevant information is available in Appendix B.
- 5.9.8. Due to the existing low pupil to teacher ratio at Ysgol Llanaelhaearn, the children are making good progress.
- 5.9.9. Delivering this proposal would give pupils opportunities to be educated in peer groups with a far smaller age range and would provide daily opportunities to improve the pupils' educational and social experience.
- 5.9.10. The needs of any vulnerable groups, including children with additional learning needs, would be assessed and implemented in line with the Authority's policy and procedures.

5.10. Assessment of the likely impact on different transport arrangements

- 5.10.1. The Assessment of the likely impact on different travelling arrangements demonstrates that introducing a federal model would not have an effect on travelling arrangements for the pupils. They currently visit Ysgol Chwilog on a weekly basis using Ysgol Llanaelhaearn's minibus, and it is anticipated that this would continue under a formal federal model, by either federating with Ysgol Chwilog, or another local school.
- 5.10.2. The option to close the school would result in pupils from Ysgol Llanaelhaearn travelling farther to school every day. As the alternative school is more than two miles from their homes, they would have the right to free transport to the alternative school. Ysgol Bro Plenydd, is 3.6 miles from Ysgol Llanaelhaearn, and it is anticipated that the journey would take five minutes each way in a car or by bus. This is deemed to be within the reasonable distance that primary pupils are expected to travel to school in line with the '*Excellent Primary Education for the Children of Gwynedd Strategy*' of 30 minutes each way.
- 5.10.3. Transport to the alternative school would be offered in line with Gwynedd Council transport policy.
- 5.10.4. Appendix B contains an assessment of the likely impact on transport arrangements.

5.11. Assessment of the likely impact on the community

- 5.11.1. An Assessment of the likely impact on the community was carried out which concluded that federating with another school would not have an impact on the community, due to the continuation of the school's presence and activities in the community, as in the current situation.
- 5.11.2. Implementing the proposal to close Ysgol Llanaelhaearn and educating the pupils at Ysgol Bro Plenydd, Y Ffôr, would have some negative impact on the Llanaelhaearn community. Although the school building is not used by the community, the school uses the local community centre, Canolfan y Babel. However, in 2018, seven pupils living in the Ysgol Llanaelhaearn catchment area attended Ysgol Bro Plenydd. Therefore, a link already exists between the school and the wider area.
- 5.11.3. To mitigate the impact, community collaboration between Ysgol Bro Plenydd and the community of Llanaelhaearn will be encouraged, where appropriate.

5.12. Other Options

5.12.1. The Schools Organisation Code 011/2018 notes examples of possible options that may be worthwhile considering in such circumstances, and these examples were considered in addition to the options in Section 5 of this report, with comments included below:

- i. Clustering, collaboration with other schools: Ysgol Llanaelhaearn already collaborates with Ysgol Chwillog through arrangement made by the Head-teacher.
- ii. Using the school as a community centre to hold and support a range of community services: the assessment of the probable impact on the community shows that a range of community facilities already exist in Llanaelhaearn. Furthermore, the building is not suitable for such use without modification.
- iii. Co-locate local services within the school to counter maintenance costs: there is no demand for a space in the area as other sites have available rental space.
- iv. Consider establishing schools on more than one site in order to retain buildings: Only Ysgol Llanaelhaearn is under consideration in this review, due to the critical situation rendered by the low numbers.

REASONABLE OPTIONS TO CONSIDER FOR THE SCHOOL

5.13. Formally federate with a nearby school or schools.

5.13.1. The Code states that to federate brings particular benefits to rural schools and notes that the proposer must therefore demonstrate how federation has been considered as an option. It has been demonstrated that federating can offer advantages to rural schools in some situations, specifically by strengthening leadership and opportunities for collaboration.

5.13.2. Under a formal federal model, Ysgol Llanaelhaearn would collaborate with another school or other schools in the locality under one head-teacher (or more) and one governing body. The governing bodies of the individual schools would be dissolved and one new governing body would be established for the federation. The identity of the school in question (including name, ethos, and uniform) could be retained or changed to reflect the new federation. The federated model allows for the possibility of sharing staff, resources, IT, buildings and expertise.

5.13.3. However, this option did not address the key challenges facing the school. Numbers at the school would remain low, and classroom sizes would also remain small. Further details are provided in Appendices A and Ch.

5.13.4. The possibility of federating with a range of nearby schools, specifically Yr Eifl, Bro Plenydd, Llangybi, Pentreuchaf and Chwillog was considered.

5.13.5. Since numbers at Ysgol Llanaelhaearn had reached a critical point with eight pupils on the register, the assessment of federation demonstrates that there would be no clear advantages to other schools from federating with Ysgol Llanaelhaearn.

5.13.6. There was no clear evidence that a formal federation would lead to an increase in numbers.

5.13.7. It was therefore considered that this was not the best option for the situation.

5.14. Close Ysgol Llanaelhaearn, with pupils being educated at an alternative school.

5.14.1. This model means closing Ysgol Llanaelhaearn and moving the pupils to be educated at Ysgol Bro Plenydd, Y Ffôr. This proposal is discussed further in the report.

5.14.2. It was considered that Ysgol Bro Plenydd, Y Ffôr would be named as the 'alternative school' for several reasons, specifically:

- i. The closest school, geographically, to the school and centre of Llanaelhaearn village is Ysgol yr Eifl, Trefor, which is full. This school would not be able to accept eight additional pupils.
- ii. Ysgol Bro Plenydd, Y Ffôr, is the next closest school geographically.
- iii. The road to Ysgol Bro Plenydd from Llanaelhaearn village is convenient and has public transport links. The journey to other nearby primary schools would not be as easy from Llanaelhaearn. Ysgol Bro Plenydd, Y Ffôr, is 3.6 miles from Ysgol Llanaelhaearn and is more than two miles from all the houses in the Llanaelhaearn catchment.
- iv. Ysgol Bro Plenydd, Y Ffôr could accept with additional pupils. It currently has 30 surplus places, including nursery (*September 2019 census*).

5.14.3. Therefore, it is proposed that the Bro Plenydd school catchment area be extended to include the catchment of Ysgol Llanaelhaearn in future.

6. THE PREFERRED OPTION

Of the models considered, the preferred option for further consultation is the model of closing Ysgol Llanaelhaearn and transferring the pupils to Ysgol Bro Plenydd in Y Ffôr. This option is preferred for the following reasons:

6.1. Class sizes

- 6.1.1. Ysgol Llanaelhaearn only has two classes. One class has three pupils and one class has five pupils. The average size of classes at Ysgol Bro Plenydd is 23. Transferring to Bro Plenydd would mean that the children are educated in more appropriately sized classes and with peers.

6.2. Pupil Numbers

- 6.2.1. The latest projections, based on the September 2019 census, shows that numbers at Ysgol Llanaelhaearn will have fallen to five by September 2022, as the table below shows:

Table 1 - Number projections for Ysgol Llanaelhaearn

	N	R	1	2	3	4	5	6	Total
September 2019	0	0	3	0	2	0	2	1	8
September 2020 Projection	0	0	0	3	0	2	0	2	7
September 2021 Projection	0	0	0	0	3	0	2	0	5
September 2022 Projection	0	0	0	0	0	3	0	2	5

- 6.2.2. Ysgol Llanaelhaearn has 39 (83%) surplus places (Reception - Year 6). There are 23 (25%) surplus places at Ysgol Bro Plenydd. By including the Nursery capacity and numbers for both schools, Ysgol Llanaelhaearn has 45 (85%) surplus places and Ysgol Bro Plenydd has 30 (29%) surplus places.
- 6.2.3. 68 pupils (Reception-Year 6) and 6 Nursery pupils attend Ysgol Bro Plenydd at present. Projections for Ysgol Bro Plenydd show that there will be 65 pupils (Reception-year 6) and nine Nursery age pupils at the school in September 2022. Numbers at Ysgol Bro Plenydd are more secure and sustainable for the future.
- 6.2.4. With 23 surplus places (and seven surplus places for Nursery), Ysgol Bro Plenydd has sufficient capacity for the number of pupils from both schools currently and for the next three years.

- 6.2.5. Currently, with a capacity of 492, there are 170 (35%) surplus places in the area (at Ysgolion Llanaelhaearn, yr Eifl, Bro Plenydd, Llangybi, Pentreuchaf and Chwilog). Implementing this proposal would reduce the number of surplus places in the area to 117 (27%).

6.3. Leadership and staffing

- 6.3.1. Ysgol Llanaelhaearn employs one full time primary teacher and a full time assistant. Up to four days a week, the primary teacher assumes the role of site manager and receives a management allowance.
- 6.3.2. Over the past four years, Ysgol Llanaelhaearn has had three different head-teachers, two led other schools, and one was a retired head-teacher. Before this, the school had a full-time head-teacher.
- 6.3.3. In 2017/18, Ysgol Llanaelhaearn shared its head-teacher with Ysgol Garndolbenmaen. From September onwards, the head-teacher has agreed to act as head-teacher for Ysgol Chwilog as well. Therefore, Ysgol Llanaelhaearn shares its head-teacher with two other primary schools - the only example of one head-teacher for three schools in Gwynedd. The head-teacher spends one day a week leading Ysgol Llanaelhaearn.
- 6.3.4. In addition to a head-teacher, Ysgol Bro Plenydd has two teachers and four assistants.

6.4. Financial Resources

- 6.4.1 A total of £431,000 is allocated for both schools for the 2019/2020 financial year. The cost per pupil between schools ranges between: £12,671 at Ysgol Llanaelhaearn and £4,118 at Ysgol Bro Plenydd. The average county-wide cost per pupil during this period is £3,884.

School	2019/20 Allocation	Cost per pupil (based on September 2018 numbers)	Minimum staffing protection allocation policy
Llanaelhaearn	£139,000	£12,671 (11 pupils)	£43,744
Bro Plenydd	£292,000	£4,118 (66 pupils)	-

- 6.4.2. Ysgol Llanaelhaearn received a contribution of £43,744 this year via the minimum staffing protection policy. This guarantees a head-teacher and assistant (at schools with fewer than 15 children). The school's current staffing structure, which consists of a teacher, an assistant and a shared head-teacher, means that Ysgol Llanaelhaearn, without making any changes, would face a financial shortfall based on the current numbers and future projections.
- 6.4.3. It is anticipated that savings of £100,518 per year would be made from closing Ysgol Llanaelhaearn and educating the existing pupils at Ysgol Bro Plenydd, Y Ffôr. It is estimated that transportation costs for the eight pupils would be approximately £11,400. The proposed net saving, given transportation costs, would be approximately £89,118. If all the children in the catchment required transportation in future, transportation costs would increase to approximately £25,000 and the likely proposed net saving would be £75,518 a year.
- 6.4.4. Any savings in revenue costs would be utilised to benefit Gwynedd schools.

6.5. Learning Environment

- 6.5.1. Ysgol Bro Plenydd has capacity for its existing pupils, and the building is of a higher standard than Ysgol Llanaelhaearn. The most recent condition assessment by the Property Department states that Ysgol Llanaelhaearn is within the 'B' category for school condition, whilst Ysgol Bro Plenydd is in 'A'.

6.5.2. Both schools are community schools and provide Welsh medium education.

6.6. The Community:

6.6.1. The Schools Organisation Code 011/2018 states that a community impact assessment must be held as part of any proposal for schools restructuring. A community impact assessment was completed on the reasonable options to address the key challenges facing the school.

6.6.2. The assessment of the probable impact on the community is included in Appendix B.

6.6.3. The assessment of the probable impact on the community states that there would be some negative impact from closing the school. It notes, however, that seven pupils who live in the Llanaelhaearn catchment area currently attend Ysgol Bro Plenydd. Therefore, a link between the school and the wider area already exists.

6.6.4. The community assessment notes that the school is involved with the Llanaelhaearn community, even though the community does not currently use the school building. Discussions will be held about the potential of including the community of Llanaelhaearn in the community activities of Ysgol Bro Plenydd.

6.7. The Welsh Language

6.7.1. The Schools Organisation Code 011/2018 states that a Welsh language impact assessment must be held as part of any proposal for school restructuring. This assessment is seen in Appendix B.

6.7.2. The Language Impact Assessment (Appendix B) does not anticipate a negative impact on the Welsh language from the proposal, mainly because:

- i. The alternative school provides a Welsh medium education, also provided for pupils at Ysgol Llanaelhaearn.
- ii. Statistics from the 2011 census for the Llanaelhaearn ward indicates that 74% of the population is Welsh speaking, and 80% of the population of Abererch speaks Welsh.
- iii. PLASC January 2019 statistics show that 54% of pupils at Ysgol Llanaelhaearn speak Welsh fluently at home compared to 83% of pupils at Ysgol Bro Plenydd do so.

6.8. Geographical Factors

6.8.1. By closing Ysgol Llanaelhaearn and transferring pupils to Ysgol Bro Plenydd, it is not anticipated that any pupil would need to travel an unreasonable distance to an educational setting, that is, more than 30 minutes one way, in line with the '*Excellent Primary Education for the Children of Gwynedd Strategy*'.

6.8.2. It is not anticipated that travelling to school will add more than five minutes in one direction to the learners' current travel time.

6.8.3. Transport will be provided in line with the County's School Transport Policy.

7. IMPLICATIONS OF THE PROPOSAL

7.1. Schools admissions catchment areas

- 7.1.1. In light of the preferred option, Ysgol Bro Plenydd's catchment will include its own current catchment area and the current catchment area of Ysgol Llanaelhaearn.

Map 1: Current situation of the area's catchments



Map 2: Ysgol Bro Plenydd catchment area if changes take place



7.2. Transport

- 7.2.1. As noted above in 6.8, if the preferred option is implemented, pupils living in the Ysgol Llanaelhaearn catchment area will be provided transport in line with Gwynedd Council Transport Policy.

7.3 Staffing considerations

- 7.3.1. Should the proposal be approved, staffing implications could lead to redundancies. There will be specific consultation with staff and Union representatives as part of the statutory consultation period. Gwynedd Council has developed a detailed staffing policy, jointly with Trades Unions and head-teachers. 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.

8. **OTHER CONSIDERATIONS**

8.1. The Schools Organisation Code 011/2018

- 8.1.1. Any process will be conducted in accordance with Welsh Government Guidelines (*The Schools Organisation Code 011/2018*).

8.2. Equality

- 8.2.1. Policies and procedures are in place to ensure that the proposal considers and complies with equal rights.
- 8.2.2. An equality assessment was held on the options, which focused on different elements of equality such as race, sex, disability, language, religion or creed, and age.
- 8.2.3. The equality assessment stated the importance of positively promoting equal opportunities in light of the proposal, and that measures should be in place to ensure unlawful discrimination and harassment does not occur. Arrangements are also in place to monitor and review the situation.
- 8.2.4. The Equality Assessment is provided in Appendix B.

8.3. Recent discussions about the need for housing for local people in the Llanaelhaearn area.

- 8.3.1. It was brought to our attention that an open afternoon will be held on 23 October 2019 at Canolfan y Babel which aimed to identify whether there was a need for open market housing, affordable housing and/or social housing for local people in the Llanaelhaearn area. It was arranged by the Rural Housing Facilitator.
- 8.3.2. Subject to receipt of formal planning permissions, there is a possibility that 15 houses could be constructed on a proposed site (details included in Appendix C).
- 8.3.3. Should 15 houses be constructed in the future, in line with the planning guidance formula (*Housing Developments and Educational Provision*), this could lead to approximately 6 (15x0.4) children of primary school age in the proposed estate. Therefore, it could be anticipated that approximately six children could attend Ysgol Llanaelhaearn, or another local school, subject to parental choice if the proposal were to proceed.
- 8.3.4. If an additional six pupils were to attend Ysgol Llanaelhaearn, the numbers would increase to 14 (or 13 from September 2020) and the school would continue to be in a critical situation as a result of low pupil numbers.

8.4. The Well-being of Future Generations Act

- 8.4.1. A well-being assessment was carried out which gave consideration to Gwynedd Council's well-being aims.
- 8.4.2. 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".

8.4.3. Following consideration and an assessment in line with the requirements of the Well-being Act, it is concluded that the proposal meets the 7 well-being goals of the Act, together with 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. The proposal will ensure that the children of the area are educated on a suitable site and in a naturally Welsh-speaking community, thus increasing the opportunities to socialise and collaborate with others, and to give them the opportunity to thrive among their peers.

8.4.4. The Well-being Assessment is included in Appendix B.

9. NEXT STEPS AND TIMETABLE

9.1. Should the Cabinet decide to proceed with this report's recommendation, a period of statutory consultation must take place in line with the School Standards and Organisation Act (2013) and Schools Organisation Code 011/2018. It is anticipated that this will be held in coming weeks.

9.2. A further report will then be presented to Cabinet to report on the result of the statutory consultation period. The Cabinet will then be required to evaluate the consultation and, subject to the Cabinet's opinion at that time, decide whether or not to issue a Statutory Notice. If a Statutory Notice is published, there will be a period of one month for anyone to object to the proposal, known as the 'Objection Period'. Following that period a further report will be submitted to Cabinet for a final decision. That report will include a summary of any objections received and responses.

10. 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 obvious reasons (including financial ones) supporting the proposal to close Ysgol Llanaelhaearn. I confirm that the financial figures in sections 4.2 and 6.4 of the report and in part 6 of Appendix A are either true accurate costs, or fair estimates (where appropriate). Establishing the new arrangements (closing Ysgol Llanaelhaearn, and providing pupil places at Ysgol Bro Plenydd, Y Ffor) would save £100,518 less additional transport needs (currently estimated at around £25,000), resulting in annual net savings of approximately £75,518 (as noted in clause 6.4.3 of the report).

Local Member:

I am concerned and disappointed by the situation that exists at Ysgol Llanaelhaearn, a school that provides a very high standard of education for children in the catchment area.

I accept that the number of pupils on the register has fallen to a very concerning level, and therefore the cost of providing the education is higher than the County's average.

As has already been said, there are a number of factors that have led to the current situation. As stated by the Chair of Governors at the meetings held in the Village, and in a letter to the Education Department on the 15th September, one of the main things that has led to a 60% drop in the number of children over the last 3 years is comments made at a meeting in the School during July 2016 by Officers from the Education Department regarding the future of the

School at that time. Following these comments a number of parents removed their children from the school. Indeed, it must be said that many of those on the School's governing body moved their children to other schools following the comments made by the officials at that meeting. This was undoubtedly the main 'catalyst' for a decline in the number of children over the last period. I believe the letter from the Chair is in your file. A warrant that the School be open for 5 years was requested in an attempt to recover the numbers and raise the confidence of parents to send their children to the school. The application was refused.

The governors felt that it was important that the Cabinet Members had the facts and complete background before deciding on the future of the school so they have asked me to include the comments in my provision for you.

As I have already stated, Ysgol Llanaelhaearn is a small, happy school and provides the children with an extremely good education. Recent reports confirm this.

It will be a very sad day if the school closes, and I think it would have a long-term impact on the attempt to regenerate and develop the community, attracting new families (with children) to live in the village. As you will be aware from the reports attached to this application, there is a plan to seek the development of 15 new social housing in the Village. It is likely that the closure of the school would influence the decision of some prospective families.

I trust that the statutory consultation will be fair and thorough and I hope that there will be some way to save the small school of Llanaelhaearn.

Appendices:

Appendix A: Comparison of the characteristics of the models against the strategy's factors.

Appendix B: Impact Assessments:

- An Assessment of the Probable Impact on the Quality and Standard of Education
- Assessment of the probable impact on travel arrangements
- Assessment of the probable impact on the community
- Language Impact Assessment
- Well-being Assessment
- Equality Assessment

Appendix C: Letter and leaflet about an open day regarding a possible housing development

Appendix Ch: Background pack, which includes presentations and minutes of the local meetings.

GWYNEDD CABINET DECISION NOTICE

Date of Cabinet Meeting:	5 November 2019
Date decision will come into force and implemented, unless the decision is called in, in accordance with section 7.25 of the Gwynedd Council Constitution.	20 November 2019

SUBJECT

Item 6: YSGOL LLANAEELHAEARN

DECISION

Agree 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 Llanaelhaearn on 31 August 2020 and to provide places for pupils at Ysgol Bro Plenydd, Y Ffôr, on 1 September 2020

REASONS FOR THE DECISION

The reason for seeking permission to consult on the basis of the preferred proposal is the need to address the vulnerable position of the school. There has been a significant fall in numbers recently which has led to a critical situation with eight pupils on the roll, with projections indicating that there will be a further fall to five pupils on the roll by 2021.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE STANDARDS COMMITTEE

No declarations of personal interest or relevant dispensations were received.

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

The Local Member was consulted and discussions were held with local stakeholders.

The Statutory Officers were consulted to seek their views, which have been included in the report.
