

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014/15

**EDUCATION & LIFELONG LEARNING
SCRUTINY COMMITTEE**

15th July 2014

**REPORT OF THE DIRECTOR OF
LEGAL AND DEMOCRATIC SERVICES**

Agenda Item 2

Coedpenmaen Primary School –
Proposed Intervention into the
governance arrangements of the school.

Author: Paul Lucas - Director of Legal & Democratic Services
Tel: 01443 424105

1. MEMBERS WILL FIND ENCLOSED:

- A. Copy of the Cabinet Report – Coedpenmaen Primary School – proposed intervention into the governance arrangements of the school
(pages 3 - 8)
- B. Copy Decision Notice of Cabinet; **(Pages 9 - 14)**
- C. Copy Extract of Overview and Procedure Rules re: Call-in **(Pages 15 -20**
- D. Copy of Prescribed Call-in Form; **(Pages 21 - 24)**

2. PROCEDURE

- 2.1 Each case for Call-in must be considered on its merits and there is no set procedure.
- 2.2 On the 23rd June, 2014 a meeting of Cabinet was held to consider the report 'Coedpenmaen primary School – Proposed intervention into the governance arrangements of the school. (Copy of the report is attached as Appendix A)
- 2.3 The Cabinet decision in respect of Coedpenmaen Primary School was published on Wednesday 25th June, 2014. (Copy of the decision is attached as appendix B.)
- 2.4 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is reproduced as Appendix C of this report.
- 2.5 A call-in form was received on 3rd July, 2014, which complied with the relevant criteria. (A copy of the Prescribed call in form is attached as Appendix D)

- 2.6 Members will note that the Call-In Provisions were changed at the Council's Annual General Meeting in May 2014, to enable any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group). The three Members requesting this Call-in are not Members of this Committee.
- 2.7 The three Members who called in the decision will be invited to address the Committee, on a proposal that the proposed intervention into the governance arrangements at Coedpenmaen Primary School be referred back to Cabinet for reconsideration with regard to the reasons set out in the Notice of the Call In form (as reproduced below)
- Reason for calling in decision: -Incorrect use of Section 6 of Schools Standards Organisation (Wales) Act 2013. Not necessary to implement, inappropriate use of measure.*
- 2.8 One of the three Members will be given the right to make a final address to the Committee membership immediately before a vote is taken on the proposal.
- 2.9 If the proposal to refer the matter to Cabinet for reconsideration is passed then the matter will be referred: If the proposal is lost then the decision will take effect from the date of this meeting i.e 15th July, 2014.
- 2.10 The relevant Cabinet portfolio holder will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the call in.

3. RECOMMENDATION:

It is recommended that the Committee adopt the procedure for the conduct of the meeting set out in paragraphs 2.7.and 2.8 above.

Appendix A

This page intentionally blank

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23rd JUNE 2014

REPORT OF THE DIRECTOR OF EDUCATION & LIFELONG LEARNING

Author: Chris Bradshaw

COEDPENMAEN PRIMARY SCHOOL – PROPOSED INTERVENTION INTO THE GOVERNANCE ARRANGEMENTS OF THE SCHOOL

1. PURPOSE OF THE REPORT

The purpose of this report is to seek Cabinet's approval to use the Council's powers of intervention, in accordance with the School Standards and Organisation (Wales) Act 2013 to appoint additional Local Education Authority governors to the governing body of Coedpenmaen Primary School. The School is considered by Estyn to be in need of Significant Improvement. The purpose of the intervention is to strengthen the Council's voice on the governing body and provide additional expertise to the governors in addressing Estyn's recommendations to support the School's improvement.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Agree to a report being presented to the Local Education Authority Governors (Appointments) Committee to nominate up to four additional LEA governors of Coedpenmaen Primary School for the period to 31 August 2015, in accordance with Section 6 of the School Standards and Organisation (Wales) Act 2013;
- 2.2 Agree that the Director of Education & Lifelong Learning will review the effectiveness of the governing body of Coedpenmaen Primary School in the summer term of 2015 and authorise the Director to extend the period of office of the additional LEA governors up to a maximum of a further academic year;
- 2.3 Agree to the Council paying remuneration and allowances to the four additional governors appointed in accordance with Section 6 of the School Standards and Organisation (Wales) Act 2013, not exceeding £250 per day.

3. BACKGROUND

- 3.1 In April 2012, Coedpenmaen Primary School was inspected by Estyn which judged the School's current performance to be adequate and the prospects for improvement also to be adequate. Estyn made the following six recommendations:

R1 – Raise standards in science and Welsh;
R2 – Improve pupils' ability to apply their skills across the curriculum;
R3 – Match learning activities accurately to pupil's abilities;

R4 – Develop governors’ understanding of their responsibilities and their role as a critical friend;

R5 – Strengthen communication and partnerships with parents and carers; and

R6 – Sustain recent improvements in attendance.

3.2 In September 2013, Estyn returned to monitor the School’s progress in addressing these recommendations.

3.3 Estyn concluded that the School:

“is judged to have made insufficient progress in relation to the recommendations...In accordance with the Education Act 2005, Her Majesty’s Chief Inspector is of the opinion that this school is in need of significant improvement.”

3.4 During the course of the Estyn revisit, the headteacher and the deputy headteacher were absent from the School and have subsequently left the School. Since September 2013, the School has had three interim headteachers, with the existing interim headteacher in post since February 2014. The headteacher position has recently been advertised with a view to securing a good appointment before Estyn return to monitor the progress of the school.

3.5 The interim headteacher is making good progress against the majority of the recommendations however, progress against recommendation 4 is of concern to the Council and Central South Consortium School Improvement Service.

3.6 In any school, the two main determinants of the quality of the provision provided is the leadership of a school and the quality of the teaching. In Coedpenmaen, Estyn has consistently considered the teaching to be good, with the main issues associated with the leadership and governance of the School.

3.7 Estyn has highlighted this in its report of April 2012, and stated:

“Governors’ understanding of their roles and responsibilities is at an early stage of development. The headteacher provides governors with a good range of information about the school’s performance and its priorities for improvement, but governing body meetings do not focus closely enough on this core business. As a result, the governing body does not fulfil its role in supporting and challenging the school well enough”.

3.8 As a result the governing body was given Recommendation 4 - to develop governors’ understanding of their responsibilities and their role as a critical friend.

3.9 Since September 2013 to date there have been 13 meetings of the governing body to deal with the routine business of the School and to address Estyn’s recommendations. However, the attendance of some of the governing body has been poor, with a number of governors attending only 2 of the 13 meetings, and with 5 governors attending for less than 50% of all the meetings. The position is compounded by a further two governors being unable to sit as governors due to other circumstances, which has made some meetings to not be quorate.

3.10 Recognising the difficult position the School has found itself, I sent a letter to all the governors of Coedpenmaen Primary School on 7 December 2013 requesting their commitment and support to attend governing body meetings. However, the position

has not improved and as a result, I have recently written to a number of governors asking them to reconsider their position on the governing body, if they are unable to provide the commitment the headteacher, staff, pupils and parents deserve.

- 3.11 This is unfortunate, as there are governors, who regularly attend and commit the time and effort to the School, and the Council values and appreciates their commitment.

4 WAY FORWARD

- 4.1 To address these concerns, in respect of the governing body of Coedpenmaen Primary School, the Council has a responsibility to intervene to prevent the School potentially becoming a school in need of Special Measures.
- 4.2 As the School is considered by Estyn to be in need of Significant Improvement, the Council has the power under the School Standards and Organisation (Wales) Act 2013 to increase the number of local authority governors on the School's Governing Body.
- 4.3 Section 6 of the School Standards and Organisation (Wales) Act 2013 enables a local authority to appoint additional governors where a school is eligible for intervention (as the School is in need of Significant Improvement it is eligible for intervention). The Act allows the Council to appoint as many additional governors as they think fit.
- 4.4 The purpose of the intervention is to strengthen the local authority's voice on the governing body and provide additional expertise to the governors in addressing Estyn's recommendations to support the school's improvement. Furthermore, as the governors' attendance is poor, the additional governors will ensure that the headteacher and senior management team receive further challenge and support.
- 4.5 It is proposed that up to four additional LEA governors are appointed to the School's governing body by the Council's LEA Governors (Appointments) Committee for the period to 31 August 2015, with the possible extension of the arrangement, subject to an annual review, to 31 August 2016. The new governors will either have had significant school improvement experience and or experience as chairs of other Rhondda Cynon Taf primary schools.
- 4.6 The School Standards and Organisation (Wales) Act 2013 allows for the Council to remunerate these additional governors. It is proposed that the four new LEA governors be paid up to £250 per day to undertake this role. The School requires specific experienced quality advice and support and to secure this, we do not propose to look for volunteers but to pay the individuals for their services. This cost will be met from within existing education budgets and has been calculated based on the standard Central South Consortium rate for such professionals. It must be emphasised that the payments to these additional governors are being made in exceptional circumstances in accordance with the School Standards and Organisation (Wales) Act 2013 and that in all other cases, governors will continue to be volunteers and not paid for their contribution to a school.

5 CONCLUSION

The Council has a responsibility to ensure all pupils receive a good education and in doing so will, on occasions, have to exercise its powers of intervention to secure the improvement in education provision. The action proposed in this report seeks to do this for the pupils of Coedpenmaen Primary School.

Appendix B

This page intentionally blank



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

RECORD OF DECISIONS OF THE EXECUTIVE

DECISION MADE BY: Cabinet DATE DECISION MADE: 23rd June, 2014

Agenda Item 3

SUBJECT:

Coedpenmaen Primary School – Proposed Intervention into the Governance Arrangements of the School

Cabinet Members Present County Borough Councillors:

A.Morgan (Chairman), R.Bevan, A.Crimmings, M.Forey, E.Hanagan,
G.Hopkins and M.Webber

Apologies for Absence County Borough Councillors:

P.Cannon and K.Montague

Other Members in Attendance County Borough Councillors:

T.Bates, J.Bonetto, C.Davies, M.Griffiths, P.Griffiths, C.Leyshon,
K.Morgan, I.Pearce and M.J.Powell

1. DECISION MADE:

Agreed –

- To a report being presented to the Local Education Authority Governors (Appointments) Committee to nominate up to four additional LEA Governors of Coedpenmaen Primary School for the period to 31st August, 2015, in accordance with Section 6 of the School Standards and Organisation (Wales) Act, 2013.
- That the Director, Education and Lifelong Learning review the effectiveness of the Governing Body of Coedpenmaen Primary School in the Summer term 2015 and that he be authorised to extend the period of office of the additional LEA Governors up to a maximum of a further academic year.
- That remuneration and allowances be paid to the four additional Governors appointed in accordance with Section 6 of the School Standards and Organisation (Wales) Act, 2013, not exceeding £250 per day.

Note: With the permission of the Chairman, County Borough Councillor M.J.Powell spoke on this item and in his role as Chair of the Governing Body of Coedpenmaen Primary School outlined some of the issues associated with this matter which were duly responded to by the Director, Education and Lifelong Learning.

2. REASON FOR THE DECISION BEING MADE:

- In accordance with the School Standards and Organisation (Wales) Act, 2013 to appoint additional local Education Authority governors to the Governing Body of Coedpenmaen Primary School as the School is considered by Estyn to be in need of significant improvement.

3. CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:

N/A

4. PERSONAL INTERESTS DECLARED:

None

5. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):

N/A

6. (a) IS THE DECISION URGENT AND NOT TO BE THE SUBJECT OF ANY CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YES NO

Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication i.e. **Friday, 4th July, 2014** to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

6. (b) IF YES, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS URGENT:

N/A

6. (c) SIGNATURE OF MAYOR OR DEPUTY MAYOR OR HEAD OF PAID SERVICE CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULE 17.2:

N/A

.....
(Mayor)

.....
(Dated)



.....
(Proper Officer)

25th June, 2014

.....
(Dated)

This page intentionally blank

Appendix C

This page intentionally blank

17. Call-In

17.1 Rules

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet or an Area Committee or under joint arrangements, the decision shall be published by the Proper Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 clear working days of it being made. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless the Overview and Scrutiny Committee or Service Scrutiny Committees objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee or Service Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. He/she shall convene a meeting of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the Chairman or Vice-Chairman of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee, and in any case the meeting will be held within 5 clear working days of the decision to call-in (only in exceptional circumstances will the Chairman of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny or Service Scrutiny Committee signs a call-in form he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee or Service Scrutiny Committee should be read as a reference to the 'Vice-Chair' of that Overview and Scrutiny Committee or Service Scrutiny Committee.
- (e) If, having considered the decision, the Overview and Scrutiny Committee or relevant Service Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not,

before adopting a final decision.

- (f) If following an objection to the decision, the Overview and Scrutiny Committee or relevant Service Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee or relevant Service Scrutiny Committee meeting, or the expiry of that further 5 clear working day period, whichever is the earlier.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) the Overview and Scrutiny Committee and each of the Service Scrutiny Committees may only call-in a total of 3 decisions per 2 month period;
 - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
 - (iii) once a Member has signed a request for call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired.
 - (iv) No Education Co-opted Members may report a decision be called in.
- (j) The Monitoring Officer may veto any request for call-in if it falls

outside the remit of this scheme.

- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.2 **Call-In and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor and the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

This page intentionally blank

Appendix D

This page intentionally blank

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES – RULE 17**

SCRUTINY CALL IN FORM

THIS FORM MUST:

- (A) BE SIGNED BY AT LEAST THREE MEMBERS FROM AT LEAST TWO DIFFERENT POLITICAL GROUPS
- (B) BE DELIVERED TO PJ LUCAS, THE MONITORING OFFICER, THE PAVILIONS, CAMBRIAN PARK, CLYDACH VALE, CF40 2XX OR SENT BY FAX TO (01443) 424114 WITHIN THE TIMESCALE NOTIFIED WITHIN THE CONSTITUTION

DETAILS OF DECISION

Decision of Cabinet/Cabinet Member/Other (Please delete as appropriate)

Date of Publication of decision: 23.6.14

Subject of Decision: COEDPENMUN - PROPOSED INTERVENTION

Decision Called in (Please quote from the record of decision)

APPOINTMENT OF FOUR EXTRA CEA GOVERNORS

Reason for calling in decision		
<p>INCORRECT USE OF SECTION 6 SCHOOLS STANDARDS ORGANISATION (WALSLEY) ACT 2013. NOT NECESSARY TO IMPLEMENTATION. INAPPROPRIATE USE OF MEASURE.</p>		
Names	Signature	Group
KAREN MORRAN	<i>[Signature]</i>	PLAID CYMRU
PAUL WABLEY	<i>[Signature]</i>	Independent

Date: 3.7.2014

For Office use only by the Monitoring Officer

Date & Time of Receipt: 3.7.14 Officer Receiving: IC May
 To be submitted to Scrutiny Committee:
 Decision of Scrutiny Committee:

This page intentionally blank