

# RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

## CABINET

13<sup>TH</sup> MAY, 2014

### REPORT OF THE DIRECTOR OF EDUCATION AND LIFELONG LEARNING

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#### IMPROVING PRIMARY EDUCATION PROVISION IN ABERLLECHAU

##### 1. PURPOSE OF THE REPORT

The purpose of this report is to outline proposals to close Aberllechau Primary School and to seek Members approval to begin the relevant, and required statutory consultation.

##### 2. RECOMMENDATIONS

It is recommended that Members note the information contained within this report and give formal approval to commence consultation on the proposal to close Aberllechau Primary School, with pupils transferring to Pontygwaith Primary School in January 2015.

##### 3. BACKGROUND

- 3.1. Rhondda Cynon Taf has 110 schools for pupils in the primary age range. Currently, there are 93 all age primary schools, 1 nursery schools, 11 infant schools (ages 3 or 4-7) and 5 junior schools (ages 8-11).
- 3.2. Over the past 10 years, the Council has sought to move towards a single larger primary school model for 3 to 11 years amalgamating separate infant and junior schools through an organic approach, and also closing small primary schools, incorporating them in to larger more educationally and financially viable primary schools. The schools amalgamated or closed most recently include infant, junior and some nursery schools in Abercynon, Comin (Aberdare Park), Cwmbach, Cwmclydach, Glanffrwd, Glantaf, Maerdy, Penrhiwfer, Ynysboeth, Ynyswen and Ynyshir.
- 3.3. The Estyn Inspection of the Council in 2012, has highlighted that the Council needs to:
  - ***“Raise education standards in all schools; and***
  - ***Reduce surplus places.”***
- 3.4. The following proposal seeks to address these recommendations for the communities of Wattstown and Pontygwaith.

3.5. To progress any school reorganisation the Council has to follow the guidance issued by Welsh Government, called the School Organisation Code. The Welsh Government has introduced a new School Organisation Code which came into effect from 1 October 2013. The 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').

3.6. The Code contains the following elements:

- 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.
- 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.
- It provides a description of the statutory requirements set out in the 2013 Act.

3.7. The New Code is very prescriptive in respect of who should be consulted in respect of any proposal and sets out clear expectations of what should be included in the Consultation document. A copy of the draft Consultation Document is attached in the Appendix to this Report.

3.8. The arguments for and against the proposal which would previously have been set out in the Report to Cabinet are clearly spelt out in the Consultation Document.

#### **4. THE CLOSURE OF ABERLLECHAU PRIMARY SCHOOL, WITH THE TRANSFER OF EDUCATION PROVISION TO PONTYGWAITH PRIMARY SCHOOL**

##### **What is the basis for the proposal?**

4.1 In recent years, Estyn has sharpened its approach to inspection of schools and local authorities and has raised the bar in respect of what it considers to be good and excellent provision. Furthermore, Estyn has taken a very hard line on local authorities in Wales that have weaknesses in key areas such as

corporate governance, educational standards, attendance levels, surplus places and safeguarding.

4.2 Estyn's conclusion in March 2012 on the quality of education services for children and young people in Rhondda Cynon Taf was:

- **Overall Judgement – Adequate** (Strengths outweigh areas for improvement);
- **Capacity to Improve – Adequate.**

4.3 In addition Estyn made the following recommendations for the Council:

- R1 - raise standards in schools particularly in key stage 4;
- R2 - improve attendance rates in all schools;
- R3 - improve the evaluation and analyses of data across service areas and partnerships to drive improvements in outcomes for learners;
- R4 - use the full powers available to the authority to improve leadership and management in schools;
- R5 - reduce surplus places; and
- R6 - improve the rigour and the level of scrutiny and challenge across all services and partnerships.

4.4 Over the past eighteen months the Council had focused its attention on these six recommendations, and in particular Recommendations 1, 2 & 5, which will have the greatest impact on pupil achievement in our schools. As a result, schools that, when compared with similar schools across Wales based on free school meals, are in the third and fourth quartiles are being subject to significant challenge, scrutiny and support. Where there is little evidence of significant progress, the Council is intervening using a range of its powers. One of the powers is to close schools that over an extended period continue to under-perform providing an education to children that is not good enough.

4.5 Estyn also highlighted that the Council had the highest number of surplus places in Wales and that action had to be taken to address this issue. This was followed up by a letter from the Welsh Government Minister for Education & Skills in June 2012 that instructed the Council to take action in respect of surplus places or the Welsh Government would take responsibility for removing the surplus places.

4.6 The Elected Members have accepted Estyn's recommendations and have undertaken a review of our school provision. The criteria we have used for selecting schools for review is one or more of the following:

- Surplus places in excess of 25% of published capacity;
- Buildings that are beyond economic repair/not fit for purpose;
- Financially unviable (usually due to a sharp fall in pupil numbers);
- Schools considered to be 'small' schools, i.e. schools with 90 or fewer pupils;
- Separate infant and junior schools in close proximity;
- 'Paired' schools, i.e. where children progress from one of the schools to the other;

- Mixed aged classes where there are more than two age groups in one class;
- Schools considered to be at risk, based on their academic Key Stage data and the quality of the leadership, of meeting Estyn's criteria as a school in need of significant improvement or special measures.

4.7 Aberllechau Primary School and Pontygwaith Primary School have been assessed against the aforementioned criteria:

- Both schools have surplus places in excess of 25%;
- Aberllechau is a "small" school with less than 90 mainstream pupils;
- Aberllechau has a maintenance backlog of £539k, which equates to £7,926 per pupil;  
Pontygwaith has a maintenance backlog of £435k, which equates to £4,065 per pupil;
- Both schools have mixed aged classes, Aberllechau has 3 (which includes a mixed Key Stage class) and Pontygwaith has 5

4.8 The educational performance and pupil attendance of both schools is consistently in the third and fourth quartiles when compared to similar schools in Wales.

4.9 The opportunity exists to bring the two schools together to create a larger, more educationally viable school.

4.10 Members will recall that they considered a proposal to close Aberllechau Primary School in September 2009, and after a public consultation agreed to retain the School but continue to monitor the educational performance of the School. Cabinet agreed that if there has not been a significant improvement since the Estyn Inspection in 2008, a comprehensive review of the future of the School will be undertaken.

4.11 Over the past few years, the Council and more recently Central South Consortium has provided considerable support to Aberllechau Primary in terms of support to the leadership and management and improvements to the school buildings. Furthermore, since September 2013, the Chair of Governors and the Headteacher of the School has been meeting the Director of Education to discuss and monitor the progress of the School. Central South Consortium categorise all schools in the region on the basis on a number of factors with the greatest weight being applied to educational outcomes, leadership and the quality of teaching. All schools are graded A to D, with A being the highest and D the lowest performing school, causing significant concern.

4.12 Aberllechau Primary School is graded a D school, and it is the opinion of senior school improvement practitioners in the Consortium and the Council that the School's performance is equivalent to that in need of Significant Improvement or Special Measures.

4.13 Therefore, as Director, I consider that:

- The Governing Body and Headteacher of the School have had sufficient time, resources and support to address the educational under-performance in the School;
- The best course of action for the pupils of Aberllechau Primary School is to close the School at the end of the calendar year and transfer the pupils to Pontygwaith Primary School.

## **5 TIMESCALE, CONSULTATION AND THE PROCESS OF DECISION MAKING**

- 5.1 The process for closing schools has changed due to the new Code.
- 5.2 The Code on School Organisation (“The Code”) is made under Sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013. The Code came into force on 1 October 2013 and applies in respect of all school proposals published by way of a statutory notice after that date. Proposals to close a school have to follow the following process:
1. The Council’s Cabinet considers the Code and authorises a consultation on the changes to the schools;
  2. At the start of the consultation period the Council **must** provide consultees with a consultation document and give them at least 42 days in which to respond, with at least 20 of these days being school days. If the Council considers it appropriate meetings are held with stakeholders during the consultation period;
  3. Consultation comments are collated and summarised by the Council. This summary together with the Council’s officers own responses and Estyn’s views of the proposal is published in a consultation report within 13 weeks of the end of the consultation period and presented to the Council’s Cabinet for consideration;
  4. The Council’s Cabinet decide whether to proceed with the changes within 6 months of the end of the consultation period. If the decision is to proceed, Step 5 is taken. If a new option emerges during the consultation which the Council’s Cabinet wish to consider, then Steps 1-3 are repeated;
  5. Statutory notice is published 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;
  6. The Council’s Cabinet must issue its decision on the proposal within 16 weeks of the end of the objection period;
  7. If written or e-mailed objections are received, the Council **must** publish an objection report providing a summary of the objections and their responses to them within 7 days of the determination of the proposal (where the Council is determining its own proposals); or, in all other cases, within 28 days of the end of the objection period;
  8. If the proposals receive approval / the Council determine to implement them, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.
- 5.3 The consultation will start on the 2 June 2014 and will be completed at 5pm on 18 July 2014. The feedback from the consultation will be collated and summarised, and a report presented to the Council’s Cabinet in September 2014.

5.4 The Council's Cabinet will consider the report and will consider, based on the feedback, whether to proceed with the proposal, make changes to the proposal or not proceed with the proposal. If the Cabinet decides not to proceed, that will be the end of this proposal for the foreseeable future.

## **6 CONCLUSION**

6.1 The Council considers that there are considerable benefits to be gained from creating larger primary schools. The experience of educational authorities and schools across the UK is that such primary schools offer a more consistent and secure model upon which schools can plan, manage and deliver the very best educational experience for pupils over time. This has been supported by an Estyn Report dated 2 December 2013 that evidences the fact that larger schools outperform small schools.

6.2 It is recommended, therefore, that Members give approval to officers to commence the consultation processes necessary to achieve the proposal outlined in this report.