

REPORT TO THE CABINET

27 June 2017

Cabinet Member: Cllr Gareth Thomas

Subject: Future of Educational Provision in Y Berwyn Catchment-Area

Contact Officer: Garem Jackson – Head of Education

The decision sought/purpose of the report

The purpose of this report is to provide an update to the Cabinet on the proposal to establish a Voluntary Controlled 3-19 Learning Campus in the town of Bala, in accordance with the decision of the Cabinet on 14 February 2017.

In addition, Cabinet support is required for the following recommendations:

- i. Abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus (VC, Church in Wales), in accordance with section 55 (5) of Schools Standards and Organisation Act (Wales) 2013.
 - ii. Subject to receiving support for recommendation (i), commission a further report in September 2017 to develop an alternative model to consult on that addresses and complies with the Business Case that has been approved by the Government.
 - iii. Delegate to the Education Cabinet Member the authority to hold a pre-consultation with the Church in Wales in compliance with the requirements of the 2013 Schools Organisation Code and report on the results to the Cabinet in September 2017.
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1. INTRODUCTION

- 1.1 This report seeks the Cabinet's permission to abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus (VC, Church in Wales) in the town of Y Bala, in accordance with section 55 (5) of Schools Standards and Organisation Act (Wales) 2013.
- 1.2 A report was presented before the Cabinet on 14 February 2017 to recommend "consult(ing) with the governing bodies of schools of Y Berwyn catchment-area, on the option to abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus". The recommendation was supported, noting the need to obtain the views of the schools' Governing Bodies on abandoning the proposal.
- 1.3 The matter is being returned to the Cabinet to re-consider the situation in light of the latest developments.

2. BACKGROUND

- 2.1 This matter was originally returned to Cabinet on 13 December 2016, in response to correspondence dated 9 September 2016 from the solicitors of St Asaph Diocese noting their objection, from a legal viewpoint, that the Authority operated as a promoter/proposer for the proposal to establish a voluntary school with a religious character. Further correspondence was received from Church representatives offering possible solutions regarding the situation as to the future of the Ysgol Beuno Sant site. In light of these discussions and developments, at its meeting on 13 December 2016, the Cabinet decided to:

"Defer the consideration of recommendations in the report to consider the latest correspondence received from the Church in Wales as well as the legal opinion received.

Allow time for officers to hold further local discussions”.

- 2.2 In accordance with the Cabinet’s decision in December, a meeting was held with the headteachers, Chairs of Governors and Local Members at Y Bala, together with a St Asaph Diocese representative, on 18 January 2017. The aim of the meeting was to provide an up-date on the situation and an explanation of the Cabinet’s decision taken in December.
- 2.3 Subsequently, in January, correspondence was received from the governing bodies of two schools in the town declaring a lack of support for the new school’s Church status and requesting that the Council hold another consultation to review the proposed school’s status. A petition was received containing over 1,000 signatures calling on Gwynedd Council to “end its partnership with the Church in Wales and to re-launch the project as a “community” project.”
- 2.4 In response to local concerns, on 25 January 2017, the Church in Wales issued a press release confirming its commitment to the proposed plan at Y Bala – a copy of the statement is included in **Appendix 4**.
- 2.5 On 14 February 2017, a further report was presented to the Cabinet (**Appendix 3**) and the following recommendation was supported:

“...consult with the governing bodies of schools of Y Berwyn catchment-area, on the option to abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus (VC, Church in Wales) in the town of Y Bala, in accordance with Section 55 (5) of the 2013 Schools Standards and Organisation Act -the intention being to return to the Cabinet to report on the outcome of the consultation and make recommendations on the way forward.”

3. UPDATE

- 3.1 As noted in previous reports, any change to the current proposal would involve a review of the proposal and a process that followed Section 55 (5). However, before deciding on how to proceed, the 2013 Schools Organisation Code stipulates the requirement to consult with the governing bodies of schools affected by the proposal.
- 3.2 In accordance with the Cabinet’s decision in February, between **1 and 15 March 2017**, a consultation was held with school governing bodies of Y Berwyn catchment-area. As part of the consultation, the governing bodies were asked to respond through noting whether they agreed or disagreed with the Local Authority’s proposal, namely:
“Abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus (VC, Church in Wales), in accordance with section 55(5) of 2013 Schools Standards and Organisation Act.”
- 3.3 All of the 6 relevant governing bodies replied. All the responses received supported the Local Authority’s proposal to abandon the current proposal. A copy of the governing bodies responses are included in **Appendix 2**.
- 3.4 Discussions have been held with the Diocese of St Asaph to determine a way forward. Following these discussions, on 15 June 2017 a letter was received regarding the proposal to re-organise educational provision in Y Bala catchment-area (**Appendix 1**). In brief, the letter stated that the Diocese accepts that the governing bodies of the town’s schools are unwilling to support the current proposal and this is reflected in the response by the community, which includes a high proportion of parents of pupils at the affected schools. Subsequently, whilst emphasising that the needs of the current and future pupils is their main priority, the Diocese states

“We have discussed the matter at length with officers of Cyngor Gwynedd, locally elected members and the Chairs of Governors and we all agree that we should work together to bring this matter to a satisfactory conclusion.

To enable this to happen the Diocese will in partnership with Cyngor Gwynedd support the request of the Governing Bodies and wider community regarding the status of the new 3-19 learning campus. This will allow a new consultation to be held but also allows the building work to continue and safeguards the investment in Bala and Penllyn."

4. CONSIDERATIONS

4.1 Section 55 (2) of the 2013 Act requires the Council, as the proposer, to implement the proposal in the form in which it was approved or decided upon, unless it determines in accordance with section 55 (5) :

"...if it is satisfied—

(a) that implementing of the proposals would prove to be unreasonably difficult, or

(b) that circumstances have so altered since the proposals were approved under section 50 or 51 or decided under section 53, that implementing the proposals would be inappropriate".

Such a determination, in accordance with section 55 (8), would equate to a decision not to implement the proposals at all, and therefore it would not be possible to close Y Bala schools or open the new Campus, without a full statutory process, including a statutory consultation, being recommended and new proposals being issued following such a consultation.

4.2 The establishment of a new campus which requires a considerable level of community support and engagement and the active participation of experienced governors is likely to be jeopardised by the current situation. As reported in paragraph 3.4 above the diocese has also acknowledged this situation as impacting on its participation in the project. For these reasons the Council considers that the proposal needs to be re-considered with a view to developing alternative options. This can only be properly undertaken by withdrawing the current proposal and undertaking a consultative process in accordance with the provisions of the School Organisation Code 2013.

4.3 The Council notes the responses to the recent consultation with the Governing Bodies, as referred to in paragraph 3.2 above, and concludes that section 55(5) of the 2013 Schools Organisation Act should be implemented to withdraw the current proposal. This conclusion is based on the presumption that it would be unreasonably difficult and inappropriate to implement the proposal due to the lack of governors' support for the current proposal for the new school in the town of Bala.

5. OTHER CONSIDERATIONS

5.1 The factors and other risks that the Cabinet needs to be aware of are as follows:

5.1.1 Welsh Government Capital Funding: The current scheme invests £10.27m in the Bala area, with £5.135m of this amount being a grant from the Welsh Government. The Welsh Government grant has been approved following the submission of a full business case. The statutory processes and the application process for the capital grant were scheduled to ensure that they would be completed and approved well in advance of the commencement date of the construction work. Although we do not anticipate any impact on our ability to complete the construction project, which is now under way, it will be essential that the alternative model presented to the Cabinet in September addresses/meets the full requirements of the business case, to ensure that any change in the project's direction does not breach the terms and conditions of the grant.

5.1.2 Continued choice of church provision in South Meirionnydd: The need to determine the school's legal status was a matter that received detailed consideration during the consultation period, the objection period, and in the Cabinet Report dated 15 September 2015. One of the reasons for consulting on a Voluntary Controlled status (VC, Church in Wales) for the proposed Campus was the joint provision that currently exist in the catchment area, (there is already Voluntary Aided provision (VA) at Ysgol Beuno Sant), as well as the strategic

decision to ensure a continued choice of provision within a wider area in the south of the County. These factors will remain considerations as the Council considers the way forward.

5.1.3 Should a decision be made to support the recommendations an alternative consultation process will need to be commenced. As part of this of this process the Authority will revisit and update the original impact assessments and report on the conclusions as part of the process of formulating and consulting on any revised proposals. This will include the current Equalities Impact Assessment. The issue of need for a particular type of provision will also be addressed in the consultation process. The current assessments are available for consideration at the council's website www.gwynedd.llyw.cymru/schoolorganisation . These steps will be reported on in September.

6. NEXT STEPS

6.1 If the Cabinet decides to support the recommendations presented in this report, the following timetable is proposed to develop the plan:

Steps	Outline Timetable
Work on preparing an alternative model – Options Appraisal and impact assessments conducted	July 2017
Pre- consultation with the Church in Wales	July – August 2017
Cabinet Report – Confirm the alternative model and authorise a period of statutory consultation	September 2017

7. RECOMMENDATION

The Cabinet's support is sought for the following recommendations:

- i. Abandon the proposal to establish a Voluntary Controlled 3-19 Learning Campus (VC, Church in Wales), in accordance with section 55 (5) of Schools Standards and Organisation Act (Wales) 2013.
- ii. Subject to receiving support for recommendation (i), commission a further report in September 2017 to develop an alternative model to consult on that addresses and complies with the Business Case that has been approved by the Government.
- iii. Delegate to the Education Cabinet Member the authority to hold a pre-consultation with the Church in Wales in compliance with the requirements of the 2013 Schools Organisation Code and report on the results to the Cabinet in September 2017.

Background Documents

1. Report to Cabinet 14 February 2017 (**Appendix 3**)
2. Report to Cabinet on original proposal September 2015 www.gwynedd.llwy.cymru/cabinet
3. [School Organisation Code 2013](#)

Views of Local Members

Any comments by the Local Members will be presented during the meeting.

VIEWS OF THE STATUTORY OFFICERS

The Monitoring Officer:

“School Standards and Organisation (Wales) Act 2013 together with the Schools Organisation Code 2013 set out a detailed framework for establishing and organising Community, Voluntary Schools and Special Schools. Section 55 creates a duty to implement a proposal which has been confirmed but also establishes the circumstances where a decision not to proceed can be made. These thresholds are recited in the report together with the circumstances which lead to the recommendation. A consultation was undertaken on the intended route following the Cabinet decision in February and the Cabinet will need to consider the results together with other factors when coming to a final decision on the grounds set out in the legislation.”

Head of Finance:

“The current situation regarding the school that is to be established in Y Berwyn should be resolved without delay, by following the appropriate procedures. We should aim to minimize the financial risk, by claiming and using the capital grant on time, avoiding any slippage in the capital project’s schedule.”