

REPORT TO THE CABINET

15 September 2015

Cabinet Member: Councillor Gareth Thomas

Subject: The Future of Education Provision in the Berwyn Catchment Area

Contact Officer: Iwan T Jones – Corporate Director

The decision sought

- i. To implement the proposal to close Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn in Bala on 31 August 2018 and establish a 3-19 Learning Campus, Welsh Medium¹, Voluntary Controlled, (VC, Church in Wales), (“The Campus”), on the existing Ysgol Y Berwyn site to open on 1 September 2018.
 - ii. That Gwynedd Council will conduct a review of the school’s performance which will include a review of the quality of education provided, educational progress, the pupils’ social and cultural experiences, the use of resources, and any effect of the Voluntary Controlled, (VC, Church in Wales), category on the above, following two years from the opening date of the Campus.
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Local members’ views

Any observations by the Local Members will be presented at the meeting.

1. INTRODUCTION

- 1.1 The purpose of this report is to seek the decision of the Council Cabinet to continue with the proposal to reorganise education provision in the Berwyn catchment area, Bala, or not. The Cabinet is requested:
 - i. To implement the proposal to close Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn in Bala on 31 August 2018 and establish a 3-19 Learning Campus, Welsh Medium, Voluntary Controlled, (VC, Church in Wales), on the existing Ysgol Y Berwyn site to open on 1 September 2018.
 - ii. That Gwynedd Council will conduct a review of the school’s performance which will include a review of the quality of education provided, educational progress, the pupils’ social and cultural experiences, the use of resources, and any effect of the Voluntary Controlled, (VC, Church in Wales), category on the above, following two years from the opening date of the Campus.
- 1.2 The Council has implemented the ‘*Excellent Primary Education for the Children of Gwynedd*’ Strategy since it was adopted in April 2009. At its meeting on 9 October 2012, the Cabinet decided on a ‘*Priorities Plan – Education Reorganisation Field*’ based on this strategy.
- 1.3 A report was submitted before the Cabinet on 1 April 2014, where it was agreed:
 - i. *To give permission to extend the work to develop a range of models which will address strategic, regulatory, and/or governance arrangements for the entire catchment area, with the aim of presenting specific recommendations for statutory consultation in accordance with the requirements of Section 48 of the Schools Standards and Organisation (Wales) Act 2013.*

¹ The language status of the Campus will not differ from the current language status of the schools – Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn

- ii. *To authorise the undertaking of an assessment to identify and measure the need within the catchment area for education provision of a specific category and designation, and to meet the requirements of the process of identifying the recommendations as noted in i. Above.*
- iii. *As one of the schools in the catchment area is a Church in Wales Voluntary Aided School, (VA), to delegate to the Cabinet Member for Education, Children and Young People the right to hold a pre-consultation with the Church in Wales in accordance with the School Organisation Code 2013.*

- 1.4 Following this, the Catchment Review Panel (CRP) was re-established, and meetings were held on 6 May 2014 and 14 January 2015. During this period, 3 additional meetings with head teachers from the catchment area's schools were held, as well as meetings with Local Members.
- 1.5 Various discussions were held between April 2014 and January 2015. The most recent CRP meeting was held on 14 January 2015 where background work based on the entire catchment area was presented. This included a long list of models, the proposed way forward, (i.e. the current direction), and an explanation of the statutory processes.
- 1.6 Through the Welsh Government's programme - 'Twenty first Century Schools Programme' - a sum of £10.27million (contribution of £5.135m from the Welsh Government and £5.135 from Gwynedd Council) has been allocated for the Berwyn catchment area. A comprehensive business case will need to be submitted in three steps to attract the funding. The first step of the business case has been approved by the Welsh Government, but there was considerable challenge to the sustainability of the rural schools and the post-16 provision. Although the Welsh Government had been convinced of the need to keep the rural provision as well as the post-16 provision in the catchment area, it is possible that these matters will be challenged once again as the remaining parts of the business case are scrutinised by the Welsh Government. The final part of the business case was recently submitted to the Welsh Government and a formal decision is expected, this will be reported on verbally during the Cabinet.

2. STATUTORY CONSULTATION PERIOD

- 2.1 In accordance with the statutory requirements of the School Organisation Code (006/2013), and the Schools Standards and Organisation (Wales) Act 2013, a period of statutory consultation on the proposal was held with relevant consultees between 11 March and 28 April 2015.
- 2.2 A statutory consultation document was prepared, in accordance with the requirements and guidance of the Code. The document and all background documents are available on the Council's website www.gwynedd.gov.uk/schoolorganisation.
- 2.3 220 responses to the statutory consultation were received including responses from pupils, staff, governors and individual parents, as well as several bodies. These comments related to the quality of education, the community, staffing matters, the Welsh Language, design and plans for the building, the consultation with children and young people, the statutory processes, 3-19 school, nursery school, statistics and finance and the proposed legal status. A number of the responses were connected to the Campus' status, with some expressing concern about placing a Voluntary Controlled, (VC, Church in Wales) status on the Campus.
- 2.4 An open day was held at Ysgol Y Berwyn on 26 March 2015. There was an exhibition of the information included in the consultation document and officers from relevant departments (e.g. education, property, personnel etc.) were available to explain and respond to enquiries. There was also an opportunity to receive copies of any documentation and to submit written comments. 93 people attended the open day.
- 2.5 A consultation document and questionnaire were created for primary and secondary children. A specialist facilitator was arranged to visit all the schools in order to hold sessions with the pupils to seek their opinions.
- 2.6 A response was received from Estyn during the consultation period which noted that the proposal was "likely to at least maintain the area's education standards as the proposed development was likely to ensure new stable leadership with focus on raising standards and improving the quality of the provision".

- 2.7 Following the consultation period, in order to alleviate concerns raised, the Church in Wales agreed to the following²:
- Representation on the Governing Body reduced to two seats from four, and offering two seats to other denominations in order to reflect the character and traditions of the area
 - The Church is completely open to supporting any name that the Shadow Governing Body gives the Campus
 - The Church is completely supportive of the development of the Campus as an establishment that will strengthen the Welsh language.

On 2 June 2015, a report was presented to the Cabinet which included all the observations received during the consultation period. At the meeting, it was resolved to:

- i. *Approve the proposal for the closure of Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn on 31 August 2018 and for a Voluntary Controlled (VC) Welsh Medium 3-19 Learning Campus to be established on the existing site of Ysgol Y Berwyn to open on 1 September 2018.*
- ii. *Approve the issue of statutory notices on the proposal in (i) above in accordance with the requirements of Section 48 of the Schools Standards and Organisation (Wales) Act 2013.*
- iii. *Approve the appointment and funding of a head teacher for the 3-19 Learning Campus from the scheme's savings, for at least a year before the school opens in September 2018.*

3. OBJECTION PERIOD

- 3.1 In accordance with the Schools Standards and Organisation Act 2013, and the Cabinet's decision on 2 June 2015, a statutory notice was published on 17 June 2015 and a statutory objection period was held from 17 June to 15 July 2015.
- 3.2 A Statutory Notice was issued on 17 June 2015 and posted on the gates of the three schools and on the Council's website www.gwynedd.gov.uk/schoolorganisation. Electronic and hard copies of the notices were distributed in accordance with the requirements of the School Organisation Code. It was clearly stated in the notices that it was possible for anybody to object and how it was possible to do so.
- 3.3 The following is a summary of the content of the Statutory Notice:
- (a) DISCONTINUE YSGOL Y BERWYN, Y Bala, Gwynedd LL23 7RU, YSGOL BRO TEGID, Y Bala, Gwynedd, LL23 7BN, YSGOL BEUNO SANT, Y Bala, Gwynedd, LL23 7UU (Voluntary Aided, Church in Wales School), on 31 August 2018.
 - (b) ESTABLISH a new 3-19 SCHOOL Welsh Medium, (Voluntary Controlled, Church in Wales School) on 1 September 2018. The 3-19 SCHOOL will be on one site, that is the current site of Ysgol Y Berwyn, Y Bala, Gwynedd, LL23 7RU.
- 3.4 Following the objection period, the Cabinet then has to consider the objections and the response to them prior to reaching a final decision whether or not to implement the proposal. **Appendix 1** contains the Council's analysis and response to the comments received during the statutory objection period. The Cabinet is requested to consider them in detail, before coming to a final decision on whether or not to implement the proposal.

4 OBJECTIONS RECEIVED DURING THE OBJECTION PERIOD

- 4.0.1 The purpose of this part of the report is to present a summary of the objections received during the objection period.

² The Church has confirmed their desire and intention to work closely with the community in order to demonstrate their intention of co-operating in order to establish a Welsh Medium Christian school which will serve the whole community and provide high quality education.

4.1 The Objections

Number of Objections			
Correspondence (Letter or E-mail)	Postcards	Other	Total
63	154	1 Petition with 231 signatures	218

4.1.1 A total of 218 objections were received, 63 written objections either by letter or e-mail, 154 postcards and 1 petition with 231 signatures.

4.1.2 154 comments were received on postcards which agreed with the following statement:

"I ask that you consider the following as my official response to the Above Notice:

I am in favour of closing the schools in order to establish a lifelong school in Bala.

I am against the proposal to impose a (VC) church status on the proposed school.

I am in favour of a community school status that will not formally affiliate the school with any specific religious body."

4.1.3 An electronic petition was received with 179 signatures agreeing with the following statement:

"We call on Gwynedd Council to withdraw its recommendation to impose a church status on the proposed lifelong school (3-19) in Bala, and to announce its intention to establish it as a community school that is not formally affiliated with any specific religious body.

i. Such a status does not offer any educational advantage to the proposed school;

ii. A church status will not be compatible with the area's nonconformist history and traditions, and it is not an acceptable proposal in Penllyn;

iii. Establishing a lifelong (3-19) church school would force all Penllyn parents to send their children to a church establishment no matter what their religious beliefs may be, as no other school would be available in the area."

4.1.4 Following receiving the objections, they were analysed and sorted under the following headings:

- Proposed VC (Church in Wales) status of the Campus
- The Welsh Language
- Land Ownership
- Concern Over Losing The Investment
- A Review Suggested By The Governing Body of Ysgol Y Berwyn
- 3-19 Model
- The Statutory Process
- General

4.1.5 The vast majority of the objections noted a strong and clear objection to the intention of placing a Voluntary Controlled, (VC, Church in Wales), status on the Campus. Objections received to the Statutory Notice were numerous and stronger in nature, compared to the comments received during the consultation period.

4.1.6 As only one respondent expressed an objection to the 3-19 Model, it was the Campus' Church status which was clearly causing concern and not the educational model.

4.2 Proposed Voluntary Controlled (VC Church in Wales) Status of the Campus

4.2.1 In this part of the report, consideration is given to the specific matters that arose during the objection period in the context of the Church status. It is emphasised that this is a **summary** of the main reasons for objecting to the status, see **Appendix 1** for the details:

- there is no need for a Church school to nurture strong Christian values
- a Church education would be completely contrary to the area's ethos and history
- in 2015, children's education should not be influenced by any religious body
- Ysgol Beuno Sant is a Church school, and the quality of education there is poor, with the recent Estyn report noting the Governing Body's shortcomings

- as well as criticism of the education at Beuno Sant, it is an unpopular choice for the parents of the area
- the parents of the area have chosen not to send their children to the only Church school; Beuno Sant
- the Church in Wales is an English establishment
- parents of out-of-county children could decide not to send their children to a Church school, as they have other options in Denbighshire and Conwy
- there is no demand for Church education in Gwynedd - Faenol is the only Church school in Gwynedd without surplus places
- this removes parents' choice by forcing all children from Bala and Penllyn to receive education in an establishment that leans towards Anglicanism
- Penllyn has a nonconformist tradition and not a Church tradition
- in the interests of the future of our children's education and the community in general, the school in the Bala area should be a Community School, which is run entirely by the local Education Authority

4.2.2 It is worth reminding the Cabinet of the differences between Community, VA and VC categories. In accordance with the School Standards and Framework Act (Wales) 2013, schools are defined as:

- Community
- Voluntary Controlled (VC), with religious designation (Church in Wales)
- Voluntary Aided (VA), with religious designation (Church in Wales)

4.2.3 This table compares the categories:

Elements	CATEGORY		
	Community	Voluntary Controlled (VC) Church in Wales	Voluntary Aided (VA) Church in Wales
Land ownership and school buildings	Local Authority	The Church owns the school building, and the Local Authority owns the playing fields	The Church owns the school building, and the Local Authority owns the playing fields
Responsibility for finance	Local Authority	Local Authority	Local Authority financing the running costs 100%. Local Authority financing 85% of the capital work and the Church in Wales financing the rest
Employment and Recruitment Staff	Local Authority and Governing Body	Local Authority and Governing Body	The Governing Body
Admissions Policy	Local Authority	Local Authority	Governing Body
Governing Body	Parents' representation Education Authority Teachers Staff Community and Community Council	Parents' representation Education Authority Teachers Staff Community and Community Council Established (Church in Wales) – these governors would be in the minority	Parents' representation Education Authority Teachers Staff Community and Community Council Established (Church in Wales) – there should be 3 more governors appointed to the established category that there is in all other categories in a governing body of a secondary school.
Communal Worship	Satisfy legislation requirements for daily communal worship. The act of worship is of a wholly or mainly Christian nature	Satisfy legislative requirements for daily communal worship. The act of worship is of a wholly or mainly Christian nature	Satisfy legislative requirements for daily corporate worship. The act of worship is of a wholly or mainly Christian nature
Religious Studies	Religious Studies is a subject within the school curriculum Religious education syllabus agreed locally by SACRE	Christian values and ethics will be an important part of the operation of the school, but is largely dependent on the leadership of the Headteacher and Governors. Religious education syllabus agreed locally by SACRE	The school is responsible for religious education that is of a denominational character. Christian values and ethics will be an integral part of the operation and ethos of the school and an important part of school life
Inspections	Inspection by Estyn only	Inspection by Estyn. The Governing Body is responsible for inspecting the religious character of the school and worship	Inspection by Estyn. The Governing Body is responsible for inspecting the religious character of the school and worship

4.2.4 The above table demonstrates that schools with Community and Voluntary Controlled, (VC), status are very similar. The Voluntary Aided, (VA), status is significantly stronger in terms of the influence of the Church in Wales

4.2.5 It is worth reminding the Cabinet of the obligations of Voluntary Controlled, (VC, Church in Wales) on the day to day running of the school:

- the Church in Wales would have a representation of two seats out of twenty on the Governing Body – **therefore they would not have the power to force decisions as they would be in the minority**
- although the land would transfer to the Church, this would be on specific and contingent terms and the land would revert to Cyngor Gwynedd if Church provision ceased on the site
- Gwynedd Council would have responsibility for school admissions
- Gwynedd Council and the governors would have responsibility for appointing staff
- the statutory requirements for communal worship would have to be complied with, with worship being wholly or partly of a Christian nature with the individual being able to be withdraw from such worship
- the Headteacher and the Management Team would have the responsibility of running the school from day to day

4.2.6 The need to determine the school's legal status is a matter that received detailed consideration during the consultation period, and in the Cabinet Report dated 2 June. Therefore, this reminds the Cabinet of the logic and the factors for consulting on imposing a Voluntary Controlled, (VC, Church in Wales), status on the Campus, and for issuing a Statutory Notice imposing a Voluntary Controlled, (VC, Church in Wales), status on the proposed Campus:

- the joint provision that currently exists in the catchment area , that is there is already Voluntary Aided provision (VA) in Ysgol Beuno Sant
- the viewpoint of the Church following a pre-consultation
- similarity of Community and Voluntary Controlled, (VC), categories
- the opinion that the quality of the education and resources is the most important factor in a school according to the initial assessment undertaken
- the strategic decision to ensure a continued choice of provision within a wider area in the south of the County

4.2.7 It is worth reminding the Cabinet that the Church in Wales have agreed to the following:

- that the Church in Wales will have only two designated governors on the Governing Body
- although the Church are stakeholders in the school, the governing body would have the responsibility and managing rights with the Council
- that the name of the Campus can be whatever name the Governing Body chooses
- the review suggested by the Governors of Ysgol Y Berwyn

4.2.8 As outlined above, the objections relating to the proposed status are stronger in nature and number than those received during the consultation period. The Cabinet needs to consider all relevant factors when making a final decision on the matter, including this specific aspect.

4.3 The Welsh Language

4.3.1 2 responses were received which were of the opinion that a Welsh-medium status should not be given to the Campus.

4.3.2 The concern was that allocating Welsh-medium status to the Campus would alienate those pupils who attend Ysgol Y Berwyn from more English eastern out-of-county areas such as Corwen. This could lead to a decline in the number of pupils who would attend the Campus.

- 4.3.3 The linguistic status of the Campus will not be different to the schools' existing linguistic status - Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn. Therefore, the concerns voiced in terms of the linguistic status of the Campus are ones that will not be realised.

4.4 Land Ownership

- 4.4.1 An objector suggested that one reason why the Council had consulted on affording Church status to the Campus was due to a legal requirement and implications involving land ownership (as Ysgol Beuno Sant and Ysgol Y Berwyn are so close in proximity to each other). This objector was of the opinion that these factors influenced the Council's decision to designate Voluntary Controlled status for the Campus.
- 4.4.2 The buildings of Ysgol Beuno Sant and Ysgol Y Berwyn border each other. However, both sites are completely separate, as the Church in Wales owns Ysgol Beuno Sant and Gwynedd Council owns Ysgol Y Berwyn. There is no factor in terms of land ownership rights that has influenced the Council's decision to designate Church status for the Campus.
- 4.4.3 Although the Ysgol Y Berwyn site would transfer to the Church in Wales if a Voluntary Controlled, (VC, Church in Wales) Campus was established, this would be on specific and contingent terms in accordance with statute, and the site would revert to Cyngor Gwynedd should Church provision cease at the site

4.5 Concern over Losing the Investment

- 4.5.1 Two objectors responded by emphasising that they objected to affording Church status to the campus, but at the same time they were unwilling to see Bala lose the investment of £10.27m. The uncertainty over the last few years and the lack of capital spending on Ysgol Y Berwyn were noted as concerns.
- 4.5.2 They were of the opinion that the Church's influence in a church school would be minor, and therefore it would be better to secure the investment rather to risk losing it.

4.6 The Review Suggested By The Governing Body of Ysgol Y Berwyn

- 4.6.1 In order to ensure that there is no risk of losing the investment, nor for any further slippage to the timetable, the Governing Body of Ysgol Y Berwyn suggested that a review be undertaken of the educational quality and the Church status of the Campus within a reasonable time of its opening. Some of the responses received during the period to oppose the Statutory Notice supported this proposal.

4.7 3-19 Model

- 4.7.1 Very few objections to the idea of a 3-19 teaching model were received, i.e. a lifelong school model consisting of one school with an age range from 3 to 19. This objection was based on experiences in other places where classes were larger, discipline was lacking, truancy and bullying were increasing and less able pupils were left behind.
- 4.7.2 Although the number of lifelong schools 3-19 in Wales is small, there is no evidence that this model will lead to any of the disadvantages discussed in the above paragraph. In the case of the proposed 3-19 Campus, class sizes will be rationalised, i.e. they will be of a more appropriate size for teaching children of the same age. The primary and secondary age groups would be kept apart, and the Campus, (as in every other school in Gwynedd), would have an anti-bullying policy. The Campus would have improved and additional resources compared to the existing ones, along with the capacity to use teachers' expertise more flexibly across the sectors, which would enable more effective leadership and management. Furthermore, the 3-19 Model would have advantages over traditional primary and secondary schools that could be applied to ensure that less able pupils are not left behind.
- 4.7.3 The Council is confident that using the 3-19 Model would lead to an improved quality of education and pupil experience.

4.8 The Statutory Process

4.8.1 Several general responses were received which varied in their nature and relevance. However, more than one response was received which questioned the transparency of the consultation process held by Gwynedd Council, noting that the area's residents had not had an adequate opportunity to express their opinions on the Church status, therefore losing an opportunity to influence the process in a timely way. It was also suggested that discussions had occurred between Gwynedd Council and the Church in Wales, resulting in an agreement between both parties not to impose a Church status on the catchment area school in Dolgellau if the Campus in Bala received a Church status.

4.8.2 The table below details the meetings held locally to discuss the re-organisation

Date	Meeting	Invited	Nature of Discussion
11 December 2013	BCP	Local Members	Initial discussions
20 March 2014	BCP	Local Members	Church in Wales
6 May 2014	CRP	Headteachers, Chair of Governors, Parent Governors of all schools in the catchment, Local Members and representative of the Church in Wales	Church category an item on the agenda
20 May 2014	Headteachers	Headteachers of schools in the Catchment	Mentioned the possible different status
03 June 2014	Headteachers Meeting	Headteachers of schools in the Catchment	Mentioned the possible different status
12 June 2014	BCP	Local Members	Mentioned the possible different status
13 June 2014	Headteachers	Headteachers of Schools Catchment	Mentioned the possible different status
14 January 2015	CRP	Headteachers, Chair of Governors, Parent Governors of all schools in the catchment, Local Members and representative of the Church in Wales	PowerPoint presentation with a slide to compare the different categories
5 February 2015	Newsletter	Schools and CRP members	Identify the need for pre-consultation with the Church in Wales
11 March 2015	Pre-notice of the statutory consultation	Email to Head teachers of schools in the catchment area	Pre-notice that the statutory consultation period begins
13 March 2015	Consultation Document	Document to all consultees	Specific section on the Category
26 March 2015	Open day	Open to all	An opportunity for everyone to discuss, question officers, receive documentation

4.8.3 The Statutory Consultation document clearly noted the intention to designate Voluntary Controlled, (VC), status on the Campus. In addition, Section 6 specifically noted:

- the differences between the various legal categories
- other Church in Wales schools
- the statutory requirements to consult with the Church in Wales
- the factors to be considered when deciding on the legal category

4.8.4 The Council therefore completed the statutory processes in accordance with the Schools Organisation Code (006/2013) and the Schools Standards and Organisation (Wales) Act 2013.

4.9 General

4.9.1 There were a small number of general comments, which varied in their nature

4.10 The Impact of the Proposal on Equality

4.10.1 In accordance with the Equality Act 2010, an equality impact assessment regarding the proposals was undertaken. The assessment notes the current situation, and demonstrates that policies and procedures are in place which would ensure that the proposal considers and is in keeping with equal rights. Having considered the relevant factors, it was concluded that the proposal positively ensures equal opportunities and that measures are in place to ensure there would be no unlawful discrimination or harassment. Arrangements are also in hand to monitor and review the situation.

4.10.2 The implications on equality have been further considered, following receipt of the comments made during the opposition period. It is considered that the conclusions of the assessment are still valid and relevant to the proposal. The Cabinet can refer to the full assessment which is available on the Council's website www.gwynedd.gov.uk/schoolorganisation as part of the background documents.

4.11 The Impact on the Community and the Welsh Language

4.11.1 In accordance with the Schools Organisation Code (006/2013), an impact assessment was undertaken regarding the impact of the proposed proposal on the community and the Welsh language. As no rural school is closing, there are no significant community impacts or implications on the community. For the same reason, there is no impact on the Welsh language. The language category of every school in the catchment area will remain the same, namely a Welsh-medium category. There is also an opportunity to further strengthen the implementation of Gwynedd's language policy by ensuring progression in the use of the Welsh language, both educationally and socially.

4.11.2 The implications on equality have been further considered, following receipt of the comments received during the opposition period. It is considered that the conclusions of the assessment are still valid and relevant to the proposal. The Cabinet can refer to the full assessment which is available on the Council's website www.gwynedd.gov.uk/schoolorganisation as part of the background documents.

5 WHETHER OR NOT TO APPROVE THE STATUTORY NOTICE

5.1 As has already been highlighted, there were no objections to the proposal of creating a 3-19 Campus in the town of Bala. The objection was to the Campus' legal status, and there is no doubt that the objection to that status was strong and vocal. The Cabinet needs to consider in detail before deciding whether to implement the Statutory Notice. Should the Statutory Notice be implemented, and the Voluntary Controlled category be designated to the Campus, or should the Campus be one with Community status? The Cabinet needs to carefully weigh up several aspects, including the original rationale for designating a Voluntary Controlled status to the Campus, the observations received during the objection period, and the responses to those observations (**Appendix 1**). There is a need to consider whether any new information or a valid reason been received during the objection period that undermines the original decision or justifies a change in direction.

5.2 There are different possible options:

- Not to confirm the statutory notice, which would lead to revisiting all the options including the current situation i.e. the '*status quo*'
- Confirm the statutory notice
- Confirm the statutory notice and implement recommendation (ii)

5.3 Decision Not To Confirm The Statutory Notice

5.3.1 If there was a decision not to confirm the statutory notice, then it would be necessary to review the situation and start the process of identifying an alternative option. Following a full options appraisal, it

would be possible to either present an alternative option or decide to continue with the current situation, the *'status quo'*, but any change in circumstance would influence this process.

- 5.3.2 Commencing the Process once again would result in a slippage of at least 10 months to the timetable. If the Church in Wales decided to refer the proposal to the Welsh Government, this could lead to further delays of 6-7 months. The Welsh Government could decide whether or not to accept or reject the proposal. There is therefore a risk that because of the significant slippage to the timetable, it would not be possible to ensure the spending of Welsh Government's financial contribution of £5.14m.
- 5.3.3 There is also the risk that the Welsh Government would revisit Cyngor Gwynedd's proposals for the catchment and challenge post 16 provision, and the rural schools within the catchment.
- 5.3.4 As any slippage to the timetable would increase the risk of losing Welsh Government's financial contribution, this factor should be carefully considered if a decision is made not to confirm the statutory notice and to commence the statutory process again.

5.4 Confirm the Statutory Notice

- 5.4.1 This would mean implementing the statutory notice and establishing a 3-19 Learning Campus, Welsh Medium, Voluntary Controlled, (VC, Church in Wales), in Bala to open on 1 September 2018.

5.5 Confirm the Statutory Notice and Implement Recommendation (ii)

- 5.5.1 If there was a decision to confirm the statutory notice, it is possible to choose to conduct a review of the performance of the school which would include the quality of education provided, educational progress, the pupils' social and cultural experiences, the use of resources, and any effect of the Voluntary Controlled, (VC, Church in Wales), category on the above, following two years from the opening date of the Campus.
- 5.5.2 This suggestion was recommended by the Governing Body of Ysgol Y Berwyn, and is supported by some objectors.
- 5.5.3 If any future review of the Campus were to lead to a change of status from Voluntary Controlled, (VC, Church in Wales), to Community, then it would be Gwynedd Council and **not** the Governing Body of the Campus which would have the legal power to invoke this change. The decision would have to follow the requirements and procedures of the legislation, that is the Schools Standards and Organisation (Wales) Act 2013, and the School Organisation Code (006/13) to establish a new community school. The principal factor to consider if implementing any change would be the quality of education.

6 CONCLUSION

- 6.1 Gwynedd Council is currently facing a funding deficit of £33m over the next three years, and there is no doubt that public services will face unprecedented cuts in the foreseeable future.
- 6.2 This is an opportunity to ensure an Investment of £10.27m in Bala. Implementing this proposal would ensure the provision of the following for school, catchment and community use:
 - ensuring the long term stability of the post-16 provision
 - ensuring the long term stability of the three rural schools in the catchment
 - a new library for Bala town and the catchment
 - theatre and cinema provision
 - facilities for community use
 - additional sporting facilities
 - 3G field

- 6.3** It is therefore important to understand that the re-organisation plans for Bala will not only lead to the establishment of a school with 21st Century resources, but also to a scheme which will secure other services in a rural area. The Model is one which could be used as a blueprint for similar provision in other catchment areas in the future, contributing to improving education quality and ensuring the viability and efficiency of public services by sharing and co-locating services.
- 6.4** The investment also ensures the long term future of post 16 provision and the rural schools in the catchment. It should be remembered that these two elements have been consistently challenged and scrutinised by the Welsh Government in the past. Their future would be in question once again, were this proposal not implemented.
- 6.5** It is also important to remember that the Statutory Notice objection period provides an opportunity to oppose, and therefore those in favour of the proposal and/or any element of it would not have the opportunity of making their views known. The objections received in relation to the legal status are stronger and more numerous than those received during the consultation period. However, the objections do not identify any new information since making the original decision to consult on a 3-19 Campus with Voluntary Controlled, (VC, Church in Wales), status. Therefore, when considering the case for issuing the proposal, it is not considered that the objections presented, although numerous, and considered against wider factors in favour of the proposal, justify not confirming the notice.
- 6.6** As is the case with every new school established in Gwynedd, the Council will review and assess the performance of the Campus. In the specific circumstances here, and because of the nature of the objections received, there is a specific recommendation that the Cabinet agrees to conduct a review of a variety of factors including the educational quality of the Campus and also any effect the Voluntary Controlled, (VC, Church in Wales), category has on these factors, two years following its opening. Such a review would provide an opportunity for the Council to consider the School's performance, and if any evidence was found that any element of the Model required review, then this would be addressed within this context.
- 6.7** Whilst considering and evaluating all the factors, including the status, it is still considered that the proposal to establish a 3-19 Campus, Voluntary Controlled, (VC, Church in Wales) is the best option in order to ensure the future of education quality in Bala.

7 NEXT STEPS

- 7.1** If the Cabinet decide to accept the recommendations of this report, it would be possible to proceed with the construction and the establishment of the Campus with the intention of opening in September 2018. In certain circumstances, following the final decision of the Cabinet, it is possible for the following to refer the for consideration by the Welsh Government:
- A Local Authority which the proposal affects
 - The appropriate religious body for any school affected
 - The governing body of a voluntary or established school subject to proposals
 - A trust holding property on behalf of a voluntary or established school subject to proposals
 - A further education establishment which the proposal affects

The bodies making the referral will have to note why they believe that the decision made by the local authority is incorrect. The Welsh Government will decide whether the proposals affect the bodies and whether they need to consider the proposals. In the context of this situation, if the proposals of this report are accepted, the risk of referral exists, but it is very small.

7.2 If the final decision by the Cabinet is to proceed with the proposal and if the proposal is not referred, the timetable will be as follows:

Next Steps	Outline Timetable
Create a Communication Plan to share timely and relevant information with the main stakeholders	October 2015
Start the process of establishing the shadow governing body	Spring Term 2016
Commence construction work	Spring 2016
Appoint a Headteacher	1 September 2017
Close Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn	31 August 2018
Open the 3-19 Learning Campus	1 September 2018

8 RECOMMENDATIONS

8.1 It is therefore recommended:

- i. To implement the proposal to close Ysgol Bro Tegid, Ysgol Beuno Sant and Ysgol Y Berwyn in Bala on 31 August 2018 and establish a 3-19 Learning Campus, Welsh Medium, Voluntary Controlled, (VC, Church in Wales), ("The Campus"), on the existing Ysgol Y Berwyn site to open on 1 September 2018.
- ii. That Gwynedd Council will conduct a review of the school's performance which will include a review of the quality of education provided, educational progress, the pupils' social and cultural experiences, the use of resources, and any effect of the Voluntary Controlled, (VC, Church in Wales), category on the above, following two years from the opening date of the Campus.

OPINION OF THE STATUTORY OFFICERS

The Chief Executive:

"As the report and a number of the comments received during the consultation and objection period acknowledge, moving ahead with this pioneering proposal is key to improve the quality of education provision in the catchment.

It is clear that the status of the school has been the subject of some debate and very firm views. I believe that the proposals before the Cabinet which include "conducting a review of education quality.....within a reasonable period following its opening", a suggestion made by the Governing Body of Ysgol Y Berwyn, is a way forward."

The Monitoring Officer:

"When making a decision following the objection period and the publication of the proposal for schools in Bala, the Cabinet needs to consider the objections received before reaching a conclusion and confirming the published proposal. The Cabinet needs to be satisfied that the objections are considered and due and proper weight given to them before reaching a decision. In addition, they need to be considered within the more general context of the proposal for change when reaching a final decision. The report summarises the necessary information as well as the background documents which provided wider information regarding the proposal and the relevant considerations."

The Head of Finance Department:

"School Re-organisation in the Berwyn Catchment Area has a long history. I am convinced that the Business Case remains compelling, and there are obvious reasons to support the proposals. I note that further delay puts at risk the £5.135m grant from the Welsh Government, and as a result, the investment of over £10million."

APPENDICES

Appendix 1	The Council's analysis and response to the observations received during the objection period
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BACKGROUND DOCUMENTS

All background documents relevant to the proposal can be seen on the Council's website by following this link www.gwynedd.gov.uk/schoolorganisation.

These are the main relevant background materials:

- Cabinet Report and Decision Notice 1 April 2014
- Cabinet Report and Decision Notice 19 February 2014
- Cabinet Report and Decision Notice 2 June 2015
- Statutory Consultation Document 11 March – 28 April 2015
- Language Impact Assessment Report
- Community Impact Assessment Report
- Equality Report
- An Assessment of the Need for Different Types of School
- Excellent Primary Education for the Children of Gwynedd Strategy
- Statistics Pack
- Priorities Plan – Reorganisation of Education Provision
- Agenda and Minutes of the Berwyn Catchment Area Review Panel Meetings on 6 May 2014 and 14 January 2015
- Schools Organisation Code 006/2013
- Welsh Government Faith in Education document
- The Council's analysis and response to the observations received during the statutory consultation period
- Analysis of the consultation with children and young people by a specialist facilitator
- Statutory Notice issued on 17 July 2015