

EDUCATION AND ECONOMY SCRUTINY COMMITTEE

8/10/20

Present: Councillor Paul Rowlinson (Chair)
Councillor Elwyn Jones (Vice-chair)

Councillors: Steve Collings, Aled Evans, Selwyn Griffiths, Alwyn Gruffydd, Judith Humphreys, Elin Walker Jones, Gareth Jones, Huw Wyn Jones, Cai Larsen, Beth Lawton, Dewi Owen, Dewi Roberts, Elfed Roberts and Mair Rowlands.

Co-opted Member: Dilwyn Ellis Hughes (UCAC).

Officers present:

Sion Huws (Senior Solicitor - Corporate), Vera Jones (Democracy and Language Services Manager), Bethan Adams (Scrutiny Advisor) and Eirian Roberts (Democracy Services Officer).

Present for item 7 below:

Councillor Cemlyn Williams (Cabinet Member for Education)
Garem Jackson (Head of Education)
Gwern ap Rhisiart (Dwyfor / Meirionnydd Area Education Officer)

Also in attendance:

Margot Jones (Ysgol Abersoch Chair of Governors) and Eifiona Wood (Ysgol Abersoch Vice-chair of Governors).

1. ELECTION OF CHAIR

RESOLVED to elect Councillor Paul Rowlinson as Chair of this committee for 2020/21.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Councillor Elwyn Jones as Vice-chair of this committee for 2020/21.

3. APOLOGIES

Councillor Freya Bentham, Anest Gray Frazer (Church in Wales) and Dylan Huw Jones (NASUWT).

The Chair noted that Neil Foden (NEU), Dylan Davies (Meirionnydd Parent / Governors Representative) and Councillor Gareth Williams had ended their service on the committee recently, and he expressed gratitude to all three for their service.

4. DECLARATION OF PERSONAL INTEREST

Councillor Dewi Roberts declared a personal interest in item 7 on the agenda - Cabinet Decision 15.9.20 - Item 5 - Ysgol Abersoch, as he was a governor at the school. However, as he had been appointed to that role by the Authority, he had been advised that an exception in the Code allowed him to take a full part in the discussion.

5 URGENT ITEMS

None to note.

6. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 23 January, 2020 as a true record.

7. CABINET DECISION 15-9-20 - ITEM 5 - YSGOL ABERSOCH

Submitted - the report of the Head of Democracy Service noting that the following decision had been called in for scrutiny in accordance with Section 7.25 of the Council's Constitution:-

Item 5: Ysgol Abersoch, Cabinet meeting 15.9.20

"Permission was granted to hold a statutory consultation, in accordance with the requirements of section 48 of the School Standards and Organisation (Wales) Act 2013, on the proposal to close Ysgol Abersoch on 31 December 2020 and to provide a place for the pupils at Ysgol Sarn Bach from 1 January 2021 onwards."

The Chair explained that a request had been made to call in the decision for scrutiny by Councillors Dewi Roberts, Elwyn Jones and himself, within the necessary requirements and timetable.

It was noted that the reasons for calling in, namely the aspects of the decision that it is considered should be scrutinised, have been noted as follows:

"Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. It is also impossible to hold public meetings in the usual manner. The Head was off work during the period. Therefore, continuing with the process under these circumstances was unfair to the school and community. According to the school's representatives, it has not been registered as a Rural School and we question why this is the case. Some believe that small schools should not be closed without scrutinising the decision."

The Chair emphasised that it was important for the committee to consider these aspects only. The committee was not considering the issue of proceeding to close the school, and this would be a matter for the Cabinet.

In order to assist the committee to scrutinise the matter in accordance with the aspects of the decision that it is considered should be scrutinised, the following documents were also presented to the scrutiny committee:-

- Appendix 1 - the Education Department's response to the aspects of the decision that it is considered should be scrutinised
- Appendix 2 - Cabinet Decision Notice (Item 5, 15.9.20)
- Appendix 3 - Cabinet Report (Item 5, 15.9.20)

The Cabinet Member set out the context, drawing specific attention to paragraph 3.3 of the Education Department's response which noted, although Ysgol Abersoch had not been designated as a Rural School for the purposes of the Schools Organisation Code 011/2018, that the Department, as good practice, had followed a similar process to the required

process and procedures in relation to a Rural School when developing the proposal for further consultation.

The Dwyfor/Meirion Area Education Officer submitted the response of the Education Department, and reiterated some of the details included in the report. He noted that:-

- It was important to note that the consultation process would address the needs of the code in full; however, a slightly different procedure to what was required in the Code was followed, by holding three informal engagement meetings with stakeholders.
- If a school had fewer than 10 pupils in January, it would have been possible to disregard the consultation process in its entirety and move immediately to a statutory notice to close a school; however, the Department wished, in this case, to consult fully and work through a process of informal consultation in the first instance and then proceed to the Cabinet to seek a decision to undertake formal consultation.
- In terms of public meetings, the Code clearly noted that public meetings did not have to be held, and that consultation could be carried out in other ways. In simple terms, the consultation process was the Department's way of giving local people an opportunity to ask questions. Those carrying out the consultation had to submit it in writing, and people who responded to the consultation had to do so in writing.
- In terms of the processes of other authorities during the pandemic, a number had consulted and had proceeded by using the same code as Gwynedd, and some of them had been implemented in the middle of the Spring lockdown period, which meant that they could not hold any face-to-face meetings.
- That it was also important to note that the committee's discussions with regard to conducting or failing to conduct meetings during lockdown as part of the consultation process could affect other projects, e.g. the new school in Cricieth. The Department would follow the same process in respect of that school, and the decision of this meeting could impact the timetable of the process of building that new school, and many other projects.
- That Welsh Government had confirmed that it was not intended to change the Organisation Code as a result of COVID, that there was no need to hold a public consultation, and that making a decision on the process to follow would be a matter for the Authority.
- That the local arrangements had included 3 meetings, and the views of many stakeholders on various proposals had already been sought.
- That the Authority's methods had been praised by Welsh Government and had highlighted that the Council were consulting in a way that was identified as good practice nationally.
- If the Department was permitted to hold a statutory consultation, all stakeholders would have an opportunity to make observations. A slightly different procedure was proposed this time, via Zoom or Teams, or to receive written observations or to answer questions over the phone if necessary.
- That the designation of rural schools was a decision made by Welsh Government, and not the Authority. A school was designated a rural school for the purposes of the presumption against its closure, using the National Statistics Office's rural and urban categories. The Government designated a school which was located in a rural village with a sparse population, a hamlet or other dispersed settlement with a sparse population, or in a hamlet or other dispersed settlement where the population was not as sparse, as a rural school. This represented 17.5% of Welsh schools and approximately 40% of Gwynedd schools.

- This did not mean that no rural school would ever close, but that the case for closure needed to be robust, and that all other practical options had been conscientiously considered.
- That the outcomes of the definitions were difficult to understand at times, and that Ysgol Sarn Bach, Llanbedrog and Foel Gron, which surrounded Ysgol Abersoch, had been designated as rural schools.
- That the Education Department had chosen to treat Ysgol Abersoch as if it were a rural school, and as a result, it was believed that the status did not make a difference in this context. The Department had followed the process and had presumed against closure, by giving the school and the community a fair hearing.

The Local Member noted that he was eager to call witnesses before the committee, namely the Chair and Vice-chair of Ysgol Abersoch Governors, as they were much better placed than anyone to answer questions, and as they also volunteered and worked tirelessly to raise standards at the school.

It was explained that the scrutiny committee was entitled to call witnesses to submit evidence or respond to questions put forward by members of the committee, but that this had to be a decision made by the whole committee.

It was proposed that the Chair and Vice-chair of Governors should be called to submit evidence and respond to questions. This proposal was seconded with an addition that the witnesses could also question the Education Department, but it was explained that the procedure rules and the committee's terms of reference did not allow the witnesses to question the Education Department.

RESOLVED to call the Chair and Vice-chair of Ysgol Abersoch Governors to submit evidence and respond to questions, but not to question the Education Department.

Margot Jones (Chair) and Eifiona Wood (Ysgol Abersoch Vice-chair of Governors) were welcomed to the meeting.

The local member expressed his sadness that this committee was discussing the closure of a school, and that the issue had been progressed to the Cabinet. He noted that:-

- Ysgol Abersoch was a cornerstone in terms of the Welsh language and culture within the village. The school was very successful, and had received a good Estyn inspection, and he was glad that the officers were acknowledging the school's success.
- If the decision was going to affect other schools, there was a need to explain exactly why that was the case.
- There was a perception regarding pupil numbers, and that it was obvious that the community and all the parents and governors and teachers wished to keep the school open.
- He had a concerns about the accuracy of the report submitted to the Cabinet, and that the Governors had drawn attention to 35 mistakes in the report. For example, although the 'Summary of Ysgol Abersoch's Main Challenges' on page 105 of the agenda noted that the number of pupils was amongst the lowest in the county and that the projections showed a further reduction in the numbers, the tables on pages 22 and 38 of the report suggested the opposite of that.
- It was astounding that the school's lack of rural status had not been challenged at the time of the consultation by Welsh Government.

- The Department alleged that there was no need to hold a consultation, but that the Code stated otherwise, whether pupil numbers were below 10 or not.
- Parents were sending their children to receive their education in other communities due to the uncertainty regarding the school's future.
- It had been mentioned that the Education Department did not need to hold public meetings, but the Department did not wish to do so, except for the community, in order to receive observations from all.
- That many people did not have a computer to be able to join virtual meetings, and possibly, public meetings could be held in the usual manner in a year or two. With that, the Cabinet was asked to pause the issue for the time in order to see how the situation would develop.
- The fact that pupil numbers had increased during the pandemic showed the confidence that people had in this school.

The witnesses were invited to submit their observations. It was noted:-

- That it was impossible for everyone to have a proper opportunity to hold a joint discussion. Meetings had attempted to be held already between governors, staff and parents; however, due to data protection rules, it had not been possible to obtain the parents' e-mail addresses in order to send out e-mails to them.
- Although there was appreciation for all the work that had been carried out by the Department, this was not the best time to proceed with the consultation. The procedure would not work in the same way as it did pre-COVID, and it was impossible to see how everyone could be given a fair chance.
- That the school had lost its head teacher, and that it was almost impossible to answer questions without her.
- In terms of the situation of rural schools, there was no understanding as to why Abersoch was any different to Llanbedrog.
- That they had only been formally informed of their permission to attend this committee at the last minute, and that this was another example of how the school and the governors felt they were being treated throughout the whole process, with a feeling that very little respect being shown towards them.
- That the past months had been a very difficult period for the school. They had lost the head teacher for a period; nevertheless, five new pupils were registered at the school in September.
- Since the process had commenced last September, a Cylch Meithrin had been established on the school site. That would lead, in due course, to an increase in the number of children who would attend the school; however, the projections of the Education Department did not take this into consideration.
- That there were many misleading statements in the Education Department's report to the Cabinet.
- That the process had been problematic, even pre-COVID. The documents for the three informal meetings had not been received until after those meetings, with a request for a response requested within a very tight schedule. It was also noted that a letter that had been sent to the Education Department on 24 January had not been replied until 8 September.
- That holding virtual meetings did not work in their experience and reference was made to the last governors' meeting, where 60% had failed to join as a result of technical difficulties.
- That the governors were not allowed to enter the school to meet the staff face-to-face.

- That there was a perception that the entire process was misleading, unfair and undemocratic.

In response to the observations of the local member and the witnesses, the Cabinet Member noted:-

- That reference had been made to other schools that were on the Authority's radar; however, that the Council had adopted principles so far as schools were in the question, namely no more than two classes of 2 age groups in one class and that 80% of the head teacher's time was used to lead the school.
- That it was disappointing that the speakers referred to a lack of respect. He had attended the informal meetings, and he was certain that the Authority was respectful towards everyone involved in the process, and appreciated their position.
- That he agreed that possibly more work needed to be undertaken to challenge the Government in relation to the designation of rural schools.
- That it was acknowledged that the consultation process was frustrating in the middle of a pandemic. He explained that the Dwyfor / Meirion Area Education Officer, when referring to other plans, was referring to Post-16 plans, etc., rather than school closures.

In response to the observations of the local member and the witnesses, the Dwyfor / Meirion Area Education Officer noted:-

- If there were questions regarding the accuracy of the report, the purpose of the consultation was to provide an opportunity to submit observations in that respect.
- That the Project Team, throughout the meetings, had been respectful of everyone and of the schedule, and that stakeholders had been given sufficient time to respond.
- As the head teacher was absent, the process of taking the matter before the Cabinet had been delayed, and this was also a mark of respect.
- That the school had received every support from the Department, as any other school would.

In response to a request for clarification regarding the nature and procedure of the meetings, the Dwyfor / Meirion Area Education Officer noted:-

- That the process was a process that the Department chose to follow, it was not necessary for the Department to follow it.
- That three meetings had been held, with the first meeting explaining the challenge, the second collating ideas and suggestions as to how to improve the situation and the third to explain which options the Department favoured.

In response to the explanation given by the Dwyfor / Meirion Area Education Officer, the Ysgol Abersoch Vice-chair of Governors noted that only forty five minutes had been scheduled for the third meeting, and that this was not good enough. In response to this observation, the Dwyfor / Meirion Area Education Officer explained:-

- That this was not correct, and that the meeting lasted over two hours, although scheduled to last forty five minutes only.
- That the purpose of the meeting had been to report back on favoured options, but the meeting evolved into a discussion.

A member noted –

- That the Education Minister's code regarding the closure of small and rural schools stated that there should be a presumption against closing, and that schools should have a fair hearing.
- That the Government or Council should not deprive communities of their schools. That the decision should be made by the community itself, and the Abersoch community wished to keep its school.
- That commencing a consultation that was in favour of the option to close was contrary to the code.
- That the fact that the school had not been designated as a Rural School raised complex and relevant questions, bearing in mind that schools in a number of communities with a higher population than Abersoch were in the Rural Schools category.
- As Ysgol Abersoch provided for children aged up to 8 years old only, and was, therefore, basically half a school, that the figure of 21, rather than 42, should apply when referring to the school's capacity.
- That every rural Welsh school had periods of ebb and flow.
- That he had concern regarding the intention to seek the opinion of pupils from Ysgol Abersoch and Ysgol Sarn Bach as this could create bad feeling between villages, schools, parents and pupils.

In response to the observations of the local member and the witnesses, the Head of Education noted:-

- That he was also disappointed that he had heard views that the informal process had been disrespectful of the local community, and that this was contrary to the truth.
- In terms of the Rural School status, that some of the arguments were irrelevant as the Department was using processes similar to those used for Rural Schools in this case, and that it had done so intentionally, for transparency.
- That Welsh Government's Statistics Committee designated Rural Schools, and that the Council had no influence whatsoever in this respect.

The local member noted further –

- Since losing the head teacher, the temporary staff had been very supportive of the school, and the Dwyfor / Meirion Area Education Officer and the Department were thanked for their work.
- That it concerned him that a small rural school could be closed without the decision being scrutinised, and there may be room to consider this separately.
- That he did not agree that the designation of rural schools was a matter for the Government, and that he had evidence that the Government had consulted with the Council about this on three occasions, and had received input to the process from the Council.
- That he, as a local member, was not confident that the consultation would be fair and comprehensive, and that it would include everyone in the community.
- That he believed that it was genuinely important for this matter to return before the Cabinet, or, as the discussion included other schools, before the full Council, and the Council should send the matter back to the Cabinet for re-examination.

In response to the local member's observations, the Head of Education noted:-

- That the situation in terms of rural schools had been explained; but that this was irrelevant in any case, as the Council was following similar processes in order to be fair and transparent with the local community.
- In terms of scrutinising decisions to close small schools, that the Department was following the principles that had been adopted by the full Council, and that it was misleading to suggest that the Department had a list of schools on its radar.

Members noted –

- That it was a difficult situation, but that it was not felt that there was genuine acknowledgement of everyone's work to keep things going during such a difficult time.
- That the suggestion that delaying this process could affect the new school in Cricieth, was irrelevant, as that was a completely different issue.
- That the campaign of the parents, governors, local member, and others in the community was heroic, and that the presentation of the Chair and Vice-chair of Governors before this committee had been completely genuine.
- As it was given to understand that any referral back to Cabinet would have to take place within 15 days of the date of this committee, another option would be to refer it to the full Council in December, which would allow more time to gather further evidence.

For clarity regarding the situation in relation to other schools, the Senior Solicitor (Corporate) noted that a statutory process had to be followed in relation to specific types of proposals regarding schools. For example, the process for closing, extending or opening schools was the same in general. Consequently, any concerns with regard to conducting the process in this instance were relevant to other proposed statutory proposals as there was a need to consult in respect of those also.

It was proposed and seconded that the consultation should be deferred until the COVID crisis had alleviated, the school's rural status had been confirmed and the head teacher's situation had been resolved.

The Senior Solicitor (Corporate) explained such a proposal was too open-ended in terms of timing and conditions.

In light of that, the proposer rephrased his proposal to refer the matter to the Full Council with a recommendation that the consultation should be deferred until the COVID crisis was alleviated, the school's rural status confirmed and the head teacher's situation had been resolved.

In response, the Head of Education noted -

- That there was lack of clarity regarding the proposer's wish in relation to the head teacher's situation, as the Governing Body had appointed an acting head teacher with support from the Education Department.
- In terms of confirming the school's rural status, that an explanation had been given, and that Welsh Government had not designated the school as a Rural School.

A member noted that the matter should return to the Cabinet, for the reasons submitted in favour of calling in the matter to the scrutiny committee, excluding the reason regarding registering as a Rural School, as that had been explained in full. The committee's views had been expressed clearly, and he did not believe that there was any point waiting until the next full Council meeting in December.

The local member expressed his support to the proposal to refer the matter to the Full Council on the grounds that this was a relevant matter to all members of the Council and that it would be a good thing for the Cabinet to hear the views of every county councillor on the issue.

In response to the comments of the Head of Education, the proposer noted -

- In terms of the rural status, that it was obvious that there were differing opinions on the matter, as Welsh Government and Gwynedd Council blamed each other.
- That he did not question the competency of the acting head teacher.

For further clarity on the status of Rural Schools, the Dwyfor / Meirion Area Education Officer noted that the Government's consultation, the national consultation on the status of small and rural schools, sought the Authority's views on 8 categories of schools. The Authority had sent a response at the time; however, the Authority had not known which schools were being referred to. There was no oversight in relation to the status. Ysgol Abersoch did not fit into the category, and the consultation process had taken place four years ago.

An amendment was proposed and seconded, namely that the scrutiny committee remained concerned about the situation, and therefore referred the matter back to Cabinet, for re-examination for the following reasons –

- Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. It is also impossible to hold public meetings in the usual manner in the community to discuss and respond to the consultation.
- The head teacher was off work during this period, and she continued to be off. As the permanent head teacher was best placed to know about the school's situation, continuing with the process when she continued to be off was unfair to the school and the community.
- Some believe that small schools should not be closed without scrutinising the decision.

A vote was taken on the amendment and it carried. As the amendment carried, it replaced the original proposal. A vote was taken on the proposal, as amended, and it carried.

RESOLVED that the scrutiny committee remains concerned about the situation and therefore refers the matter back to the Cabinet for reconsideration for the following reasons:

- **Owing to the COVID situation and legal guidelines and the Education Department's policies, it is not possible to hold meetings in the usual manner and it is impossible to hold meetings with some people who have a keen interest in the matter. It is also impossible to hold public meetings in the usual manner in the community to discuss and respond to the consultation.**
- **The head teacher was off work during this period, and she continues to be off. As the permanent head teacher is best placed to know about the school's situation, continuing with the process when she continues to be off is unfair to the school and the community.**

- **Some believe that small schools should not be closed without scrutinising the decision.**

The meeting commenced at 10.30 am and concluded at 12.50 pm

CHAIRMAN