

ISLE OF ANGLESEY COUNTY COUNCIL	
<b>Report to:</b>	<b>The Executive</b>
<b>Date:</b>	<b>7 March 2019</b>
<b>Subject:</b>	<b>School Modernisation – Objection Report ,Ysgol y Graig and Ysgol Talwrn</b>
<b>Portfolio Member(s):</b>	<b>Councillor R. Meirion Jones</b>
<b>Head of Service:</b>	<b>Arwyn Williams</b>
<b>Author of Report:</b> E-mail:	<b>Carol Sorahan</b> <a href="mailto:carolsorahan@ynysmon.gov.uk">carolsorahan@ynysmon.gov.uk</a>
<b>Local Members:</b>	<b>Councillor Bob Parry</b> <b>Councillor Dylan Rees</b> <b>Councillor Nicola Roberts</b>

#### **A – Recommendation(s) and Reason(s)**

##### **Reasons:**

In order to conform with the School Standards and Organisation ( Wales) Act 2013 and the School Organisation Code 2013, the Council issued a Statutory Notice on the **14 January 2019** of their intention to:

- a. **Increase the capacity of Ysgol Y Graig to accommodate pupils from Ysgol Talwrn and that Ysgol Talwrn be closed.**

The statutory notice was published on 14 January 2019 with a 28 day objection period ending on the 10 February 2019.

**A total of 23 objections were received to the above proposal.**

In order to comply with the School standards and Organisation(Wales) Act 2013 and the School Organisation code 2013:

The proposer ( The Council) must publish a summary of all objections made and its response to those objections i.e the objection report. The objection report is available in **Appendix 1**.

The way the Council deals with objections to a statutory notice is in line with the procedure set out in the School Organisation Code that has been in force since October 2013.

In accordance with the 2013 School Organisation Code 2013, section 5.3, the Executive needs to “decide whether the proposals should be approved’, rejected or approved with adaptations.”

##### **Recommendation**

After considering the objections, it is recommended that the Executive approve the original proposal:

**To increase the capacity of Ysgol y Graig to accommodate pupils form Ysgol Talwrn, and that Ysgol Talwrn be closed.**

This to be done by:

- Using the existing building for Key Stage 2 i.e. years 3 to 6 and adapting it;
- Building a new “Block” for the Foundation Phase, namely Nursery, Reception, Years 1 and 2;
- Considering relocating the Flying Start provision within the Ysgol y Graig campus.

The new “block” would be part of Ysgol y Graig and would not be a separate unit.

Elected Members noted in their original decision that the new arrangement should operate as one school and not as two separate units.

## **B – Which other options did you consider and what were their reasons for declining them and/or choosing this option?**

**The background to the school modernisation of the Llangefni area and options considered is presented in Executive meeting date order below:**

### **Executive Meeting :19 December 2016**

Originally, 21 options were considered by the Executive at its meeting on 19 December 2016 for the provision of primary education in the Llangefni area, and the reasons for disregarding some options in the consultation reports were outlined.

The 21 options appraisal is available in the report, on the following link :

<http://democracy.anglesey.gov.uk/documents/s10955/School%20Modernisation%20-%20Llangefni%20area.pdf?LLL=0>

The Council's Executive authorised officers to continue with the statutory consultation process, and consult on **Options A and B** as outlined below to modernise the provision of primary education in the Llangefni area. The statutory consultation was held between the 31 January 2017 and 13 March 2017.

### **Option A**

This would be based on:

Option 3- Build a new school to replace Ysgol Corn Hir and Ysgol Bodffordd.

Option 6a-Build a new primary school in Gaerwen on an alternative site, to accommodate 150 pupils. A replacement to the current Ysgol Esceifiog

Option 7 - Extend Ysgol y Graig to accommodate the pupils of Ysgol Talwrn. Close Ysgol Talwrn.

Further consultation will be required on the option of extending Ysgol y Graig to accommodate pupils from Ysgol Talwrn, and close Ysgol Talwrn

Option 9- Adaptions to Ysgol Henblas

### **Option B**

This would be based on:

Option 3-Build a new school to replace Ysgol Corn Hir ac Ysgol Bodffordd.

Option 8 - Adaptations to Ysgol Esceifiog

Option 7 - Extend Ysgol y Graig to accommodate the pupils of Ysgol Talwrn. Close Ysgol Talwrn

Further consultation will be required on the option of extending Ysgol y Graig to accommodate pupils from Ysgol Talwrn, and close Ysgol Talwrn

Option 9- Adaptations to Ysgol Henblas

Both of the above options could also include federating Ysgol Henblas with another school. The difference between Option A and B applies to Ysgol Esceifiog.

**Executive Meeting :17 July 2017**

Following local and general elections, the Executive decided at its meeting on 17 July 2017 that a further consultation was needed on the option to adapt Ysgol y Graig to make space for pupils from Ysgol Talwrn, and close Ysgol Talwrn which took place from 26 September 2017 to 13 November 2017.

**Executive Meeting: 26 March 2018**

As a pause and review period followed from 18 December 2017 to 9 February 2018, the report on the statutory consultation (26 September 2017- 13 November 2017) was late being presented.

In order to comply with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2013, a report on the statutory consultation must be published within 13 weeks of the consultation end date. In this respect the Executive decided:

“That a decision with regard to the modernisation of schools in the Llangefni area in relation to Ysgol y Graig and Ysgol Talwrn be deferred until a new statutory consultation process is completed”.

The new statutory consultation period was between 1 May 2018 and 18 June 2018.

**Executive Meeting :16 July 2018**

Following a further consultation period( 1 May 2018-18 June 2018), the Executive on the 16 July 2018 resolved that:

**The capacity of Ysgol y Graig be increased to accommodate pupils from Ysgol Talwrn, and that Ysgol Talwrn be closed.**

This is to be done by:

- Using the existing building for Key Stage 2 i.e. years 3 to 6 and adapting it;
- Building a new “Block” for the Foundation Phase, namely Nursery, Reception, Years 1 and 2;
- Considering relocating the Flying Start provision within the Ysgol y Graig campus.

(The new “block” would be part of Ysgol y Graig and would not be a separate unit.

Elected Members noted that the new arrangement should operate as one school and not as two separate units.)

**C – For what reason is this a decision for the Executive Committee?**

The Executive is responsible for school organisation matters.

**D – Is this decision consistent with the policy approved by the full Council?**

Yes

**DD – Is this decision within the budget approved by the Council?**

Yes – The combined Strategic Outline Case (SOC) / Outline Business Case (OBC) was approved by the Executive on the 26 November 2018, and subsequently by the Welsh Government on the 12 February 2019.

<b>E – With whom did you consult?</b>		<b>What were their observations?</b>
1	<b>Chief Executive / Senior Management Team (SMT)</b> (mandatory)	Incorporated in this report
2	<b>Finance / Section 151</b> (mandatory)	
3	<b>Legal / Monitoring officer</b> (mandatory)	Incorporated in this report
5	<b>Human Resources (HR)</b>	
6	<b>Property</b>	
7	<b>Information Communication Technology (ICT)</b>	
8	<b>Scrutiny</b>	Corporate Scrutiny minutes for 12 March 2018 and 5 July 2018
9	<b>Local Members</b>	Incorporated in this report
10	<b>Any external bodies / other(s)</b>	Incorporated in this report
<b>F – Risks and any mitigation steps (if relevant)</b>		
1	<b>Economic</b>	Not applicable
2	<b>Anti-poverty</b>	Not applicable
3	<b>Crime and Disorder</b>	Not applicable
4	<b>Environmental</b>	Mitigation steps will be part of the planning application
5	<b>Equalities</b>	Not applicable
6	<b>Result Agreements</b>	Not applicable
7	<b>Other</b>	

#### **FF - Appendices:**

Appendix 1 – Objection Report

#### **G – Background Papers (please contact the Report author for any further information):**

1. Minutes of the Executive's meetings for 19 December 2016, 17 July 2017, 26 March 2018 and 16 July 2018.
2. Minutes of the Corporate Scrutiny Committee for 12 March 2018 and 5 July 2018.
3. Non-statutory Consultation Documents, Statutory Consultation Documents and the Consultation Report.
4. Strategic Outline Programme (SOP) presented to the Welsh Government in December 2013.
5. School Organisation Code 2013.
6. Statutory notice dated 14 January 2018.

## Objection Report-Ysgol y Graig and Ysgol Talwrn

### 1. Background

In order to comply with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2013, the Authority issued a **Statutory Notice** of its intent to:

**Increase the capacity of Ysgol Y Graig to accommodate pupils from Ysgol Talwrn and that Ysgol Talwrn be closed.**

The **Statutory Notice** was issued on the 14 January 2019 and there was a period of 28 days to object to the proposal. Therefore, the objection period expired on the 10 February 2019.

**A total of 23 objections in the form of letters and e-mails to the proposal above were received.**

Under section 49 of the School Standards and Organisation (Wales) Act 2013, proposers must announce a summary of the statutory objections and respond to those objections (“the objection report”) – which is this document.

The statutory notice was initially published on 22 November 2018. This meant that the objection period of more than 28 days ended on 27 December 2018 . Many stakeholders objected to this period ending during the Christmas holidays.

Therefore, to give stakeholders additional time, an additional statutory notice was published on 14 January 2019 and the objection period ended on 10 February 2019.

**Please find in the table below, a summary of the objections and the Council's response to those objections.**

	Summary of Objections	The Council's response to the objections
1.	<b>The Council has not consulted sufficiently in line with the 2013 School Organisation Code. Grŵp Rhiant a Phlentyn talwrn (Parent and Child group Talwrn) were not formally consulted because the children were not current pupils in Talwrn, they were not given a formal opportunity to respond as interested parties.</b>	<p>The code states Parents and where possible "prospective parents "must be advised by letter or email of the availability of the consultation document.</p> <p>Parents were advised on the Councils behalf by the school about the availability of the consultation documents and the feedback form.</p> <p>The Council at the drop in sessions held (Ysgol Talwrn 16 May 2018) and through its own website and social media welcomed all comments from interested parties.</p> <p>The drop in sessions were publicised on the Councils Facebook and Twitter pages.</p>
2.	<b>Pupil's opinion not taken into account as part of the consultation.</b>	<p>Council officers visited Ysgol y Graig and Ysgol Talwrn as part of the consultation to gather pupil's views on the proposal.</p> <p>At both schools, the School Councils were consulted, and at Ysgol Talwrn at the request of parents, another group of children of different ages had the opportunity to contribute to the consultation further.</p> <p>Their comments were published in the report that went to the Executive on the 16 July 2018 and taken into consideration as part of the decision making process.</p>
3.	<p><b>The Number of pupils has increased from the consultation to 480 from 420 . This was not discussed or approved by The Executive. No authority to increase the capacity of Ysgol y Graig to 480.</b></p> <p><b>The school organisation code states that "where in the course of consultation, a new option emerges which the proposers decide</b></p>	<p>The pupil numbers of 420 (4-11 year old) does not include the nursery pupil numbers.</p> <p>As stated in the consultation document the nursery numbers as at January 2018 were Ysgol y Graig 52 and Talwrn 7, which is why the extended Ysgol y Graig will require a capacity of 480.</p> <p>This is therefore not a new option and does not require a fresh consultation.</p>

	Summary of Objections	The Council's response to the objections
	to pursue , they must consult afresh on this option before proceeding to publication”	
4.	<b>Pupil numbers attending Ysgol Talwrn have increased since the consultation. January 2019 census indicates 45 children in attendance (capacity 49)</b>	Even though the pupil numbers have increased, Ysgol Talwrn's cost per pupil is still higher than Ysgol y Graig. Cost per head 2018/19 - Ysgol y Graig £3,369 and Ysgol Talwrn £4,571. The percentage of pupils attending Ysgol Talwrn from outside the Ysgol Talwrn catchment area has increased from 45% as at September 2017 to 53% as at September 2018 .
5.	<b>Recent Estyn report for Ysgol Talwrn (October 2018) under a new Headteacher was good – why would you want to close the school?</b>	In its summary of its response to the consultation, Estyn said: "Estyn is of the opinion that the proposal is likely to maintain the current standards of education in the area at least." In addition, the inspectorate considered that "the local authority has given a clear rationale for the intended expected benefits in relation to the current situation regarding finance, surplus places, and pupils' standards, the quality of the learning environment and leadership and management. In addition, the proposer explains appropriately how the proposal matches the authority's 21st Century Schools program. The proposal clearly defines the intended benefits of the proposal, and these relate appropriately to the stated purpose and the rationale. The local authority has provided enough evidence to show that the scheme is at least likely to maintain an education standard in the area."
6.	<b>Not fully complied with section 1.7 of the School organisation code 2013 as no material “identifying the overall effect of a closure on the local community ...particularly in rural areas” was included in the consultation.</b>	The consultation document (1 May -18 June 2018) refers to housing developments, travelling and geographical factors and impact on the welsh language. <a href="https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf">https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf</a>

	Summary of Objections	The Council's response to the objections
	<b>During the consultation period , the council failed to attach either a Welsh Language risk assessment or a Community Impact Assessment as part of the consultation pack.</b>	<p>The Corporate Scrutiny Committee on the 12 March 2018 states that “an impact assessment was conducted as part of the statutory consultation process. The possible effect of fulfilling the proposal on the Welsh language, equality and the community were assessed.)</p> <p><a href="http://democracy.anglesey.gov.uk/documents/s12248/Schools%20Modernisation%20Llangefni%20FINAL.pdf?LLL=0">http://democracy.anglesey.gov.uk/documents/s12248/Schools%20Modernisation%20Llangefni%20FINAL.pdf?LLL=0</a></p> <p>The full impact assessment( dated April 2018) was available with the report to the Executive dated 16 July 2018 :  <a href="http://democracy.anglesey.gov.uk/documents/s12710/Schools%20Modernisation%20FINAL.pdf?LLL=0">http://democracy.anglesey.gov.uk/documents/s12710/Schools%20Modernisation%20FINAL.pdf?LLL=0</a></p>
7.	<b>Where the proposal involves increasing or reducing the capacity , the current number of pupils , the capacity of the school and the proposed capacity must be stated . Only the final capacity was noted on the Statutory notice.</b>	<p>The statutory notice states the capacity of the expanded school will be 480. The notice incorporates both sections 42 and 43 of the School Standards and Organisation Act (Wales 2013).</p> <p>Section 43 refers to the proposals to discontinue a school , in this case Ysgol Talwrn , therefore it is not a requirement under the code to state the current number of pupils.</p>
8.	<b>Implications on home to school transport provision- not stated in the statutory notice.</b>	<p>The statutory notice refers the council's transport policy available at  <a href="http://www.anglesey.gov.uk/education/schools/school-travel-support/">http://www.anglesey.gov.uk/education/schools/school-travel-support/</a></p>
9.	<b>Arrangements for Transport – no confirmation that the Council will pay for school Transport for Talwrn pupils that live less than 2 miles to Ysgol y Graig.</b>	<p>Arrangements for transport were noted in the consultation document  1 May 2018 - 18 June 2018 as follows :</p> <p>The LA (Local Authority) provides free transport for primary school pupils residing <b>2 miles</b> or more from the school in whose catchment area they reside.</p> <p>The same policy also states:  “transport is not provided for part time nursery pupils” and  “The LA provides free transport for pupils under 16 as follows: a) For pupils who do not qualify for transport ... but who travel to school along a route that is considered by the County Council to be hazardous.”</p>
10.	<b>Cost of purchasing land not presented to parents at consultation meetings</b>	<p>This information was not available at the time and would not be publicly available information due to its commercial sensitivity.</p>



	Summary of Objections	The Council's response to the objections								
11.	The notice is illegal – and you should withdraw it.	Council Officer's through discussion with Welsh Government Officers received a letter giving the Council permission to re-issue the statutory notice for the purpose of clarity and a new time period was agreed. The statutory notice published on 14 January 2019 has as a result, been undertaken as per expectations and was checked by Councils Legal Officers prior to issuing.								
12.	Proposal does not address growing demand for school places as a result of the increased birth rate and future proposals for housing development in the Llangefni area.	The consultation document (1 May 2018 - 18 June 2018) addresses the demand for school places ( page 12) and appendix 2, addresses housing developments in the area. <a href="https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf">https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf</a>								
13.	The Council have not adequately explored alternatives to closing Ysgol Talwrn such as merging with another similar size school, or federating with another school.	<p>In Appendix 1 in the consultation document ( 1 May 2018-18 June 2018), 21 possible options for the area were considered , including the following in relation to Ysgol Talwrn: <a href="https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf">https://www.anglesey.gov.uk/documents/Docs-en/Council/Consultations/2018/Talwrn/Statutory-Consultation-Documents---Llangefni-Area.pdf</a></p> <table><tr><th>Idea</th><th>Observations</th></tr><tr><td>Have the Foundation Phase in <b>Ysgol Talwrn</b> for the 6 schools.</td><td>Ysgol Talwrn's capacity is 49. A building would be needed for around 410 pupils for the Foundation Period only for the area's pupils.</td></tr><tr><td>Some thought that there was "land to build by <b>Talwrn's</b> village hall" and that there was a need for a 'breakdown' of cabin costs (£250k)</td><td>The minimum size of this school would be 150 namely the size of Ysgol Rhyd y Llan and 5 acres are needed for the school. According to the Council's Property officers, there are no 5 acres available in the village.</td></tr><tr><td>It was asked why <b>Ysgol Llanbedrgoch</b> was not part of this?</td><td>Between the 2 schools, (Llanbedrgoch and Talwrn)there would be 70-80 pupils in the</td></tr></table>	Idea	Observations	Have the Foundation Phase in <b>Ysgol Talwrn</b> for the 6 schools.	Ysgol Talwrn's capacity is 49. A building would be needed for around 410 pupils for the Foundation Period only for the area's pupils.	Some thought that there was "land to build by <b>Talwrn's</b> village hall" and that there was a need for a 'breakdown' of cabin costs (£250k)	The minimum size of this school would be 150 namely the size of Ysgol Rhyd y Llan and 5 acres are needed for the school. According to the Council's Property officers, there are no 5 acres available in the village.	It was asked why <b>Ysgol Llanbedrgoch</b> was not part of this?	Between the 2 schools, (Llanbedrgoch and Talwrn)there would be 70-80 pupils in the
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Summary of Objections		The Council's response to the objections		
				school that is too small to attract finance. Federalizing the 2 schools would not address empty places or the condition of the buildings
		"If Ysgol Talwrn is closed, should the pupils be sent to Pentraeth?"		There is no room in Ysgol Pentraeth for Ysgol Talwrn pupils if Ysgol Talwrn closed
14.	<b>Failure to comply with Regulation 48 , in that the Council have changed a key statutory driver mid-way through an extended notice period , without formally withdrawing the original notice and formally issuing a new statutory notice.</b>	The notice issued 14 January 2019 superseded the previous notice issued on the 28 November 2018. Please see point 11.		
15.	<b>Failure to comply with Section 49</b> <b>"Objections must be sent in writing to the proposer before the end of the 28 days beginning with the day on which the proposals were published (the objection period).</b>  <b>The objection period ended on Sunday (10/2/19), when the Council offices are closed for business and no postal service, therefore objectors have been given 27 days rather than 28 days to respond.</b>	The code refers to objections must be made in writing or by email within 28 days of the date on which the proposal was published (the objection period). The code does not refer to 28 working days.  Objectors in this case could email their objections up until the end of the objection period , or hand deliver their objections and post through the Council's letter box up until the end of the objection period.		
16.	<b>Failure to publish a summary of objections made following the original statutory notice dated 28/11/18.</b>	A summary of objections was not published following the original statutory notice 28/11/18, as the notice was re-issued on the 14/1/19 .Objections to the statutory notice together with the Councils response to be published by the 10 March 2019 and considered by the Council's Executive as part of the democratic decision making process.		

	Summary of Objections	The Council's response to the objections
17.	Parents concern of their child leaving a rural small school and attending a large town school and being unable to cope .	Measures will be put in place to ensure smooth transition by the large school in this case Ysgol y Graig. For example: pupils visits from the smaller school Ysgol Talwrn to Ysgol y Graig before transfer will take place as well as social events for pupil and parents from Ysgol Talwrn to visit Ysgol y Graig.
18.	Ysgol Talwrn staff raising concerns regarding their jobs in the future.	Staffing matters were addressed in the consultation document as follows :  In line with statutory requirements, when a new school is formed, a Headteacher's post must be advertised openly. This would not be relevant in this case. For the rest of the staff, the Authority's advice to school governing bodies or school shadow governing bodies is to re-deploy staff from the school(s) that is/are closing to posts that become available in the new school to which pupils would be moving.  In a situation where a school could close, the Authority's redundancy process would be involved. A Staffing Consultation Document would be prepared and meetings would be held with individual members of staff to ascertain if they wanted to remain as part of the process or not. It would be expected that the process would commence approximately 12/18 months prior to the official closing date of the school – this is done to give early assurance to staff about their employment and to allow them to make future plans.
19.	Disagree with the repair and maintenance costs published for Ysgol Talwrn in the consultation report.	The repair and maintenance costs were calculated by qualified surveyors, as is the case with all repair and maintenance costs across all Council assets.
20.	No explanation regarding the Governing body for the expanded Ysgol y Graig. Concern that there will be no representation from Ysgol Talwrn on the governing board.	The Council will consider either establishing a stakeholder engagement group or look to co-opt representatives from the Ysgol Talwrn area onto the Governing Body of Ysgol y Graig.
21.	The parking at Ysgol y Graig is dangerous.	A traffic impact assessment will be conducted and will address the issue of traffic

	Summary of Objections	The Council's response to the objections
		and parking around the school.
22.	Merge Ysgol Talwrn with Ysgol Llanbedrgoch would be a better option ( two rural schools merging together)	Between Ysgol Talwrn and Ysgol Llanbedrgoch, there would be 70-80 (ages 3-11) pupils at school - the arrangement is still too small from a sustainability point of view. The federation of the 2 schools would not address surplus places or the condition of the buildings.
23.	The effect on Eisteddfod Talwrn if the school closes.	There are examples where the community continues to thrive in villages where the school has closed. Eisteddfodau continue in villages on Anglesey where there is no school e.g. Marianglas.