



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## **Response by the Enterprise and Learning Committee to the Welsh Assembly Government's consultation on its proposals for School Organisation**

### **Background**

1. The Welsh Assembly Government issued a draft circular containing its proposals for school organisation on 22 October 2008. The consultation closes on 31 December 2008. The Minister for Children, Lifelong Learning, Education and Skills anticipates issuing the revised circular around 31 March 2009.

### **Introduction**

2. At our meeting on 10 December 2008, we scrutinised Jane Hutt AM, the Minister for Children, Education, Lifelong Learning and Skills, and her officials; also Dr Bill Maxwell, Her Majesty's Chief Inspector of Education and Training, and Simon Brown and Arwel Thomas of Estyn; and Merfyn Benford and Barbara Taylor, of the National Association of Small Schools. The witnesses provided written memoranda, the links to which are attached at Annex 1. The transcript of oral evidence is at Annex 2. The response which follows summarises the evidence examined and makes recommendations, where appropriate. A summary of the recommendations is on p.7.

### **The Policy Context – the impetus for reorganisation**

3. The main policy document on school organisation proposals is National Assembly for Wales Circular 23/02. It sets out the key principles and policies that need to be taken into account by those bringing forward proposals and explains the criteria that Welsh Ministers apply in reaching decisions which come to them for determination. Since its publication in 2002, the Welsh Assembly Government has developed several new policies and the number of pupils on rolls in schools in Wales has decreased substantially. The draft circular on which the Minister is consulting has been substantially revised to take account of developments, which include the Foundation Phase, Learning Pathways, and Iaith Pawb.
4. We considered the issue of school organisation shortly after the publication of a report by the Assembly's Rural Development Sub-

committee of its Inquiry into the Reorganisation of Schools in Rural Wales on 27 November 2008. While our consideration of necessity must cover school organisation in all areas of Wales, a number of the report's recommendations accords with our views. The recommendations are therefore appended at Annex 3. We await the Minister's response to them before commenting on issues such as community impact appraisals and language impact appraisals.

### **The Quality of Education**

5. We wish to emphasise the Committee's view that the overriding concern with regard to proposals to change school organisation should always be the quality of education delivered.

**We recommend that where Estyn has reported that a school has failed its inspection, and should the organisation of school provision in the area be a factor, a reassessment of provision within a local authority should be triggered automatically.**

6. We were aware of instances where schools had been closed, in Powys, for example, even though educational effectiveness was not the driver for the closure. We therefore questioned the Minister whether her criteria for closure should be weighted. The Minister expressed her view that weighting would be difficult and emphasised the need for a strategic overview, with the quality of provision as the lead principle.

### **The Structure of the draft circular**

7. We echo the views of Estyn that the structure and content of the draft circular seems to indicate that Ministerial consideration will be broader than that expected of proposers and their consultations. We concur that the Minister should consider the same agenda and validate the same criteria.

**We recommend that the Welsh Assembly Government revises the draft circular to ensure that the considerations used by the Minister in determining the decision accord with those which must be taken into account by proposers.**

8. In both oral and written evidence, witnesses reflected that paragraphs 1.7 and 1.16 of the draft circular were too subjective; the National Association of Small Schools was of the opinion that paragraph 1.16 was steering towards change and leading opinion. The approach of both these key sections of the draft circular appears overly bureaucratic and process-led to us.

**We recommend that the Welsh Assembly Government revises paragraphs 1.7 and 1.16 in line with comments and amendments suggested by Estyn, and reconsiders how it can bring about change with regard to the provision of education through small**

**schools by producing clear, strategic guidance for local authorities on the assessment that should be undertaken to establish whether the case for closure outweighs all other considerations.**

### **What is a small school?**

9. No definition of what constitutes a small school currently exists. Neither is there a consistent view on the viable minimum size of a school, though some local authorities review below a threshold. The Minister stated that a purely statistical approach was unhelpful and reiterated her view that quality of education should be paramount. Much was made of the Audit Commission's figure of 90 pupils for schools in England, which is advocated on the basis of cost alone. We considered this and found it wanting in a Welsh context.
10. In the case of secondary schools, there is a body of international evidence which suggests that size has a considerable impact on educational outcomes. Larger schools have generally not been found to be as effective in supporting low level achievers. The Minister acknowledged the challenge for authorities to get to grips with the post-16 transformation agenda. She also reminded us that issues of maintenance of the school estate are greater for secondary schools.
11. Estyn told us that there was no link between class size and educational achievement. The key message of Estyn's inspections therefore is – "size doesn't matter" – either way.

### **The need for strategic direction**

12. Much of the evidence we examined centred on the relationship between national and local government and the need for clear guidance and strategic direction from the Welsh Assembly Government.
13. We asked the Minister about the perceived lack of transparency regarding the relationship of the Welsh Assembly Government and local authorities on this issue. The Minister acknowledged the need for a clearer partnership approach with local government and 'hands on transformational work'. She emphasised that she believed it to be the role of Government to provide guidance and a framework for organisation proposals, but not to be too prescriptive, allowing responsibility to lie with local authorities.
14. We also examined the need for local authorities to act strategically in dealing with their allocations of capital funding - financial planning and strategic planning of school places should go hand in hand.
15. In line with evidence submitted and presented by Estyn, we believe that long-term, comprehensive strategies are required. Rather than

deal with proposals for individual closures, if authorities were to implement coherent, overarching strategies, individual decisions would be easier. We heard from Estyn that access and school places is the weakest area of local authorities' services and that they are not taking robust strategic action to reduce places.

16. We note the current cost of £30 million for surplus places and that the number of surplus places is forecast to rise to 100,000 by 2016, if current trends prevail. This clearly indicates that local authorities are not doing enough to tackle the issue of surplus places.
17. We would very much support a holistic approach to school reorganisation, so that the impact of proposed better provision and the authorities' strategic direction on issues such as regeneration could be discussed as an integral part of the consultation process.

**We urge the Welsh Assembly Government to work with the Welsh Local Government Association to develop clear guidance to authorities on a strategic approach which would take account of the impact of reorganisation across relevant portfolios authorities.**

**We recommend that the Welsh Assembly Government provides advice to local authorities to ensure that all relevant strategies are aligned.**

#### **The need for effective consultation**

18. Local authorities must consult before bringing forward statutory proposals; the adequacy of consultations is then taken into account by the Minister in determining proposals. We were assured that there was nothing in due process which would prevent early engagement with stakeholders, even if it were not always possible to discuss specific proposals. The National Association of Small Schools eloquently presented their view that the draft circular lacked detail in listing the necessary information required of consultees to respond to proposals.
19. We heard evidence that there is some emerging good practice with regard to consultation on closure proposals in local authorities and that many lessons had been learned in recent years on how to engage with key stakeholders. Meetings held by Powys County Council in Ystradgynlais were cited as a recent good example of how local authorities can set the scene before proposals go through formal stakeholder consultation.

**We recommend that the Welsh Assembly Government develops an appropriate mechanism to disseminate good practice with regard to community consultation on school closure proposals throughout Wales as a matter of urgency following the publication**

**of the revised circular and that it monitors and evaluates developing practice.**

**We further recommend that in support of the “Views of interested parties” section of the draft circular, the Welsh Assembly Government issues guidance to support the revised circular. This guidance should contain detailed advice and timelines illustrating the form and benefits of early and developing engagement with stakeholders on closure proposals.**

**We would recommend a clearer time line for Ministerial involvement in the process and the determination.**

20. In making these recommendations, we are in accord with recommendation 9 in the recently published Rural Development Sub-Committee report on rural schools, with regard to formalising the roles of all stakeholders in the closure process. (See Annex 3 for the text of the recommendation).

### **The School Estate**

21. There was much discussion on the impact of the quality of the school estate on the quality of the educational experience. The National Association of Small Schools told us that the condition of school buildings was no more important than the quality of teaching. Estyn, on the other hand, provided evidence from its inspections that better buildings contributed to improved performance.
22. Given the scale of investment required in the school estate, maintaining buildings which are half empty is clearly unsustainable. This problem will only increase given estimates of surplus places over the coming years.
23. We would observe that there is also a problem where schools grow beyond capacity, because of parental choice and the complexities of identifying catchment areas. We were told that the Minister had limited powers to intervene, but that a new code of practice on admissions' appeals was forthcoming.

### **Additional Learning Needs**

24. There is a fairly widespread perception that the education of pupils with additional learning needs is best delivered in a small school setting. The Minister believed that her consultation, with its emphasis on inclusion policy, adequately addresses the issue. HM Inspector of Education and Training did not consider there was a link between school size and the effectiveness of special needs provision.

## **Conclusion**

25. Based on the evidence we examined, we would observe that in organising schools in Wales, there is a lack of strategic leadership, prudent planning and effective implementation.

**We urge the Welsh Assembly Government, in responding to its consultation and in finalising its revised circular, to work with Estyn, the Welsh Local Government Association, and the Association of Directors of Education, to ensure that a robust, expedient and holistic strategic approach will be adopted in future.**

## **Summary of recommendations**

**We recommend that where Estyn has reported that a school has failed its inspection, and should the organisation of school provision in the area be a factor, a reassessment of provision within a local authority should be triggered automatically.**

**We recommend that the Welsh Assembly Government revises the draft circular to ensure that the considerations used by the Minister in determining the decision accord with those which must be taken into account by proposers.**

**We recommend that the Welsh Assembly Government revises paragraphs 1.7 and 1.16 in line with comments and amendments suggested by Estyn, and reconsiders how it can bring about change with regard to the provision of education through small schools by producing clear, strategic guidance for local authorities on the assessment that should be undertaken to establish whether the case for closure outweighs all other considerations.**

**We urge the Welsh Assembly Government to work with the Welsh Local Government Association to develop clear guidance to authorities on a strategic approach which would take account of the impact of reorganisation across relevant portfolios authorities.**

**We recommend that the Welsh Assembly Government provides advice to local authorities to ensure that all relevant strategies are aligned.**

**We recommend that the Welsh Assembly Government develops an appropriate mechanism to disseminate good practice with regard to community consultation on school closure proposals throughout Wales as a matter of urgency following the publication of the revised circular and that it monitors and evaluates developing practice.**

**We further recommend that in support of the “Views of interested parties” section of the draft circular, the Welsh Assembly Government issues guidance to support the revised circular. This guidance should contain detailed advice and timelines illustrating the form and benefits of early and developing engagement with stakeholders on closure proposals.**

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## ANNEXES

### Annex 1 – Written Memoranda

#### **Minister for Children, Education, Lifelong Learning and Skills:**

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=107810&ds=1/2009>

#### **Estyn:**

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=108099&ds=1/2009>

#### **National Association of Small Schools:**

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=107826&ds=1/2009>

### Annex 2 – Transcript of proceedings

#### **Committee meeting, 10 December 2008:**

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=109310&ds=1/2009>

### **Annex 3 – Recommendations of the Rural Development Sub-committee's report of its Inquiry into the Reorganisation of Rural Schools in Wales, 27 November 2008**

**Recommendation 1:** The Committee recommends that the Welsh Assembly Government:

- provides clearer guidance to local authorities on how surplus places are to be defined and addressed;
- commissions further research on the actual cost of a surplus place.

**Recommendation 2:** That the Welsh Assembly Government, in any new guidance on surplus places, states clearly that it is the responsibility of each individual local authority to deal with issues of resource use and surplus places within their overall budget and education policy.

It should be made clear that local authorities take these decisions and that the Welsh Assembly Government guidance is not designed and should not be taken to be pressure on individual authorities.

**Recommendation 3:** The Welsh Assembly Government should publish a clear vision for Welsh primary schools:

- To include a definition of what “fit for purpose” means;
- To define and describe a “School Standard for Wales”.



**Recommendation 4:** The Welsh Assembly Government should carry out a comprehensive audit of the school estate to establish how many school premises would comply with the standard and the amount of investment that will be needed in order to bring all Welsh schools up to this standard.

**Recommendation 5:** That the Welsh Assembly Government establishes a clear strategy to ensure that all schools in Wales reach this standard within an agreed and published timescale.

**Recommendation 6:** That the Welsh Assembly Government does not need to define a small school in terms of enrolled pupil numbers at any one time – but does define a small school in terms of staff and the teaching load of its Head in order to provide and focus support on those schools where such support is most needed.

**Recommendation 7:** The Committee recommends that the Welsh Assembly Government develops a code of practice for consultation and meaningful community engagement which should be followed by local authorities in managing this process.

**Recommendation 8:** The Committee recommends that the Welsh Assembly Government guidance includes the need for openness and transparency by LEAs when consulting on school reorganisation proposals. The Committee expects that active informed and meaningful consultation is at the heart of this process.

**Recommendation 9:** The Welsh Assembly Government in their revised guidance should clarify and formalise the roles of all stakeholders in the closure process. The revised guidance should be clear in expecting local authorities to proactively inform local communities and then to help those communities to participate in a debate on the future configuration of primary education in any given area.

**Recommendation 10:** The Committee recommends that the Welsh Assembly Government commissions research into the academic and social effects on children after they have moved to a larger school.

**Recommendation 11:** The Welsh Assembly Government should commission research to assess and to fully understand the impact of school closures on communities in rural Wales.

**Recommendation 12:** LEAs should carry out robust community impact assessments prior to the closure of any small school. The Welsh Assembly Government should provide guidance to LEAs on undertaking such community impact assessments based upon its research.

**Recommendation 13:** That the impact on the Welsh language be considered as a major determinant when local authorities take decisions in school closures.

**Recommendation 14:** The Committee recommends that the Welsh Assembly Government reviews the process for reorganising schools to strengthen the role of local education authorities, supports them in their responsibilities in the reorganisation process and gives consideration to transferring the right to hear appeals against school reorganisation proposals to an independent arbitrator.