

**Written Response to the Rural Development Sub Committee Report
“Inquiry into the Reorganisation of Schools in Rural Wales”
by Jane Hutt AM, the Minister for Children, Education, Lifelong Learning
and Skills**

January 2009

Executive Summary

I welcome this inquiry which was wide ranging and the report which is well balanced.

I have set out below my response to the Report’s individual recommendations.

Detailed Responses to the report’s recommendations are set out below:

The Committee recommends that the Welsh Assembly Government:

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

Response: Accept part (i), Accept in principle part (ii)

I can accept the first part of this recommendation because action has already been taken to enable local authorities to consistently assess the capacity of their schools. Guidance Circular 09/2006 which was issued in July 2006 provides a consistent method of measuring the capacity of schools. Local authorities have gradually re-measured schools and are now in a better position to assess whether schools are of the right size for the number of pupils on roll. This important activity informs a local authority’s need to plan school places. Revised draft guidance on school organisation will indicate that the identification of surplus capacity can assist local authorities in carrying out strategic reviews of school provision so as to assess whether the pattern of provision is appropriate. The removal of surplus capacity is not an end in itself. Improving efficiency in the provision of education should be for the purpose of improving educational outcomes.

I can accept part (ii) in principle but this will be subject to discussion with a range of stakeholders on the need for and scope of such research.

Financial Implications – None.

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.

Response: Accept

I accept this recommendation. Revised guidance will make it clear that it is the role of the local authority to plan school provision in the light of local knowledge, in the interests of pupils, and with due regard for efficiency. The Welsh Assembly Government needs also to make it clear that resources available for education need to be used as cost effectively as possible, whilst protecting and where possible, improving standards of education.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets (in 2008/09 or 2009/10).

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”.

Response: Accept in principle

I can accept this recommendation in principle. The Welsh Assembly Government in line with its commitments set out in ‘One Wales’ has already begun work on creating and building a shared vision of 21st Century Schools, (both primary and secondary) by working in partnership with the Welsh local Government Association (WLGA) and all local authorities. Moving on from the concept of “fit for purpose”, a 21st Century School will be defined providing a consistent standard for local authorities to work towards. The WLGA and Local authorities will be involved in this process.

Financial Implications – None.

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.

Response: Accept in principle

I can accept the principle of this recommendation, and local authorities are already taking action to meet that principle. Local authorities are required to have in place Asset Management Plans covering all their capital assets. A vital element of an Asset Management Plan is a comprehensive, structural audit of their physical assets; including school buildings. These audits are based on surveys of building condition, suitability and sufficiency and should be reviewed and updated.

In addition authorities are required to have Asset Management Plans for individual services. A robust Asset Management Plan for the education service should comprise a thorough analysis of condition and investment need. The Welsh Assembly Government accepts there is value in an aggregated and comprehensive knowledge base of the school educational estate in Wales; to enable national and local planning in relation to 21st Century Schools. The individual Asset Management plans will provide this.

Financial Implications – None.

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.

Response: Accept in principle

I can accept this recommendation in principle. There is a need to recognise that not all Local Authorities are at the same position regarding the development of their school investment and re-organisation strategies. In line with Recommendation 3, the delivery of 21st century schools will implement a step change in the Welsh Assembly Government's capital investment programme. We will be taking a strategic approach to funding, design and procurement, including ICT integration, and we will be working in partnership with local authorities and assisting in the development of their capital investment programmes. 21st Century Schools will be a multi year, long term programme of investment recognising the differing stages that individual local authorities will be with regards to their school capital investment and re-organisation strategies.

Financial Implications – None.

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.

Response: Accept in principle

I accept that there is no need to define “small schools” for the purposes of planning school places. It is for a local authority to decide on the appropriate size of schools within the local context. It is however necessary to define such schools for specific practical purposes such as distributing targeted grants. The Welsh Assembly Government has provided additional grant funding for small and rural schools since 2002. In 2008/09, a total of £4.1 million is available. The Audit Commission identified a 90 (or fewer) pupil school as one which would cost proportionately more to run. Therefore when distributing funding targeted on small schools local authorities are instructed to prioritise schools with 90 or fewer pupils on roll. Part of the additional funding is also to

be targeted on schools which have head teachers with a significant timetabled teaching commitment.

Financial Implications – None. Existing budgets cover activity related to the distribution of grants.

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.

Response: Accept in principle

I can broadly accept this recommendation. Future practical guidance on bringing forward statutory proposals will aspire to extend the good practice on undertaking consultation that already exists. It may not be appropriate to be overly prescriptive and issue a code of practice, but it will be made clear that interested parties need sufficient information and sufficient time to make their views known when they are asked to respond to proposals for change.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets in the relevant year (2009/10)

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.

Response: Accept

I accept the need for consultation to be of the highest possible quality. The revised circular indicates that the sufficiency of consultation is a consideration when I need to determine whether statutory proposals which have resulted in objections should be approved. Officials in my department are also responsible for providing practical guidance to local authorities who are considering changes to schools. Revised guidance is currently under development. Consultation issues form part of that guidance.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets in the relevant year (2009/10)

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.

Response: Accept in principle

Guidance recently subject to consultation is the broad policy guidance which sets out the principles that are relevant to considerations about reorganising schools. Guidance on procedural matters such as consultation and engagement with interested parties is due to be revised within the next year. That guidance will include examples of good practice on consultation with interested parties and will aim to share that practice amongst authorities. I expect local authorities to engage thoroughly with the main stakeholders when consulting on proposals to change school provision. The key stakeholders will vary according to the nature of the proposal. Some changes might have relatively little impact beyond the parents, pupils and schools involved whilst in other cases, impacts will be far-reaching. The revised guidance will encourage authorities to carefully consider the question of who would be affected by change so as to ensure engagement with all relevant parties.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets in the relevant year (2009/10)

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.

Response: Accept in principle

Whilst I accept in principle, this requires further consideration in conjunction with recommendation 11. Whilst I fully understand the Committee's purpose in making this recommendation this is a difficult area in which to conduct meaningful quantitative research. Whilst it is possible to identify a suitable, albeit very small sample and measure academic achievement, it would not be possible to identify the many influences on pupil outcomes amongst the sample, nor identify if attainment is better or worse than it would otherwise have been. It would be more appropriate to consider effects of transfer to a larger school alongside the type of social qualitative research suggested in recommendation 11.

Financial Implications – To be assessed once further consideration of scope for research is completed.

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.

Response: Accept in principle

Whilst I accept this recommendation in principle, I need to consider this recommendation in conjunction with recommendation 10 further in order to ascertain the feasibility and scope of the recommended research. An initial step could be to undertake a review of any existing research and information on the impact of school closures, including the impact on communities and on the educational and other outcomes for pupils before deciding whether any new research is required. Since this recommendation cuts across other Ministerial portfolios, it is important that all those with an interest in such impacts are involved in discussions about the proposition. I am asking officials to provide me with further advice after discussions have been held.

Financial Implications – To be assessed once further consideration of scope for research is completed.

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.

Response: Accept

I can broadly accept this recommendation. Current guidance already indicates that for school closure proposals, the overall effect on the community of closure and the extent to which the school is serving the whole community as a learning resource is a relevant consideration. Where a school is a focal point for community activity and its closure could have implications beyond the issue of education, it is expected that cases presented for Ministerial determination should show that options for maintaining community facilities in the area have been considered. The revised draft guidance suggests that that consideration by local authorities should be formalised as a community impact assessment. If research on impacts is commissioned then that could inform, in due course, a local authority's consideration of community issues. In the meantime authorities will continue to use their own judgement on how to assess the impact of a closure. Current guidance makes it clear that whilst the interests of the local community should be taken into account, educational interests should always be the prime concern. Revised guidance will continue to reflect this position.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets in the relevant year (2008/09 or 2009/10)

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

Response: Accept

I can broadly accept this recommendation. Revised draft guidance suggests that potential impact on the Welsh language should be assessed by local

authorities prior to bringing forward proposals. Impacts on the language within schools and on standards of pupils' learning are of the greatest importance. Local authorities that have brought forward proposals for the reorganisation of schools where pupils are taught mainly through the medium of Welsh have historically offered equivalent schools as alternatives. Local authorities have therefore already been addressing this issue.

Financial Implications – None. Costs of guidance issued by the Welsh Assembly Government will be met out of existing budgets in the relevant year (2008/09 or 2009/10)

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.

Response: Accept in principle

I can accept this recommendation in principle. Local authorities already have the power to make changes to schools as provided for by the School Standards and Framework Act 1998. My department assists authorities with guidance on the procedures that are necessary as a result of that legislation. I have the role of deciding contested proposals. The sub-committee report recognises the current division of responsibilities. Changes to the procedures and responsibilities in the manner suggested by the sub-committee would necessitate fresh legislation. I am willing to give consideration to the Sub committee's suggestions, contained in this recommendation, including that of transferring decision making to an independent arbiter, but this will require substantial investigation by my department. In the meantime I am content with the robustness of current legislation and the extent to which it permits authorities to engage with those affected by proposed change.

Financial Implications – none arising from the consideration of transferring powers.

**Jane Hutt AM,
Minister for Children, Education, Lifelong Learning and Skills**