

Consultation document

School organisation - potential change to the process

Consultation Response Form

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Responses should be returned by **18 February 2011**, to:

Schools Management and Effectiveness Division 3
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

SchoolsManagementDivision3@wales.gsi.gov.uk

Question 1: Is the current list of circumstances in which statutory proposals are required appropriate? If not, what would you want to add, remove or modify? [This question relates to paragraph 1 of part 2 and Annex C.]

ATL Cymru welcomes the opportunity to respond to this consultation.

We agree with the additions and alterations in Annex C regarding matters requiring the publication of schools organisation proposals. We particularly welcome the addition that the opening of new foundation schools will not be permitted in Wales.

We agree that schools that change category, e.g. from community foundation, voluntary aided or voluntary controlled to another of these categories should require statutory proposals for reorganisation.

We welcome the WAG's intention to speed up the process for schools reorganisation. School reorganisation processes at the moment are too lengthy and have a detrimental impact on teaching staff, learners, families and local communities.

Question 2: Do you think that the following amendments proposed are suitable?

a) Prescription about reduction in capacity; b) prescription about transfers of school site (for all schools including special); and if not, what would be preferable? [This question relates to paragraph 1 of part 2 and Annex C.]

Yes. We agree that the amendments proposed are suitable.

Question 3: Do you agree with the current division of responsibilities in respect of making proposals for changes to school organisation? [This question relates to paragraph 2 of part 2 and Annex D.]

Yes

Question 4: Should proposers be required to publish a consultation document? [This question relates to paragraph 5 of part 2 and Annex E.]

Yes. The publication of a consultation document gives the opportunity for open discussions to take place.

Question 5: If so, should the content of the consultation document (and other matters) be specified in a Statutory Code? [This question relates to paragraph 5 of part 2 and Annex E.]

Yes. This would ensure accountability and open decision making.

Question 6: Is the list of matters to be included, as set out in the template document appropriate? Should anything else be included? [This question relates to paragraph 5 of part 2 and Annex E.]

Yes

Question 7: For promoters: Would the template document contained in Annex E be a useful tool in producing future consultation documents? [This question also relates to part 2.]

N/A

Question 8: Do you agree:

- a. consultation documents should only be published during term time?
- b. consultation should run for a minimum of 6 weeks, with at least half of the consultation period falling in term time?
- c. with the list of those who should be consulted?

If not what would you wish to change/add? [This question relates to paragraph 7 of part 2 and Annex E.]

(a) Yes. Having said all this we would also wish to note that there will be occasions when individuals or community leaders will be working out of area or on holiday around the time notices are published and may require time after their return to the area. If a meeting is to be called to pool opinions and objections then time needs to be allowed for a suitable venue to become available. It should also be remembered that in some areas there is a below average level of adult literacy. Parents and partners affected by proposals to vary school organisations may need time to seek help to draft their objections. We are also concerned with the reduction in response time allowed for Local Authorities.

(b) It needs to be ensured that any proposals are not advertised in school holiday times which can make it difficult for some to fully object. Full publicity is necessary otherwise the

transparency of the whole process would be undermined. The best option is to publish any proposals at the start of the school term.

(c) We have nothing to add.

Question 9: Do you agree that the proposer should publish a consultation report setting out the issues raised and the response to them; Estyn's assessment; and recommending how to proceed? [This question relates to paragraph 7 of part 2.]

Yes

Question 10: Should a time limit be set on deciding how to proceed? If so, should that limit be 3 months from the close of consultation? Should proposers be able to apply to Welsh Ministers for an extension of time? [This question relates to paragraph 9 of part 2.]

We believe that a time limit of 3 months is acceptable.

Proposers should be able to apply to Welsh Ministers for an extension of time, but only in exceptional circumstances.

Local stakeholders should be encouraged to be more involved in the decision making process to ensure that there is no need for proposers to apply to Welsh Ministers for an extension. With information and parent learner meetings called, an emphasis should be laid on the importance of attendance by stakeholders.

Question 11: Are the proposed publication requirements appropriate? If not, what would you want to change? [This question relates to paragraphs 10 and 11 of part 2.]

Yes

Question 12: Do you agree with the proposed content for statutory notices? If not, what should be added or removed? [This question relates to paragraph 12 of part 2.]

Yes. There needs to be robust guidelines given for communicating proposals and intentions.

Question 13: Do you agree that in future all objections should be lodged with the proposer? [This question relates to paragraph 13 of part 2.]

Yes

Question 14: Should the right to object be restricted to those groups identified in paragraphs 16 and 18? If not who should be added to or removed from the list?

Yes. The right to object should be restricted to those who have an interest and connection to the school in question. Children's education should not become a surrogate or proxy for other interest groups, however worthy.

Question 15: Do you agree that the only proposals automatically determined by Welsh Ministers should be those attracting objections from a local authority, a diocesan authority

or an FE institution? If not, who would you say should be included? [This question relates to paragraph 16 of part 2.]

Yes

Question 16: Should the trigger point for a local determination be an objection by an affected governing body, an MP or an AM; or a total of 10 objections from community/town councils, school staff, pupils or parents? If not, what do you consider the trigger point should be? [This question relates to paragraph 19 of part 2.]

The trigger point should be from any of the above.

Question 17: Do you agree that proposers should be required to prepare an objection report and submit it to the local decision maker within 4 weeks from the end of consultation? [This question relates to paragraph 20 of part 2.]

Yes

Question 18: Do you anticipate that local authority decision making cycles could be adapted so as to make a decision to proceed within 4 weeks from the end of the objection period? [This question relates to paragraph 20 of part 2.]

Yes but at present the administrative sections of Local Authorities can be subject to backlog and in the current climate of 'efficiency savings' this situation is likely to worsen. It is not acceptable for evidence to be ignored simply because it was on a desk waiting processing. If the time scale is cut then the Local Authority need to be statutorily required to act upon it.

Question 19: Do you agree that where there are local objections a decision making panel or committee should be established to decide whether the proposal should be implemented, modified or rejected? Should the committee consist only of those who do not have an interest in the proposal under scrutiny? [This question relates to paragraph 23 of part 2.]

Yes. We agree that there is a need for a politically balanced group of local elected members who have no interest or connection with the proposals.

Question 20: Should the decision making panel/committee have membership broadly as set out in paragraph 23 or, alternatively, as in paragraph 25? If not, how should a decision making body be constituted?

We agree with the membership as set out in paragraph 23.

Question 21: Do you agree that the decision makers should have 4 weeks within which to make its recommendation? If this is not considered sufficient time, what timescale would be more appropriate? [This question relates to paragraph 26 of part 2.]

Yes

Question 22: Do you agree that if the proposer did not accept a recommendation to modify the proposal, then the proposal would be considered rejected? [This question relates to paragraph 27 of part 2.]

Yes

Question 23: Do you consider that if the decision makers failed to make a recommendation a proposal should lapse? [This question relates to paragraph 28 of part 2.]

No

Question 24: For local authorities: What costs might be incurred by local authorities in establishing and supporting a decision making panel/committee for school organisation proposals? [This question relates to paragraphs 23, 25 and 29 of part 2.]

N/A

Question 25:

- a. Should Welsh Ministers have a fall-back power to call-in proposals for determination?
- b. If so, should this only be used in exceptional circumstances?
- c. What do you consider those circumstances might include? [This question relates to paragraph 30 of part 2.]

(a) Yes
(b) Yes
(c) Where decisions are unable to be made locally or where there is strong evidence that some stakeholders' views have been weighted unfairly.

Question 26: Should modified procedures be available for proposals for closure of mainstream small schools? [This question relates to paragraph 32 of part 2.]

Yes. Surplus places in schools cost Local Authorities and estimated £30 million per year according to Estyn. Historically, statutory procedures make closing schools and small schools complex and prolonged. This was highlighted in 2010 but the fact that three small schools in Wales; one in Carmarthen, one in Ceredigion and one in Gwynedd, remained open despite the fact that it did not have pupils in them to teach. Because of the current statutory position they had to remain open despite costing the Local Authority money which could have been better spent elsewhere. We agree with the Minister, Leighton Andrew, that this is a 'bonkers' situation, and that there is a clear need to re-evaluate how Local Authorities deliver education in Wales.

Re-organisation in its present form is a difficult and slow process which often has elements of high risk for politicians, especially concerning closure and reorganisation of schools in rural areas, which is often highly political. Too many wider issues are taken into account as part of the objections to closure and reorganisation. Ironically, there is a general consensus that the status quo is not an option but the present process of

rationalisation is too cumbersome to ensure progress. The pedagogical aspect of the small school debate needs to take precedence over all other considerations.

Question 27: If so what should the pupil threshold be? Should it be 15 or 20 or higher? [This question relates to paragraph 32 of part 2.]

We are pleased that this question is being asked as part of the consultation. The WAG has repeatedly refused to spell out clearly and succinctly what it believes to be the minimum viable size for schools. ATL Cymru believes that it is imperative that the WAG comes up with a clear definition of what a small school is. We agree with the Audit Commission definition of 90 pupils or less for primary school and 600 pupils or less for secondary school.

Question 28: Should simplification take the form of omitting the statutory notices and objections stage? Or in the event of objections should the local review or determination by Welsh Ministers stage be omitted? Would any other modification of the full process be appropriate? [This question relates to paragraph 32 of part 2.]

Question 29: Should the requirement for statutory proposals for closure be removed when a school has no pupils, to be replaced by notification of closure by the local authority or governing body? [This question relates to paragraph 33 of part 2.]

Yes. Please see answer for question 26

Question 30: Do you agree that proposers should be able to give notice of a change of timing of a proposal by up to 3 years or the abandonment of a proposal without reference to Welsh Ministers? [This question relates to paragraph 36 of part 2.]

Yes

Question 31: Do you agree that Welsh Ministers should continue to have fall-back powers to address rationalisation of school places for use in cases where local authorities or governing bodies have failed to take action to match supply and demand? If not, how would you suggest this problem should be addressed? [This question relates to paragraph 37 of part 2.]

Yes

Question 32: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We can only reiterate once again that it is the quality of the educational experience that should determine both the size of school and any subsequent closure plans. Other causes, however worthy, cannot use children's education as a proxy.

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: