

**TO BE COMPLETED BY THE CHAIR OR 4 MEMBERS REQUESTING THE CALL-IN.**

<b>1.</b>	<b>Leader / Cabinet / Cabinet Committee / Individual Portfolio Holder Decision To Be Called-In</b> <i>(Please include Date of Meeting and Agenda Reference Number):</i>
Cabinet meeting 12 <sup>th</sup> January 2020 Item 5 Llanfair Caereinion CP School and Caereinion High School - All age School proposal	

**2. Reason for Call-In:**

**2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:**

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	x
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	x
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.	x

**2.2 Please provide an explanation in the box below as to why you believe that the conditions in 2.1 above apply.**

A protocol had been reached between myself as scrutiny chair on behalf of the committee and officers that during the process of systematic schools transformation Scrutiny would be involved at the end of the consultation stage and that scrutiny would have access to all consultation submission in addition to the formal consultation report. This was agreed in a joint meeting of officers Chair and VC of Scrutiny and scrutiny officer and reported to the scrutiny committee and coordinating committee as a formal protocol.

In this instance the correlation of major operational matters in relation to the Covid pandemic with the preparation for this Cabinet meeting meant that a formal request and supply of information to scrutiny did not take place and the matter was placed before Cabinet without a formal review.

Subsequent to the meeting I have received a response from a scrutiny committee member outlining a significant number of concerns about the report that would have been aired at the scrutiny meeting and which may or may not have resulted in recommendations from the committee that may have shaped the formal decision from Cabinet. (I include the submission in full below as it speaks to concerns under i and iii).

Having reviewed this submission and been satisfied that this includes sufficient detail within in to have left open the possibility that scrutiny could reach a conclusion that the consultation was flawed I have had to consider the options available to me.

I find myself considering two options. The first is to let the statutory process continue and consider both the consultation responses and any objections as part of the pre cabinet work in respect of the final approval for the change. Superficially this is attractive as it would allow the process to continue uninterrupted. However it also allows the statutory process to be concluded based on a potentially flawed decision which could leave the council open to challenge, moreover if the issues raised are deemed of sufficient seriousness for the committee to recommend to Cabinet that the plan should be rejected or revisited and they accept this significant time will have been lost and further uncertainty and delay would ensure for staff.

The second option is to initiate a call in now. Whilst this will constitute an action which could cause embarrassment for all arms of the council involved I would look completely to the highly exceptional circumstances faced by officers at the time and the fact that a revision has now been made to process to ensure that this could not be repeated.

I have therefore after due deliberation reached the conclusion that it is in the best interests of pupils, staff and the wider transformation project that this matter is subjected to scrutiny sooner rather than later so that the decision on the proposal can be subject to reaffirmation sooner rather than later.

As such I am in agreement with my scrutiny colleague and therefore formally request a call in of this decision to facilitate formal scrutiny to take place.

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Full text of submission placed before me

The Learning and Skills Scrutiny Committee through the auspices of the Chair request the calling in of the decision by the Cabinet Executive on the Report titled Llanfair Caereinion C.P. School and Caereinion High School – All-age School Proposal dated 12 January 2021 (2020 on document).

Powys County Council's Call-in procedures are set out in section 7 of the Constitution. Grounds for calling in a decision have to satisfy one or more of the conditions set out below:

- 7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.36.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.

Section 2.5 of the decision document restates the Strategic Aim of Powys County Council to "improve access to Welsh Medium provision across all key stages". The

decision categorically does not achieve this aim as it substitutes definitive actions with vague promises to possibly consult on such issues sometime in the future (section 3.5). It is a repetition of unfulfilled promises given over decades. The decision is therefore contrary to the policy framework of the Council (7.36.3.1 above).

According to the current Welsh in Education Strategic Plan the “*early feasibility work carried out by PCC has identified Newtown and/or Welshpool as the most suitable location(s) to develop a new category 2A provision .. in North Powys*” [WESP 2017-20 p 17, 2.1]. A suitable location to attract and most importantly retain the growing numbers of Welsh Medium pupils created in the Severn Valley was needed. Support for this proposal is referenced in the decision document (section 3.4) but has been contrarily interpreted as support for the amalgamation of Llanfair C.P. and Caereinion High schools. As such this is contrary to facilitating the policy framework (WESP) (7.36.3.1 above).

The Strategy for Transforming Education, referenced in section 2 of the decision document, did follow extensive engagement. However, scrutiny of this ensuing decision has been deficient. With regard to the remit given to officers not to consider any options that could reduce the number of centres providing secondary education in Powys (set out as a strategic aim and reiterated in paragraph 2.4 of the document under consideration: *Develop a network of all-age schools based around the 13 current secondary school locations*) scrutiny has been non-existent. There is an excess capacity close to 400 secondary places in North Powys and it is universally recognised that fewer larger centres are better placed to provide the broader choice of higher education required now and in the future. The remit prevents any sustainable, economically and educationally beneficial developments in Powys. The decision under consideration here is predicated on this remit which has neither been consulted upon nor scrutinised and thus falls foul of condition 7.36.3.2.

Consultations were held with stakeholders including Governors of Llanfair Caereinion C.P. school but none of the other feeder schools. Responses were received from the governors of Ysgol Dafydd Llwyd and Ysgol Gymraeg Y Trallwng. The latter response was based on findings of a survey of 39 out of 43 parents about this proposal and yet it was treated as one response. Only 111 responses counted with only 52% agreeing with the proposal to establish an all-through school in Llanfair and only 44% thinking that Powys County Council should not consider any other options, with 40% thinking they should. This is dangerously weak evidence of support for the proposal. Had all stakeholders been treated equally – especially Governors of two of the larger feeder school (Ysgol Dafydd Llwyd, Newtown and Ysgol Gymraeg Y Trallwng) the evidence would be radically different. This failure to consult all stakeholders also falls foul of condition 7.36.3.2.

The consultation report documents several response opinions about the extent of Welsh and English medium provision in the high school which are factually incorrect. While it was necessary to record such received responses the report should have been clear about such inaccuracies which present a very misleading account of reality. This is a failure in the consultation procedure making an objective decision impossible thus satisfying condition 7.36.3.2.

The Financial Strategy (set out in section 3.3 of the 2018 draft of Vision 2025) states that "...we have to be ever more efficient in the use of our resources". It goes on to say "...we will have to make savings of around £38million over the next five years to ensure that we achieve a balanced revenue budget." The most recent draft (March 2020) does not aspire to be evermore efficient however it does state the Council's intention to "...protect the services our residents value and need, whilst ensuring that there is continuity of efficient statutory services that evidence value for money." It is essential that we all assist the council in these valid aims. The Resource Implications set out in section 4 of the decision document provide an estimated saving of £11,994 which is 0.36% of the overall estimated £3,274,370 budget. It is suggested here that the cost of drafting and consulting on this proposal probably exceeds this possible saving and that this decision contributes nothing to any financial improvement to either the council nor the schools' position. Since the financial position of the school will not be improved (apart from possible marginal reductions in school management costs) the education it provides will not benefit from any financial gains. It is thus contrary to the budgetary aims of the council (condition 7.36.3.1).

Finally, The Well-being of Future Generations Act requires public bodies in Wales to think about the long-term impact of their decisions. It is recognised that true bilingualism is beneficial to both individuals and communities. Welsh Government and Powys County Council are aiming for a million Welsh speakers in Wales by 2050. The implication is that all young people in full time education will be fully bilingual by 2050. This apparently high bar is easily achieved in many other countries. Regardless of whether this degree of determination can be instilled in all people responsible for education in Powys, the direction of travel is clear. Powys must therefore establish now a system that will continuously and seamlessly improve the linguistic outcomes for Powys learners. Continuity of provision is one obvious essential for true bilingualism. The second major factor is equity of access. Neither aspect is properly addressed in the current proposal and the enactment of this proposal will prevent reasonable progress on these aspects for many years. This is the kind of long term decision making that The Well-being of Future Generations Act requires. There is a legal obligation to take this into account in order to avoid condition 7.36.3.3 above.

Fundamentally this decision should be reconsidered because it is flawed. The full range of possible options for educational transformation in North Powys have not been considered.

*(Please continue on a separate sheet if necessary)*

