

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

3 JULY 2013

REPORT OF THE MONITORING OFFICER

IMPLICATIONS OF THE SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013 ON THE DETERMINATION OF SCHOOL ORGANISATION PROPOSALS

1. Purpose of Report

- 1.1 The purpose of the report is to inform Council of the changes to the way in which school organisation proposals are determined by the Authority following the implementation of the School Standards and Organisation (Wales) Act 2013 which will result in local authorities being responsible for determining most school organisations, including those which have received objections, with some exceptions, and the new Code on School Organisations which is due to be brought into force on 1 October 2013.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 School organisation is linked to the school modernisation programme which supports many of the corporate priorities and in particular:

- Working together to raise ambitions and drive up educational achievement

3. Background

- 3.1 The School Standards and Organisation (Wales) Act 2013, Part 3 deals with school reorganisation and provides for a new statutory Code on School Organisation. Under the previous legislation, all statutory proposals to reorganise school provision went to the Welsh Ministers for determination where such proposals attracted objections or where the Welsh Ministers called-in the proposals. The new legislation when it comes fully into effect will result in local authorities being responsible for determining most school organisation proposals including those which have received objections, with some exceptions, for example, where the proposals affect sixth form education. The new Code which is to accompany the new school organisation decision making system, once in force, will apply in respect of all school organisation proposals published by way of statutory notice on or after the 1 October 2013. The Code supersedes previous guidance on school organisation proposals and organisation of school places and will impose requirements in accordance with which relevant bodies (the Welsh Ministers, local authorities, governing bodies and other promoters) must act. It also includes practical guidance to which relevant bodies must have due regard and sets out the policy content, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals. The Code is attached at Appendix 1.

4. Current situation / proposal

- 4.1 As the aforementioned Act makes no specific provision for the way in which local authorities are to exercise this determination function, the Welsh Government is proposing to amend the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007. The proposed amendment to these Regulations will enable the determination of school organisation proposals to be added to the list of functions (at Schedule 2 to the 2007 Regulations) which may be, but need not be, exercised by a local authority's Executive. This would allow the Authority to determine the matter to be a Council function or adopt alternative local decision making arrangements to that of Cabinet if it so wished. The Welsh Government has suggested that this might include the formation of a local decision making committee, potentially in collaboration with other local authorities in their region. Whilst the Welsh Government recognises that Cabinets are already responsible for overseeing school organisation planning and are democratically accountable to the local electorate, Cabinets are therefore well placed to decide whether or not contested school organisation proposals should be approved, it considers that the flexibility that this proposed amendment to Schedule 2 of the 2007 Regulations would bring is a natural extension of the principle of local decision making.
- 4.2 Once the amended Regulations are in force the Authority could of course consider delegating its determination function to an alternative decision-making committee and the Code provides a model representing one potential way of establishing such a committee, however: the Monitoring Officer recommends that the function remain with the Cabinet for the immediate future as the Executive is already well placed to make such determinations and it is as yet unclear whether there is the possibility of collaborative working or at least a less formal support mechanism between Authorities.

5. Effect upon Policy Framework& Procedure Rules

- 5.1 There is no effect upon the Policy Framework, however if Cabinet were to adopt alternative local decision making arrangements in relation to the determination of school organisation proposals the Council's Constitution, Part 3, would need to be amended to include details of the committee's membership and functions.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications

- 7.1 There would be none if the decision-making function remains with Cabinet, however there would be financial implications if the Authority were to delegate the function to a local decision making committee in terms of administrative costs as the committee would require the services of a clerk provided by the Authority and there would be training requirements and likely expenses for members of the committee.

8. Recommendation

- 8.1 The function to remain with Cabinet. Officers to review the operation of the function within the coming year.

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Background Documents
None