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Dear Sally

Swansea Council Cabinet decision to close Craigeffnparc Primary School

I was disappointed to see that Swansea Council's Cabinet decided, on Thursday 20th December 2018, to proceed with their proposal to close Craigeffnparc Primary School.

I wrote to the Cabinet more than once for reassurance that they were certain that they had given sufficient due regard to Article 12 of the United Nations Convention on the Rights of the Child. Unfortunately I have not had a response from the Cabinet, despite writing to them most recently the week before they were due to make their decision.

Having considered the consultation documents and the final report proposing the closure of the school, it has not been made apparent how the Cabinet has satisfied itself that all reasonable steps to observe Art. 12 were taken.

The initial consultation document stated:

Article 12 of the United Nations Convention on the Rights of the Child states that children have the right to have a say in decisions that affect them and to have that view taken seriously. Therefore, throughout the process, we will ensure that children and young people have a chance to have a say on the proposals and on how they think it will affect their rights under the convention.

That is, I am sure, what both of us would expect to see, although no detail is given as to what children might expect in terms of process.

The final report on the consultation confirms that two meetings were held with "learners". However these were between officials and the School Council only, not all learners at the school. These were supplemented by drop in sessions aimed at parents/carers but not at the children themselves.

A number of requests from learners, parents, teachers, and elected representatives were made to Cabinet members for them to visit Craigeffnparc School and speak directly to the children before making a decision on whether to consider consulting on closure.

It does not appear that the Cabinet listened to these specific calls from the children, as no official visit took place. The children were clear that this is the dialogue they themselves wanted.

Had Cabinet members visited the school in person this could have gone a considerable way to evidencing fulfilment of a due regard for Article 12. Bearing in mind the number of learners and the number of Cabinet members, this request was reasonable and proportionate.

I have concerns about the weighting of various, ostensibly competing requirements of the Wellbeing of Future Generations Act ("the Act") presented in the officials' final report to Cabinet which I have raised with the FG Commissioner and which I won't repeat here (I am happy to send you a copy of the letter if you wish). However, I am mindful of your concerns, expressed in our CYPE Committee, that the apparent primacy of the Act in WG decision making risks downgrading the emphasis on children's rights. That risk applies at local authority level too – although, in this case, I am unimpressed with the Council's application of the Act in relation to children as well.

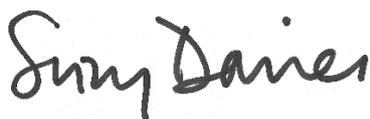
You may not wish to comment on a specific case and I recall previous exchanges where you accepted that children's rights have to be weighed up by officials and councillors alongside other factors eg budget limitations.

However, if you are able to answer generally, could you tell me what criteria you would expect to be followed by council in showing it had given due regard to the UNCRC; Swansea Council has adopted this requirement voluntarily as you know. Further, what would you be looking for as evidence of observance of the due regard and what level of detail would you consider to be reasonable as constituting evidence. In short, would you expect a CRIA which can be shown to have had an effect in decisions of this nature, and what would it look like? What guidance does your office offer to public bodies on the preparation of a CRIA?.

With these concerns in mind, I would ask that you, in your role as the Children's Commissioner to let me know what action is open to you to reassure yourself of observance of the UNCRC (not just Art.12, of course). I would also be very grateful if you could answer the particular question raised in the above paragraph.

I look forward to hearing from you. Happy New Year.

Yours Sincerely,



Suzy Davies AM/AC

Shadow Cabinet Secretary for Education & Welsh Language

Ysgrifennydd Cabinet yr Wrthblaid dros Addysg a'r Iaith Gymraeg