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Aelod Cynulliad Ceidwadwyr Cymreig De Orllewin Cymru

Objections to decision to close Craig Cefn Parc school

5th February 2019

This correspondence is in addition to points raised in my initial consultation response, the content of which also forms part of this formal objection.

A preliminary point: In my joint letter with Cllr Rowlands to Cabinet members dated 14th December, we referred to Craigcefnparc having its own community council. I accept the way this was phrased was unhelpfully confusing. The point we were trying to make is that it was not the same council with responsibility for Clydach and was, therefore, a separate community.

The additional points in this objection speak to failures in process:

Estyn

There are references to the lack of appetite for amalgamation/federation throughout the consultation. Unsurprisingly, the online survey respondents favoured status quo, but there is no detail of the content of conversation with staff and governors as to why they apparently rejected these other options. While the Council itself may have identified strengths and weaknesses in these alternatives, it is impossible to say whether the Council took all reasonable steps to test them in the absence of minutes of those meetings; in particular the weight that was given to those strengths and weaknesses in such meetings.

This point is also made by Estyn in a report which is otherwise supportive of the Council: "The proposer has considered the option of merging both schools and also the option of creating a federation, and has identified the advantages and disadvantages. However, it is not clear to what extent the proposer has investigated these possibilities in full".

United Nations Convention on the Rights of the Child

In my consultation response and in the joint letter referred to above I took issue with the due regard paid to the UNCRC in the course of the consultation. Although the Council is not subject to any statutory duty to give due regard to the Convention, it has, admirably, undertaken to do so.

The online survey of children showed no CCP children supported the proposal and all but one were against it. Further, the CCP children made proactive representations via plates and a video making their views plain. Further meetings took place with some of the children from the school (school council?) and their views were also made apparent during meetings open to adults.

However, it is not clear how the Council sought the views of children at *Clydach* school beyond one meeting with members of the school council of ten members.

During that meeting, concerns were expressed that the extra numbers would create more noise in the canteen (a flashpoint for children with ASC) and getting numbers through in time would be an issue. "Some schools do have different break times" was the response given. There is no guarantee that Clydach will be in a position to accommodate this.

A question about whether the CCP children would be well-behaved was met with the response "There can be naughty children in any school". This was not very reassuring for pupils in a school who would be aware of existing bullying.

The issue of space at Clydach was raised by children and staff; significant rearrangement of the use of the existing classrooms will be needed if additional numbers attend. The staff were worried about how to accommodate their ICT suite and the children were worried about being "squished" in the hall. The Council's simple response is that there's enough room in Clydach.

Finally, the children at Clydach raised the issue of traffic. The position on this remains unsatisfactory with a response of "a traffic assessment has been requested". This should have been done before closure decision to inform Cabinet members of the complexity of how additional traffic at drop off and collection times would be managed. A number of consultation responses refer to the congestion, including for buses, and the drop in air quality. Further, there has been no certainty as to how any ameliorating works would be financed and this remains the case (as far as I know).

The Children's Commissioner has confirmed again, in correspondence to me, that "due regard" means more than a passing thought. In the Council's report on the consultation responses, there is insufficient evidence as to how or if "due regard" has been exercised. She would expect evidence of children's rights to have been "integrated into every aspect of decision-making procedures and actions". I would say that the lack of engagement with the children in Clydach school, together with dismissive responses to the concerns of those children suggest that this has not been achieved.

She would expect "reports to demonstrate what [the Council] has done and how, reflecting children's rights throughout the process". The Council has clearly made an effort to collect CCP children's views but it is not clear how children's rights (which go beyond education) have influenced the decision; there is no document equivalent to a Children's Rights Impact Assessment (CRIA). In particular, the Commissioner says that she would expect the Council go beyond simply listing UNCRC Articles, especially as not all relevant Articles have been listed, eg. health & safety, access to play.

She would expect to see an analysis of positive, negative and neutral impact of different proposals as related to children's rights, including a summary weighing up the various considerations. That is not articulated in the consultation documents or the consultation report.

Although CRIs are not obligatory for councils, Swansea Council has made a public commitment to children's rights and template CRIs are available on the Children's Commissioner's website. That sets out the six step approach used by Welsh Government but any analysis on the above criteria would be acceptable. No such document was made available to members of the public and I have no reason to believe it was made available to members of the Cabinet. Fifteen words setting out the strengths of the proposal does not satisfy these expectations nor does it satisfy the requirements of the School Code for a "detailed" account of the pros and cons of the status quo.

The Communities Impact Assessment, which itself should contain some reference to children's rights (as well as those of other groups), as I mentioned in my consultation response is very poor.

Wellbeing of Future Generations Act

As raised in my consultation response and both my letters to Cabinet members, I am not convinced that the Council has provided sufficient evidence of appropriate consideration of the Act.

The Future Generations Commissioner has confirmed to me that the Act should be considered from the **very start** of the decision-making process so that the preferred option selected by the Council maximised contribution to the seven well-being goals in the long-term as well as the short term.

In the initial officers' papers advising Cabinet members whether they should put the proposal for closure out to consultation, it was explained that the *Act would* be looked at later in the process but it was, by its own admission, not fully considered at the beginning of the process.

The Commissioner has also recently, in a different case, provided recommendations on the implementation of the Act at decision-making level.

She recommended that that compliance with the duties of the Act must not merely be part of decision-making behind the scenes and that the 'workings out' in any relevant decision must be transparent and understandable to the public. Chapter 16, "Is the decision-maker complying with the Well-being of Future Generations (Wales) Act 2015", of the **Making Good Decisions** document by Welsh Government also notes that considerations under the Act must be clearly demonstrable.

She went on to say that in cases of high public interest such as this, it is not sufficient for public bodies to merely include a summary of their considerations under the Act in the consultation document or the final report. They should **be able to clearly demonstrate** how they have taken account of all of their duties under the Act and to evidence how the proposed decision is consistent with the duty to carry out sustainable development and aims at achieving the well-being goals. Public bodies should also be able to show how their decisions constitute a reasonable step to meet their own well-being objectives and how they have acted in accordance with the sustainable development principle (including the five ways of working).

Neither the consultation documents nor the report on the consultation responses come close to meeting these expectations and I challenge the Council to demonstrate that it has followed the Future Generations Frameworks (plural) and evidenced that in its advice and documentation at all levels of this process.

These frameworks suggest questions can be used not only by public bodies to help them demonstrate how they have carried out their duties under the Act. These questions are based on the five ways of working of which public bodies must take account:

Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves. For example, how have the public bodies and their partners involved the people who would be affected in discussing the different options for the school (e.g. with students, parents residents, local businesses and other stakeholders)? How have they evidenced that they have responded to what people have told them and has the process been transparent? Have they made sure that the people involved reflect the diversity of the area which the body serves?

I have already raised my concern about how children in Clydach were involved in this decision but I extend that to residents in Clydach too, especially in view of concerns around traffic near the school. Concerns raised by Craigcefnparc residents about how this might affect the community were told, in summary, that other villages don't have schools either. This doesn't suggest much thought went into this and other useful questions below.

Long Term - The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.

For example, how will the decision to close the school improve the well-being of the people of the local area and wider region in the long term? How will it affect what the area looks and feels like in the year 2040 (a generation's time)? How have public bodies identified the long-term trends that are most relevant to this decision? What impact does this development have on these trends? Has the Welsh Government's future trends report been taken under consideration?

As indicated, the community impact assessment was completely inadequate, addressing none of these questions. In terms of data, the Council relied entirely on saying that the number of births anticipated in the ward would not fill empty school places. The sustainability of the community and how that relates to the continued existence of the school, positively or negatively, does not seem to have been explored at all on the way envisaged by the Commissioner.

Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives. For example, how will the closure of the school prevent problems that Wales faces - social, economic, cultural, environmental? Does this decision support breaking negative cycles such as poverty, poor health, environmental damage and loss of biodiversity? How could this decision minimise or remove its own negative impacts? What are the conflicts emerging between different aspects of well-being and sustainability and how have these been resolved?

The Council has relied entirely on the School Code, which is not primary legislation, to justify an obvious focus in education. There are mixed views in their conclusions, of course, with arguments also being made in favour of the benefits of smaller schools.

What it has not done is explain its arguments in the context of the wider point of a child's welfare being paramount, which has been contained in primary legislation for thirty years; nor has it considered it in the context of the wider FG goals which affect the sustainability of the children's existing community, which is also a community to other residents who could expect the council to take their needs into consideration also.

Integration - Considering how the public body's well-being objectives may impact upon each of the wellbeing goals, on their other objectives, or on the objectives of other public bodies. I've already touched in this above but, for example, there is no detail of the Council's consideration of how the decision to close down the school impacts on economic, social, environmental and cultural well-being of all involved – it cannot focus on one of these areas, at the expense of the others.

Has the decision connected different areas of public policy agendas to generate multiple benefits? How does the decision constitute a reasonable step to meet one or more of the Council's objectives? How does it impact both the Council's well-being objectives and the work of the Swansea public services board so far? There are very mixed messages on active travel and play, for example. On the latter, the Council's insistence on team sports is far from inclusive, whereas the benefits of the forest school experience, which speaks to a number of wellbeing goals was effectively dismissed, the alternative activities again falling short in the benefits of the experience for the child.

Collaboration - Acting in collaboration with any other person (or different parts of the Council itself) that could help the body to meet its well-being objectives. For example, have the public bodies thought about how it could work in collaboration with other organisations - including public, private and third sector organisations in making this decision? This particular line of questions refers back to the lack of detail set out regarding amalgamation or federation but also missed opportunities presented by Welsh Government eg: focused fund for schools with new IT requirements which could have allayed concerns about e-learning which could have facilitated amalgamation.

The integration principle is one of the five ways of working and, in line with it, public bodies should be considering not only their own well-being objectives, but also the local well-being assessments and the objectives of their local public services boards when making decisions. The Council, of course, has its own objectives under the Act. They include:
"Improving Education & Skills – so that every child and young person in Swansea gains the skills and qualifications they need to succeed in life."

"Early Years – To make sure children have the best start in life to be the best they can be". However, these are not stand alone objectives and the frameworks referred to above would have helped the Council Cabinet and officers evaluate the long-term implications of their actions and decisions and help support integration of consideration.

The Commissioner's office has confirmed that it is looking at concerns raised by myself and other respondents to the consultation. I would be grateful if you would consider this response in deciding whether the process of deciding to close Craig Cefn Parc school took into account all steps required – not just by the School Code but by legislation and other guidance.

Many thanks

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Ysgrifennydd Cabinet yr Wrthblaid dros Addysg a'r Iaith Gymraeg