

Dyddiad /Date:
Gofynnwch am/Please ask for:
Llinell uniongyrchol/Direct line:
Ebost/Email:

6 September 2019

Janet Finch-Saunders, AM
Chair of the Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA



Dear Ms Finch-Saunders,

Petition P-05-828 Presumption in Favour of Rural Schools

Many thanks for your inquiry regarding Presumption in Favour of Rural Schools and apologies for the time taken to respond. As you know, the WLGA does not hold information on this issue centrally but we have liaised with local authorities in Wales and sought their views. Consequently, you may take this as a joint response from the WLGA and ADEW.

The process of school reorganisation is regulated under the School Standards and Organisation (Wales) Act 2013 and Code. The process is underpinned by full public consultation and democratic decision making. Democratic processes are subject to challenge by elected members and a call-in if necessary. Furthermore, we now have 219 schools under the revised School Organisation Code subject to the 'presumption against the closure of rural schools'.

The process can be challenged by a judicial review. The current process has served us well over a significant length of time and has guided sound decision making. There is no need to add a further appeals' mechanism in my view. An appeals' process could be seen to be acting against local democracy if it is facilitated by a body external to the local authority.

1. the general principle of introducing an appeals process in relation to any proposal to close a school in Wales; There is no evidence to suggest that an appeals process is necessary. Community views are captured through consultation, they are represented by elected members and, furthermore, a proposal to close a school in Wales can be challenged by judicial review.

2. how current processes relating to school closure proposals have operated since the School Standards and Organisation (Wales) Act 2013; Processes have operated in accordance with the School Standards and Organisation (Wales) Act 2013, where local authorities

Dr Chris Llewelyn
Prif Weithredwr
Chief Executive

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Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

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have acted in non-accordance with the Code, they have been challenged through judicial review.

3. the sufficiency of opportunities for groups or individuals affected by a proposed closure, such as school governing bodies, to express their views or contribute to decisions during current processes; these are fully facilitated by the consultation process outlined in the School Standards and Organisation (Wales) Act 2013.

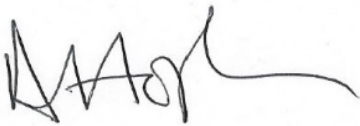
4. how any appeals process could or should operate; see response 1.

5. whether any appeals process would unduly fetter the principle of local decision making; Yes. WG has, fairly recently, consulted on its Organisation Code and included the notion of an external appeals' process. This was not pursued.

6. the advantages and disadvantages that could arise as a result of any appeals process. No advantages. Disadvantages would be to unnecessarily prolong an already lengthy process leading to increased anxiety and uncertainty for pupils, staff etc; to undermine local democracy; add significant bureaucracy and cost without justification.

I hope that these views will assist the Committee in its deliberations.

Yn gywir / Yours sincerely



**Pennaeth Addysg dros dro
Interim Head of Education**

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