

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
13 December 2022**

REPORT AUTHOR: County Councillor Pete Roberts
Cabinet Member for a Learning Powys

REPORT TITLE: Mount Street Infant School, Mount Street Junior School
and Cradoc CP School

REPORT FOR: Decision

1. Purpose

- 1.1 The aim of this paper to seek Cabinet approval to delay implementation of Phase 1 of the proposal to close Mount Street Infant School, Mount Street Junior School and Cradoc CP School from the 31st August 2023 to the 31st August 2024.

2. Background

- 2.1 On the 11th March 2022, Cabinet considered an Objection Report in respect of proposals to merge Mount Street Infants School, Mount Street Junior School and Cradoc C.P. School, and approved the following:

- To receive the Objection Report in respect of the proposals for Mount Street Infants School, Mount Street Junior School and Cradoc C.P. School.
- To approve the following proposals in respect of Mount Street Infants School, Mount Street Junior School and Cradoc C.P. School:

Phase 1

From 31 August 2023:

To discontinue the following three Schools which are maintained by Powys County Council:

- Mount Street C.P. Infants School, Rhosferig Road, Brecon, Powys, LD3 7NG (“Mount Street Infants School”)
- Mount Street C.P. Junior School, Brecon Powys, LD3 7LU (“Mount Street Junior School”)
- Cradoc Community Primary School, Cradoc, Brecon, Powys, LD3 9LR (“Cradoc C.P. School”)

From 1 September 2023:

To establish a new English-medium Community Primary School maintained by Powys County Council for boys and girls aged 4-11 years old (“the New School”), that will operate on the current sites of Mount Street Infants School, Mount Street Junior School and Cradoc C.P. School.

Phase 2

From 2025/2026:

The Council proposes to make a regulated alteration to transfer the New School to a new Building on the former Brecon High School site, Penlan, Brecon, Powys, LD3 9SR.

- open a new English-medium community school operating on the current sites of Mount Street Infants School, Mount Street Junior School and Cradoc C.P. School from the 1st September 2023;
- To transfer the New School to a new building on the former Brecon High School site, Penlan, Brecon from 2025/26

- 2.2 Following Cabinet approval of the proposal in March 2022, an application was made for a judicial review of the Council’s decision. However, this has not yet been considered by the Court, due to a backlog of cases.
- 2.3 Until the application for judicial review has been determined, it is not possible to proceed with some of the aspects required to implement the proposal in September 2023, such as appointing a Headteacher for the new school.
- 2.4 The delay in determining whether or not to allow this matter to proceed to a judicial review means that there is now insufficient time to appoint a headteacher and complete all other necessary processes in time to implement the proposal in September 2023.
- 2.5 It is therefore recommended that implementation of the proposal is delayed by a year to 31st August 2024, which will allow sufficient time for the necessary processes to be carried out.

3. Advice

- 3.1 The School Organisation Code (2018) states the following in respect of implementation of proposals:

‘Where a proposal has been determined by the local authority under section 53 of the 2013 Act the local authority itself may determine to delay, bring forward or abandon the proposal.’

- 3.2 It is therefore advised that the proposal to close Mount Street Infant School, Mount Street Junior School and Cradoc CP School is delayed by a period of 12 months to the 31st August 2024.
- 3.5 If agreed by Cabinet, stakeholders will be notified of this change in the implementation date in accordance with the requirements of the School Organisation Code.

4. Resource Implications

- 4.1 The amount of funding provided to schools is driven by the funding formula. Any change to the formula funding provided will impact on the Council's revenue budget. When the proposal to close Mount Street Infant School, Mount Street Junior School and Cradoc CP School was first considered, it was estimated that as part of Phase 1 the Council's revenue budget would benefit from a part-year saving of around £16,000 per annum in 2023-24. This saving had not been factored into budgets or formula calculations as yet. The full change to the new formula in 2024-25 means that no saving will be achieved in Phase 1 if the delay is agreed.
- 4.2 Savings will therefore only be achieved once Phase 2 of the proposal is implemented in 2025-26, this was estimated at £220,000. It is not anticipated that the delay to Phase 1 will impact on the implementation of Phase 2 but this will be monitored.
- 4.3 Changes in pupil numbers across all schools affected and the phasing in of a new funding formula will impact on these savings estimates which will be updated at each stage of the project.
- 4.4 The Head of Finance (Section 151 Officer) notes the report and that the delay foregoes the anticipated saving of £16,000 for 2023/24.
- 4.5 If agreed by Cabinet, Human Resources colleagues will work closely with the School Governors, management and staff to ensure that the appropriate employment processes are followed.

5. Legal implications

- 5.1 Legal: the recommendations can be accepted from a legal point of view
- 5.2 The Head of Legal Services and the Monitoring Officer has commented as follows: "I note the legal comment and have nothing to add to the report".

6. Data Protection

- 6.1 N/A

7. Comment from local member(s)

7.1 Cllr Liz Rijnenberg (Brecon East):

I am afraid it is not possible to comment on the 12-month delay in isolation because Phase 1 and 2 are inextricably linked:

1. I note the proposal to delay Phase 1 of the project for a further 12 months until 1st September 2024 due to the ongoing legal proceedings. The original date for commencement of Phase 1 was September 2022. The previous administration decided to go ahead with the current configuration for a new primary school in March 2022, with limited regard for the views of those who engaged in the consultation process. My view, remains that it would have been more efficient and effective to bring together the two Mount Street schools which are located within yards of each other to operate as a single entity and address the issues of Cradoc C P school, as a rural school, separately. There is little commonality in the issues identified across the three schools other than a varying need to upgrade buildings. Based on the current numbers Mount Street Infant & Junior Schools could have made a viable primary school with *275+ children (excluding ALN/pre-school), bringing opportunities for strengthening transition arrangements with Brecon High School. I have no idea how long matters will be delayed due to ongoing legal proceedings but suspect there is a risk that the work of the temporary governing body will prove difficult due to this uncertainty. The ideal backdrop for recruiting a head teacher and staff team for the new school would be to have certainty about both phases of the programme, which is not available at present. The purpose of Phase 1 was to prepare for Phase 2 which was also agreed by Cabinet in March 2022. Phase 2 could be impacted by funding challenges, timescales for building projects due to labour and materials shortages. Given the delay and the uncertainty of Phase 2 my personal view is that it would be better to find a way to re-consult and to concentrate on other elements of the wider Transformation programme between now and 2024. Many people questioned the proposed location for the Phase 2 build and want to see other options considered.
2. I have not seen the impact assessment relating to this timescale delay so do not know what risks have been identified and what processes will be set in place to support staff and learners through a prolonged period of change. Children and teachers have experienced significant disruption over the last 2-3 years due to the pandemic. Heads are facing a continual challenge to keep staffing levels adequate, staff motivated and teaching standards high. This is exacerbated by the current cost of living issues and added pressures to staff and families which inevitably has an impact on schools. The message to schools so far has been that there will be no/limited impact as everything will stay the same in Phase 1. This

seems unrealistic as impending change can have a greater impact and so it will be helpful to see how this will be addressed.

3. It is reassuring to see that a letter will be sent out on 5th December to advise staff, parents, and governors that this proposal is going to be considered by Cabinet. Should this proposal be agreed would it be possible to provide stakeholders with a programme timeline and communication plan, setting out the milestones that need to be achieved by September 2024.
4. Finally, this item has been sent to members to consider under 'confidential'. Whilst I am appreciative of the opportunity to give comments and observations this has not allowed me to consult with constituents and other stakeholders.

*NB THE PUPIL NUMBERS QUOTED IN A RECENT ANYTIME QUESTION PUBLISHED BY PCC GIVE THE FOLLOWING NUMBERS FOR 2021:

Mount Street Infant School 175
Mount Street Junior School 169
Cradoc C P School 109

This would make the count for Mount Street Schools 344 which I think includes the pre-school at MSI.

8. Impact Assessment

- 8.1 Impact assessments were considered by Cabinet at each stage of the process. These were updated at each stage to reflect the issues raised.

9. Recommendation

- To delay implementation of the proposal to close Mount Street Infant School, Mount Street Junior School and Cradoc CP School for 12 months to the 31st August 2024.

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