



## **RHONDDA CYNON TAF COUNCIL OVERVIEW AND SCRUTINY 2022-2027 COMMITTEE**

Minutes of the virtual meeting of the Overview and Scrutiny 2022-2027 Committee held on Thursday, 11 January 2024 at 10.30 am

This meeting was live streamed, details of which can be accessed [here](#)

### **County Borough Councillors – The following Overview and Scrutiny 2022-2027 Committee Councillors were present online**

Councillor J Edwards (Chair)

Councillor B Stephens	Councillor M Ashford
Councillor R Bevan	Councillor J Bonetto
Councillor R Davis	Councillor Sheryl Evans
Councillor C Middle	Councillor K Morgan
Councillor S Morgans	Councillor G L Warren
Councillor S Emanuel	

#### **Officers in attendance:-**

Ms G Davies, Director of Education and Inclusion Services  
Mr C Hanagan, Service Director Democratic Services and Communications  
Mr A Wilkins, Director Legal Services  
Ms L Howell, 21st Century School Organisation and Business Manager  
Ms A Richards, Service Director for 21st Century Schools and Transformation  
Ms J Nicholls, Democratic Services Officer

#### **County Borough Councillors in attendance:-**

Councillor R Lewis (Cabinet Member Education, Youth Participation and Welsh Language)  
Councillor A Rogers  
Councillor S Trask  
Councillor D Grehan

#### **Apologies for absence**

Councillor Sera Evans    Councillor M Powell

#### **46    Apologies for Absence**

An apology for absence was received from County Borough Councillor Sera Evans.

#### **47    Declarations of Interest**

In accordance with the Council's Code of Conduct, the following declarations of interests were made pertaining to the agenda:

County Borough Councillor K Morgan – Personal interest- "I will contribute to the

discussion but note vote on the item as I have spoken on the matter previously”

County Borough Councillor A Rogers- Personal interest- “I am a Governor of Rhigos and Hirwaun Primary Schools”

**48 Call In of the Cabinet Decision of the Proposal to Close Rhigos Primary School with Pupils transferring to Hirwaun Primary School**

The Service Director Democratic Services & Communications presented the report which outlined the procedure for the meeting, as set out in rule 17 of the Overview & Scrutiny Committee Procedure Rules. The Service Director advised that a call-in request was received from County Borough Councillors S Trask, A Rogers and D Grehan within the prescribed timescales, on 21<sup>st</sup> December 2023, which complied with the relevant criteria and considered valid by the proper officer.

The call-in requested that the decision of Cabinet in respect of the proposal to close Rhigos Primary School with pupils transferring to Hirwaun Primary School, taken at its meeting held on the 18<sup>th</sup> December 2023, be considered by the Overview & Scrutiny Committee.

The Service Director outlined the procedures for the meeting with the three signatories, who signed the call-in form, to address Committee first, setting out their reasons for requesting the call-in and why they consider the decision should be referred back to the decision maker for reconsideration. Secondly, the registered public speakers will have the opportunity to address Members before the Director of Education & Inclusion Services and Cabinet Member address the comments made by the speakers. Members of the Overview & Scrutiny Committee will have the opportunity to consider the valid reasons set out in the report together with all contributions before voting on whether they consider whether the matter should be referred back to Cabinet.

It was confirmed that the nominated signatory, Councillor D Grehan, would make the final address before a roll call vote is taken on whether or not to refer the matter back to the relevant decision maker for reconsideration. It will be for the Director of Legal and Democratic Services to clarify and summarise the Committee’s decision.

**Councillor S Trask**

Councillor Trask considered the decision contained within the report as out of date and incomplete. In his role as a family court Magistrate, Councillor Trask stated that he is often called upon to make decisions for other people’s children with all information available to him which he considered should be the case for the Local Authority. He commented that several matters have developed since the original report on the impact on the school closure such as the LEA response which indicates that transportation is only provided at the beginning and end of the school day. With a thriving breakfast club and one of the highest pupil attendances in the area, Councillor Trask feared that with unreliable public transport and limited options, especially in emergencies, the rising cost of public transport (citing the cost of a return ticket from Rhigos to Hirwaun as £5.20 return) may be a barrier to families accessing the breakfast club and other

before and after school programmes, impacting the educational experience and social development of many young children. He raised concerns regarding the charge for the additional childcare services also raises concerns for the equity and support for vulnerable families which is contrary to the strategic priority of the Director of Education & Inclusion Services.

Councillor Trask commented that also contrary to the initial report is that Rhigos Primary School is a safe and well-maintained building which has received significant investment with many unanswered questions about future costs.

Councillor Trask raised concern regarding the home to school transport proposals as he considered the Council's aim to encourage active travel conflicts with the proposal to close Rhigos Primary. He cited the reliance on the use of home to school transport, private cars or poor public transport as having a negative impact on efforts to reduce its carbon footprint. The proposal contradicts the Council's tackling climate change strategy and the Welsh Government's plan for a low carbon Wales with many additional cars on the roads at the beginning and end of the school day which could potentially impact on the community of Rhigos.

In conclusion, Councillor Trask commented that the closure of Rhigos Primary School raises significant challenges for the community, the wellbeing of the children, the impact on active travel and the environmental issues.

### **Councillor A Rogers**

Councillor Rogers considered that referring the matter back would enable Cabinet to reconsider everyone's views for the benefit of the children and residents of Rhigos.

Councillor Rogers referred to the United Nations Convention on the Rights of the Child which has been adopted by both the Council and Welsh Government and he felt that the three core aims would not be adhered to should the proposal progress. Councillor Rogers referred specifically to article 13.1 and 13.2 (freedom of expression) and he commented that the School Council's request to address Cabinet on the 18<sup>th</sup> December was declined by the Chair preventing the children, who were eager to participate, from making their views heard.

With regard to Article 31.2 (Leisure, play and culture), Councillor Rogers mentioned the large outdoor space at Rhigos School and the extra-curricular sports such as netball and football that currently take place at the school which he feared would not be possible if they were transferred to Hirwaun Primary. With one bus available from Hirwaun School at the start and end of the school day Councillor Rogers felt this arrangement may prevent pupils from participating in any extra-curricular activities.

Article 27.1 (adequate standard of living)- Councillor Rogers stated that the child poverty rate has risen in Wales and without the opportunity to take part in the free breakfast club currently available in Rhigos Primary, (where almost 50% of all pupils use the breakfast club) pupils may lose the opportunity to receive a free healthy breakfast each day and socialise with their peers. He added that the LEA commented that depending on the home to school transport arrangements, pupils may have the opportunity to participate in the breakfast club and there were no solutions offered by Cabinet.

Councillor Rogers referred to both the Minister for Education & Welsh Language and the Children's Commissioner for Wales who have both expressed the importance of the voice of the child being central to the decision-making and value the involvement of the pupils in the very policies that affect them. He added that throughout the consultation process many queries have remained unanswered such as the uncertainty around childcare and play schemes in Hirwaun as the private childcare provider in Hirwaun is now full until September 2024 and is likely to be the case beyond that period. He added that many other queries remain unanswered such as the remaining cost of the work at Rhigos Primary School and costings for the Home to School Transport between Hirwaun and Rhigos primary School.

Councillor Rogers likened the unanswered questions surrounding the proposals to that of the proposed closure of Caegarw Primary School in 2013 (which remained open) when many questions on the practical implementation remained unanswered. He referred to the overwhelming majority of responses (94.5%) against the proposals to close Rhigos Primary School cannot be ignored.

Councillor Rogers concluded his representation by addressing the alternative to the proposals to close Rhigos Primary, maintaining the status quo with solar panels and equipment for a new outdoor area for the children already in place, there would be no requirement for WG or RCT investment regarding home to school transport and there would be no disruption to the parents, carers, pupils and staff, with the projected pupil numbers may increase. Investment for Rhigos Primary School, with match funding from local businesses or grants as the school has been described as an energy efficient school with an up to date property condition survey.

### **Councillor D Grehan**

- Councillor Grehan referred to points 1 and 6 of the reasons for the call-in, namely the *negative impact of the proposal for pupils and the wider community of Rhigos especially in line with the requirements of the Wellbeing of Future Generations (Wales) Act 2015 which requires RCTCBC to think about the long-term impact of decisions on communities to prevent consistent issues such as poverty, health inequalities and climate change and point 6 which refers to the potential impact of the decision both positive and negative.*

Councillor Grehan added that the decision should be referred back to Cabinet as in his opinion, these points were not fully considered. Even though training on the Wellbeing of Future Generations (Wales) Act 2015 was delivered to all Members recently, the correct attention was not given to this matter and more consideration should have been given to the negative effects of the proposal as it will affect future generations. He commented that the Commissioner has stated that entry to high standards of local education with low carbon omissions is very important and it will continue to impact on the wellbeing of people living in Wales. The wellbeing targets, a successful Wales, a more healthy Wales and a Wales of more co-ordinated communities.. There will be a negative effect across the four Wellbeing targets for the pupils of Rhigos.

Councillor Grehan commented that the Commissioner helpfully poses the following questions:

One - have the decisions have been taken exclusively by the LEA or in

conjunction with the local residents and will the proposals benefit the community, are these ideas of the people in power or the residents in the community.

Two -How will these propositions affect inclusivity? The pupils of Rhigos will find it difficult to socialise in Hirwaun due to the distance and transport issues. He added that Rhigos Primary has been described by Estyn as the heart of the community and this aspect will be lost should the proposal go ahead. Is the decision encouraging more use of vehicles as parents have to collect and drop off pupils and the public record will show that there was no consideration of these matters in the meetings when these points were raised.

Councillor D Grehan referred to the responses to the consultation from the community regarding the long term effects, which were raised by pupils, teachers and the community, the very people that these proposals affect. He stated that Rhigos is a small rural school which benefits from a grant, which was applied for by this council. He added that the decision making process failed to take into account the negative effects of closing a small rural school which provide many social and academic aspects, vital in engaging pupils and parents from the most deprived areas in rural communities. Councillor Grehan stressed that removing a school from a village goes against all the policies which encourage more healthy and inclusive communities including the Council's obligations under the Wellbeing of Future Generations (Wales) Act 2015. Councillor Grehan concluded that the decision should be referred back to Cabinet for these reasons to be considered.

Following conclusion of the presentations by the three signatories to the call-in, there followed an address from the public speakers, Mr J Morris and Ms S Oliver who were both provided five minutes in which to address Committee.

The Chair thanked them all for their valuable contributions and invited the Service Director, Democratic Services to clarify the purpose of the meeting which is to consider the specific seven reasons contained within the call-in and for Members to determine whether or not to refer the matter back to Cabinet for its deliberation.

The Director of Education & Inclusion Services, as the report author, acknowledged that this is an emotive issue and she addressed the points raised in the call-in.

The Director highlighted that a full socio economic and equality assessment have been carried out as part of the consultation process and this, as a live document, will continue to be added to throughout the process. In addition, and a community impact assessment has also been included and written in accordance with the School Organisation Code for 2018. The Director added that information in relation to the alignment with the proposal against the aims of the Future Generations Act 2015 was included in both Cabinet reports (and still available to view on the Council's website).

The Director confirmed that all the responses received from stakeholders including the presentations delivered by the children of Rhigos have been viewed by the Cabinet and all the information has been made available to the Cabinet Members. She added that children and young people have been actively involved in the consultation process and the council has met with its obligations in terms of the School Organisation Code and children have presented their views. The children of Rhigos had an opportunity to impart their

views about their school of which they are passionate about. The School Councils of Hirwaun and Rhigos were also consulted. The Director confirmed that the power point presentation delivered in the school was included and summarised in the consultation report for Cabinet's consideration.

The Director highlighted some concerns that have been raised in respect of the aims of the proposal are contrary to the aims of another proposal being consulted upon by the Council i.e. The Home to School Transport and Breakfast Clubs (2.8 miles away from Hirwaun and Rhigos Primary school with no direct impact on eligibility of children accessing home to school transport and the latter having been addressed in Scrutiny and Cabinet).

The decision to proceed in the absence of incomplete data has been raised as a concern, the Director advised that valid data has been provided to Cabinet Members in accordance to Welsh Government's requirements which have been outlined in the School Organisation Code. The Director added that the condition survey information is less than 5 years old and between £170-180K has been invested in the school to make it warm, safe and watertight. She added that the Estyn Inspection information was also less than five years old and the most recent undertaken, the pupil number data is based on class data as well as actual numbers attending both schools. The Director commented that pupil projections is based on the approved method of calculating data based on using live birth data for nursery placements as well as cohort survival method from reception to year six which is a good and reliable source of predicting future numbers within the school.

With regards to alternative options put forward by consultees to address the surplus places in the schools, the Director advised that careful consideration has been given to all possible options which are referenced in the documentation provided to Cabinet. The recommendation made by officers remains valid with no amendments and the Director added that the recommendation that the proposal progresses to the next phase remains in place.

In terms of a more comprehensive understanding of the potential impact, both positive and negative has been covered in all the risk assessments and have been included in the consultation documents and all the documents written in full compliance with the school organisation code. The Director alluded to the feedback from the Education & Inclusion Scrutiny Committee held on the 14<sup>th</sup> December and a concern raised that it was not included in the Cabinet report which was considered at its meeting held on the 18<sup>th</sup> December. She confirmed that the feedback was received prior to the Cabinet meeting, and Cabinet Members sought further clarification to the feedback at its meeting (which was minuted and is on public record and available to view on the Council website).

In conclusion, the Director reiterated that Rhigos primary is the smallest school in RCT with diminishing pupil numbers over the next 5 years, with pupil numbers at 49 (from 51 as previously recorded since the commencement of the consultation period). She added that the reduction in pupil numbers would impact on the future viability of the school and on the Childrens' education in the future due to the financial challenges.

The Cabinet Member for Education, Youth Participation and Welsh Language addressed Committee and commented that the passion in the Rhigos area for their young people, is a shared passion as everyone wants the best outcomes for the young people of RCT. He felt confident that the Director of Education has

responded fully to the seven areas outlined in the call-in. The Cabinet Member reminded Committee that the LA is under direction from Welsh Government to review surplus spaces in schools across the region and he added that not to do so would be a dereliction of its role as an authority. He commented that the proposals before Cabinet had been fully scrutinised at every stage and they have challenged the data and rationale as provided by officers. The Cabinet Member felt confident that the data and rationale are robust and accurate and the consultation has been fair and accurate.

The Cabinet Member described his role as one that holds Senior Officers to account and he is confident that this has been undertaken, likewise that Scrutiny has had the opportunity to review the proposals and provided their input to Cabinet.

The Cabinet Member concluded that the decision to close Rhigos Primary School is not an easy one, he felt that an easier decision would be not to take action at all but failure to take action when the pupil numbers are dropping would have a detrimental impact on the school and its ability to deliver the curriculum for Wales, especially considering the correlation between pupil numbers and funding. He added that Hirwaun school is a brand new 21<sup>st</sup> Century School with the very best facilities and which complies with the 2010 Equality Act. The Cabinet Member commented that, as previously mentioned, the Estyn response to the proposal should provide some reassurance.

The Chair acknowledged the emotive issue of the call-in before Members and asked the Director to respond further to the Estyn report and sought clarification on the process for advising Cabinet around Scrutiny's deliberation.

The Director responded that Estyn has to consider the requirements of the School Organisation Code and she acknowledged that the response from Estyn was a positive one and they did not find that the proposal (which included all the evidence) would have an adverse impact on the quality of the children's education. The Estyn Inspection reports confirmed that both schools are accessing core support not enhanced support from the School Improvement Services.

The Service Director Democratic Services & Communication provided advice regarding that the comments of the Education & Inclusion Services Scrutiny Committee which had been circulated to Cabinet on Friday, 15<sup>th</sup> December (having been approved by the Chair of the Committee) in advance of its consideration of the proposals at its meeting on the 18<sup>th</sup> December, which satisfies the robust mechanism in place regarding Scrutiny's feedback to inform Cabinet's deliberations. In terms of public scrutiny, the public had the opportunity to access the recording which was live directly following the conclusion of the proceedings of the scrutiny committee and there were a number of references to the scrutiny feedback by Cabinet on the 18<sup>th</sup> December.

**49 URGENT BUSINESS**

**50 CHAIRS REVIEW AND CLOSE**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

**This meeting closed at 11.55 am**

**Councillor J Edwards  
Chair.**

