



Eich cyf/Your ref P-05-828
Ein cyf/Our ref KW/01859/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
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6 August 2018

Dear David

Thank you for your letter of 25 July seeking my views on Cymdeithas Rhieni ac Athraawon Ysgol Gymunedol Bodfford's petition calling on the Welsh Government to ensure that local authorities follow the guidance in the School Organisation Code including the presumption against the closure of rural schools.

I gave a commitment to consult on strengthening the School Organisation Code in respect of a presumption against the closure of rural schools and take a number of other actions to support rural schools in an Oral Statement in Plenary on 15 November 2016.

I would briefly like to explain the procedures which have to be undertaken before the presumption against the closure of rural schools can come into force. The Code has applied to all school organisation proposals since 1 October 2013 and a review was being considered. Following three years of operation a draft Code was prepared reflecting on feedback received over that period. A number of changes were proposed including the introduction of procedures for a presumption against the closure of rural schools. The draft Code was published and the consultation period ran from 30 June 2017 to 30 September 2017.

The summary of consultation responses with the list of schools designated as rural for the purposes of the presumption against the closure of rural schools was published earlier this month. The Code has been revised to reflect consultation responses.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Code must be laid before the National Assembly for Wales for 40 days prior to coming into force, unless the Assembly determines not to approve it. I expect the Code to be laid in September, in the week that Assembly Members return after the summer recess and unless the Assembly determines not to approve it, for it to come into force before the end of the year.

Any amendments to the first edition of the Code, including the presumption against the closure of rural schools, will not take effect until the second version of the Code comes into force. It is also important to note that the Code is not retrospective.

As noted in the petition, a presumption against the closure of rural schools does not mean that rural schools will not close. However, it does mean that the case for closure must be strong and not taken until all viable alternatives to closure have been conscientiously considered, including federation.

I am aware that from 20 February to 3 April the Isle of Anglesey Council conducted consultation on a proposal to close Ysgol Bodffordd and Ysgol Corn Hir and establish a new school. On 30 April the Executive of the Isle of Anglesey Council decided to proceed with the proposal and to publish a statutory notice. The Code requires that unless proposers have applied for and been granted a time extension by the Welsh Ministers, proposals must be published (by means of a statutory notice) within 26 weeks of the end of the period allowed for consultation responses, otherwise the proposals will lapse and a new consultation document must be issued to revive them. The proposal in this instance must be published by 2 October.

The statutory notice must set out the details of the proposal and invite anyone who wishes to do so to object in writing within a period of 28 days. Any matters raised as objections in the objection period of the statutory notice must be addressed in an objection report which will be considered prior to a final decision on the proposal.

Under the School Standards and Organisation (Wales) Act 2013 most proposals which receive objections will be decided by the local authority. However, a proposal approved or rejected by a local authority can be referred to the Welsh Ministers for consideration if certain limited parties decide to take this step within 28 days of the date of the local authority's determination.

Given the potential role of the Welsh Ministers in the statutory process, I am unable to comment on the merits or otherwise of proposals which I may later be required to determine.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education