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County Hall  
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CH7 6ND

Our Ref: qA1164349

August 2016

Dear Mr Budd

**SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013 - PROPOSAL TO MAKE REGULATED ALTERATIONS TO JOHN SUMMERS HIGH SCHOOL, QUEENSFERRY, FLINTSHIRE**

1. Kirsty Williams AM, the Cabinet Secretary for Education, one of the Welsh Ministers, has considered Flintshire County Council's ("the local authority") proposal to end sixth form provision at John Summers High School from 31 August 2016 and end the 11-16 provision from 31 August 2017.
2. Proposals that include changes to sixth form provision at maintained schools require the approval of the Welsh Ministers under section 50 of the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act"). Proposals that are related to those that include changes to the sixth form provision require the approval of Welsh Ministers under section 52 of the 2013 Act. The Welsh Ministers consider that the proposal to end the 11-16 provision at John Summers High School is related to the proposal to end sixth form provision and as such requires approval of Welsh Ministers.
3. The Welsh Ministers exercise their school reorganisation functions in accordance with the 2013 Act and the School Organisation Code ("the Code") made under it. Where proposals require their consideration, the Welsh Ministers must decide to approve the proposals, reject the proposals, or approve with modifications.
4. I am directed by the Cabinet Secretary to say that she has considered the consultation document, the consultation report, the statutory objections, the objection report and additional information provided by the local authority for the purposes of consideration of the relevant factors set out in the Code.
5. In exercise of her powers under section 50 of the 2013 Act the Cabinet Secretary has decided to approve the proposal to remove the sixth form provision from 31 August 2016 and to approve the proposal to remove the 11-16 provision from 31 August 2017.
6. Paragraphs 1.3 to 1.14 of the Code set out the factors which should be taken into account by the Welsh Ministers when exercising their functions of determining school



organisation proposals. The relevant factors are set out below and are followed by an analysis of how far the Cabinet Secretary believes the factors have been “satisfied”.

## **PROPOSAL TO END SIXTH FORM PROVISION FROM 31 AUGUST 2016**

### **Objections to the proposal**

7. The Cabinet Secretary notes that although there were many statutory objections during the objection period, none of these were objecting to the removal of the sixth form provision.

## **QUALITY AND STANDARDS IN EDUCATION**

### **Outcomes (Standards and Wellbeing)**

8. The Cabinet Secretary believes that it is reasonable to assume that the greater range of courses offered at the post-16 hub at Coleg Cambria, and the larger, viable and more stimulating classes, will be beneficial to post-16 learners and would support good outcomes at Key Stage 5. The Cabinet Secretary sees no evidence to suggest, having taken account of the most recent Estyn annual review of performance, and comments from Estyn, that the quality and standard of education at Coleg Cambria will not be maintained and carried over to their newly built post-16 hub. The Cabinet Secretary has noted that monitoring evidence from Estyn indicates that outcomes are very good at Coleg Cambria whereas outcomes at the consortium of secondary schools have been below local and national averages.
9. Although outcomes are likely to be maintained or improved at Coleg Cambria, the Cabinet Secretary acknowledges that there could be challenges for the 11-16 provision at John Summers High School if the sixth form is removed as the school would have significantly fewer than 600 pupils on roll. In accordance with a previous Audit Commission report, secondary schools with fewer than 600 pupils on roll are small schools. Small schools may, although this is not necessarily the case, experience problems in fully delivering the curriculum and delivering value for money. The Minister has noted that even with the 11-18 provision at John Summers High School the number on roll in January 2015 was 363.
10. The Cabinet Secretary is of the view that as the school would no longer have to support the sixth form, should the 11-16 provision remain, it would be able to focus resources for further improving standards at Key Stages 3 and 4. However, the Cabinet Secretary has also noted that the National Categorisation System has placed John Summers in the Red Support category which represents a school in need of improvement which needs help to identify the steps to improve or to make change happen more quickly. The Cabinet Secretary therefore tends to agree that the proposal is likely to improve the standards of provision for post-16 pupils in the locality, although there is some concern about maintaining standards for pupils of compulsory school age at the school once the sixth form is closed due to the challenges highlighted above
11. The Cabinet Secretary notes that only one member of staff in the consortium of secondary schools is dedicated solely to post-16 provision, with the remainder of staff delivering post-16 provision also providing for the 11-16 group. She considers that there is a potential risk that ending post-16 provision means that some teachers will opt to seek posts elsewhere in order to continue to deliver post-16 courses. The risk

of staff losses is compounded by uncertainty over the long term future of the school. This is common in situations where school organisation change is taking place, but is short term and will affect the school currently and in the 2016/17 academic year.

12. Although the Cabinet Secretary has no definitive reason to believe that outcomes will suffer if only the sixth form were removed, and if the school were given support to continue to deliver for younger pupils, the Cabinet Secretary accepts there would continue to be challenges as the school would likely be a small school with fewer than 350 pupils on roll which may result in the school experiencing difficulties in fully delivering the curriculum and providing value for money.
13. The Cabinet Secretary has noted that there are transitional arrangements in place from September 2016 for those learners who have started AS/A2 courses and will have completed year 12 by the summer of 2016. They will be expected to move to other post-16 provision, with the majority likely to transfer to Coleg Cambria to complete Year 13 of their courses in the 2016-17 academic year. The Cabinet Secretary acknowledges that for learners transferring to Coleg Cambria efforts are being made, through a service level agreement with Coleg Cambria to ensure that these students will be taught by the same teacher to minimise any disruption arising from moving establishments. The Cabinet Secretary takes the view that these transitional arrangements are sufficient to minimise disruption for these pupils as they are likely to already be travelling to meet others undertaking similar courses under the consortium arrangements. However she notes that there may be some disruption for pupils who choose not to transfer to Coleg Cambria.
14. For 11-16 pupils, with the proposal to close the school to be approved, the Cabinet Secretary considers that it is likely to have a detrimental effect on pupils during the 2016/17 academic year as staff would be more likely to be lost during the last year of operation. The Cabinet Secretary has noted the local authority's assurance that it will take all practicable steps to minimise the disruption to all pupils through careful transition planning.

## **Provision**

15. It appears highly likely to the Cabinet Secretary that an increased number of viable post-16 options will be available at Coleg Cambria as a result of the proposal which would tend to provide better learning experiences.
16. The Cabinet Secretary notes that there has been no opposition to the proposal to end sixth form provision and she tends to agree that overall, opportunities for post-16 students will likely increase as a result of the proposal
17. This is largely because the Cabinet Secretary believes that students will have access to a wider range of courses, including vocational options in one location at Coleg Cambria.
18. The Cabinet Secretary is aware that the condition of the newly built post-16 hub at Coleg Cambria will be an improvement over John Summers High School's current buildings and will also modern facilities for students to enjoy. Therefore, the Cabinet Secretary concludes that the quality of accommodation available to the post-16 pupils is likely to be improved as a result of the proposal.

19. The Cabinet Secretary notes that those wishing to access post-16 provision in Year 12 will be able to exercise their preference by applying to Coleg Cambria or other further education providers for September 2016 and onwards.
20. The Cabinet Secretary is satisfied that co-ordinated pastoral arrangements referred to at the hub can be expected to provide support to all students.

### **Leadership and management**

21. In terms of resource management, the Cabinet Secretary believes that the proposal to remove post-16 provision could have a some positive effects on John Summers High School for the 2016/17 academic year as its budget would no longer need to subsidise sixth form courses, or from 2016, support the transport of pupils to other locations within the consortium in order to benefit from a range of courses.
22. The Cabinet Secretary notes that in financial and administrative terms the proposal would be likely to have some positive effects on John Summers High School for the 2016/17 academic year.
23. The Cabinet Secretary notes that the school has had healthy finances in recent years and that the proposal should not negatively impact on this position. The Cabinet Secretary believes that the proposal appears more likely than not to put John Summers High School on a firmer financial footing. The Cabinet Secretary is disappointed that the latest grading of the school has worsened going from an amber rating to a red. However, she is also aware that as a red category school it will now receive an increased tailored package of support to aid improvement.

### **Need for places and the impact on accessibility of schools**

24. The Cabinet Secretary is aware that over the last few years, pupil numbers at John Summers High School have been declining, with surplus capacity increasing from 20.18% in 2009 to 35.75% in 2015. She recognises that projections for pupil numbers indicate that the numbers will begin to increase within the next few years, but not until 2020. Whilst the Cabinet Secretary notes that removing the sixth form from John Summers High School will increase surplus capacity at the school, she accepts that the local authority has no plans to utilise the surplus accommodation due to the proposal to close the school.
25. The local authority has identified housing developments that will be likely to produce further pupils and increase the number on roll and therefore the sustainability of the school. However, the housing development has been delayed and timescales are currently unclear, meaning it could be several years until it comes to fruition.
26. The Cabinet Secretary understands that the local authority proposes that future sixth form pupils who would otherwise have attended John Summers High School will be able to attend Coleg Cambria's new post-16 hub at the Deeside site, which is expected to have improved facilities and accessibility, including the potential for Welsh medium options should there be sufficient demand. The Cabinet Secretary recognises that there has been an investment of over £14.6m to build the new post-16 facilities at Coleg Cambria to provide post-16 education for 700 pupils. The Cabinet Secretary is satisfied that the new post-16 hub would be able to accommodate any displaced pupils from the sixth form of John Summers High School. The Cabinet Secretary is also

satisfied that there is also likely to be sufficient space for pupils from other local schools in the locality as well, should they choose to attend the new post-16 hub. As the post-16 hub at Coleg Cambria is a new build with modern facilities, the Cabinet Secretary is satisfied that the plans for the quality of accommodation will be at least equivalent to that provided at John Summers High School and in all likelihood considerably better and more fit for purpose for 21<sup>st</sup> Century education.

27. The Cabinet Secretary believes there is no reason to be concerned about the lack of other Flintshire schools with post-16 capacity as the new hub will provide places for approximately 700 post-16 pupils from September 2016 onwards. The linguistic character will be broadly similar to John Summers High School in that they will be primarily be English medium and provide Welsh courses if there is sufficient demand.
28. Due to the relative proximity of John Summers High School to Coleg Cambria's new post-16 hub, it appears unlikely to the Cabinet Secretary that any pupil will need to travel for more than an hour to school. Although some pupils may experience increased travel distances, the local authority has assured the Cabinet Secretary that no sixth form pupil would have to undertake a journey that would take longer than an hour.

### **Resourcing of education, and other financial implications**

29. The Cabinet Secretary recognises that sixth form funding will be redistributed to alternative schools selected by pupils so there will not be any savings as a result of the proposal. She also recognises that there will be no capital receipts from land or building sales as a result of this proposal. The Cabinet Secretary understands that John Summers High School has had a relatively healthy budget for the last few years. Whilst the local authority has not directly linked the maintenance of the sixth form to the budget position, it appears to the Cabinet Secretary that the maintenance of a sixth form adds complexity to the management of the school budget. Whilst the proposal will not lead to a more equitable distribution of funding between schools, it will ensure that the school will be able to focus its resources on supporting learning for 11-16 year olds, thus funding between age groups will be more equitable.
30. The Cabinet Secretary considers that the proposal will contribute to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate, as the proposal will remove what the local authority considers to be an unviable sixth form and will improve the facilities available for those pupils. The Cabinet Secretary understands that the local authority has received £7.3m in funding from the Welsh Government under the 21st Century Schools for Education Programme for the new post-16 hub.
31. The local authority states that all learners who meet the criteria within their Transport Policy will be entitled to free transport to the post-16 hub. The Cabinet Secretary notes that this may result in some learners having different transport arrangements and she does not expect that this will inhibit uptake of post-16 places, particularly as journeys will be likely to be well below the guidance in the Learner Travel (Wales) Measure 2008.

## **OTHER GENERAL FACTORS**

### **Equality impact assessment**

32. The Cabinet Secretary is satisfied that the local authority has carried out an equality impact assessment. She notes that the equality impact assessment identified various positive impacts such as, enhanced higher education and employment opportunities due to the availability of more learning pathways, less time travelling to access subject choices and more compliant buildings for disabled pupils due to the new hub being a modern build. Although the assessment also identified a negative impact as the proposal would result in increased travel distances for some post-16 pupils, the Cabinet Secretary is satisfied that journey times are not likely to be excessive. The Cabinet Secretary notes that the local authority has given an assurance that identification of vulnerable groups such as pupils with ALN, gypsy/traveller pupils and looked after children will be prioritised which will enable continuation of support given to individual learners through the Inclusion Service. The Cabinet Secretary is satisfied that the proposal would not be prejudiced to any protected groups, as the local authority has taken steps to mitigate its effect on gypsy traveller children.

### **Community impact**

33. The Cabinet Secretary agrees with the conclusion drawn in the local authority's impact assessment which identified that the proposals to reorganise post-16 provision in this area of Flintshire would have a neutral to positive effect as community facilities as services currently provided at the school would remain in place along with facilities at the local primary school which is being retained and the leisure centre opposite the school. These would be improved upon with the addition of Coleg Cambria. However she has acknowledged that this would be partly dependent on the school buildings being retained and remaining accessible to these facilities.

34. The Cabinet Secretary tends to largely agree with the local authority that the extra choice, availability and appropriateness of courses at post-16 are likely to improve choice for the wider community. Students choosing the hub or other sixth forms in future would benefit from only needing to attend one location rather than travel between potentially several sites and would have improved facilities. The Cabinet Secretary is satisfied that the proposal is not likely to have negative impact that would be exclusive to any specific community groups.

35. The Cabinet Secretary understands that no land is likely to be disposed of as a result of this proposal.

### **Specific factors to be taken into account for proposals to add or remove sixth forms whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;**

36. The Cabinet Secretary finds reasonable the local authority's assertion that the proposal will lead to an improvement in the educational or training achievements of persons over compulsory school age as larger post-16 institutions provide more opportunities for participation in extracurricular activities, and attainment at Coleg Cambria is good at this level. The Cabinet Secretary tends to agree that there will be benefits in terms of greater subject choice for students and as provision will be

centralised at the post-16 hub, there is unlikely to be a need to travel during the school day which is inconvenient for learners, and reduces time for study or other curriculum enhancing experiences.

**Whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A Level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;**

37. The Cabinet Secretary notes that John Summers High School is unlikely to sustain both the variety and quality of post-16 courses needed to satisfy the Learning and Skills (Wales) Measure 2009 with the declining and low pupil roll. The Cabinet Secretary is also aware that St. David's High School and Connah's Quay High School, both schools within the local consortium arrangements, have recently had proposals to remove their sixth forms approved, therefore further limiting the consortium's ability to meet the requirements of the Measure. The Cabinet Secretary is satisfied that Coleg Cambria is a popular college and will provide the variety and quality of courses required to satisfy the Learning and Skills (Wales) Measure 2009.

**Whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;**

38. The Cabinet Secretary tends to agree with the local authority's belief that participation in learning by pupils beyond compulsory school age will increase as a result of the proposal as there will be more opportunities and choices available. She has no reason to disagree with the local authority's assertion that increasing the number of courses is likely to increase participation. The Cabinet Secretary understands that the level of local interest is high as the new build sixth form hub has been promoted for some time. The new facilities could increase interest and uptake. Although some pupils may have to travel further for post-16 education, the Cabinet Secretary is satisfied that pupils are unlikely to have to travel during the school day to access their choices, as extended provision will be available at Coleg Cambria. The Cabinet Secretary feels that this may increase participation as it will reduce the inconvenience of travelling during the school day. The Cabinet Secretary understands that some sixth forms, such as Hawarden will be retained and there will therefore be an element of choice between school and sixth form settings.

**The extent to which proposals contribute to the 14-19 agenda taking account of the views of local 14-19 networks and learning partnerships;**

39. The Cabinet Secretary notes that the local authority believes that the proposal will raise attainment and create more opportunities for engagement in extracurricular activities. The Cabinet Secretary notes that the local authority created a Post-16 Programme Board which, through a series of workshops, developed the strategic blueprint for post-16 transformation. The Cabinet Secretary notes that the local authority believes this will contribute to the 14-19 agenda by improving the experience at post-16 and better preparing pupils for life. The Cabinet Secretary tends to agree with the local authority that the proposal is likely to improve the post-16 experience as the overall provision at Coleg Cambria is judged as being in the top quartile of colleges

in Wales and is unlikely to worsen as a result of the proposal, with additional funding and improved facilities being provided.

### **The effect of proposals on 11-16 provision in schools;**

40. The local authority considers that the proposal could have a neutral to positive effect on 11-16 provision in John Summers High School. Should the school remain open as an 11-16 secondary school, the Cabinet Secretary recognises that there are still risks to the school related to losing teachers that may want to continue to teach post-16 provision or are not willing to teach 11-16 only for a single year. There are a number of schools that teach 11-16 in the area and these are unlikely to be significantly affected by the proposal.
41. Whilst the Cabinet Secretary believe that there is an additional risk that in future pupils may opt for an alternative all-through secondary school where they can receive a continuous education from age 11-18 instead of Coleg Cambria, she recognises that the schools that provide post-16 provision in the nearby areas are already well populated, some being over subscribed and in all likelihood would be unable to accommodate them. The Cabinet Secretary recognises that there has not been any objection to the loss of the sixth form provision and no opposition from those with an interest in John Summers High School.

### **How proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;**

42. The Cabinet Secretary has not found reason to disagree with the local authority's view that existing partnerships between existing post-16 providers will be maintained as a result of the proposal and new opportunities will become available. She also notes that the local authority believes that the transition of learners into appropriate pathways will be improved as there will be fewer institutions to visit. The Cabinet Secretary notes that the 2 nearest school based post-16 providers that will be retained perform well and have large cohorts of pupils. In her view these are unlikely to be significantly affected by the proposal.

### **The extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and**

43. The Cabinet Secretary understands that there are currently collaborative arrangements in place between the sixth forms of John Summers High School, St. David's High School, Holywell High School, Connah's Quay High School and Deeside College; she notes that this collaboration enables John Summers High School to offer a range of academic and vocational subjects. The Cabinet Secretary recognises that these courses are only available as result of students travelling to other providers to access the courses, and that outcomes have not been on a par with local averages. The Cabinet Secretary is satisfied that the proposal will offer students a variety of courses that are delivered in one place at Coleg Cambria's new post-16 hub and will remove the need for them to travel between providers, allowing more time to be spent on learning and improving outcomes. She takes the view that this should benefit pupils overall, particularly as the sixth forms in some of the collaborating schools have already been removed, or are planned to be removed.



## **How proposals might affect the discretionary transport provision a local authority may provide to learners above compulsory school age.**

44. The Cabinet Secretary is aware that the local authority will still provide free transport to the new hub for post-16 learners who meet the eligibility criteria within their Transport Policy. The Cabinet Secretary has no reason to believe that this proposal will unfairly affect learners in general terms as the policy will be identical to what it currently is and apply to all children equally.

## **FACTORS TO BE TAKEN INTO ACCOUNT IN APPROVING/DETERMINING SCHOOL ORGANISATION PROPOSALS**

### **Whether there are any other related proposals**

45. The Cabinet Secretary considered the relevancy of other proposals to reorganise schools and sixth form provision in the Deeside area. The Cabinet Secretary has determined that the proposal to close John Summers is directly related to this proposal. This is on the basis that if the proposal to remove the sixth form is not approved, it would not be possible to close the school.

### **Whether consultation has been conducted in accordance with the School Organisation Code**

46. The local authority used the same consultation document for both proposals relating to John Summers. The Cabinet Secretary was overall satisfied that the consultation relating to the removal of the post-16 provision had been conducted in accordance with the School Organisation Code. However, the Cabinet Secretary was disappointed to note that whilst the consultation was open for 43 days, some information was not made available until 13 days into the consultation, and in particular:

- historical and projected pupil data for other schools that could be affected; and
- extracts from Estyn reports.

47. In respect of the first of these items, the Cabinet Secretary believes that it might be reasonable to take the view that other secondary schools would not be affected by the change of age range at John Summers. However, the Cabinet Secretary considers that there would be potential for more applications to Hawarden High School in future, but recognises that as the school is already full applications in excess of the pupil number would likely be rejected; it could be argued that there would be no impact. In respect of the second, the Cabinet Secretary is of the view that although the document did not include any extracts from Estyn reports, it did provide links to the website that were publicly available and that further supplementary information was subsequently issued.

48. As most of the required material in relation to the post-16 elements was available in the initial consultation document and the local authority provided supplementary information in subsequent documentation, the Cabinet Secretary does not think that this drawback undermines the consultation on the proposal to remove the sixth form.

49. A procedural non-compliance is not always fatal but a decision taken after a flawed consultation exercise will only stand if the Cabinet Secretary is satisfied that the outcome would inevitably have been the same had the consultation exercise not been flawed. If the omitted information had been included in the consultation from the outset, the Cabinet Secretary is satisfied that this would not have led to representations being made which raised any new issue or information which would have affected her decision. The Cabinet Secretary is therefore satisfied to the requisite high degree that she would inevitably have reached the same decision on the proposal had the information been included in the consultation document at the outset.
50. Furthermore, the Cabinet Secretary is satisfied that the consultation report addressed the main issues from the consultation process and also included Estyn's full response. Overall, the Cabinet Secretary is satisfied that the local authority has carried out consultation in accordance with the requirements of the Code for the proposal to close the sixth form at John Summers High School.

**Whether the proposal has been published in accordance with the Code and the notice contains all of the required information**

51. The Cabinet Secretary is satisfied that the publication requirements have been complied with.
52. The Cabinet Secretary has decided to approve the local authority's proposal to end sixth form provision at John Summers High School, on the grounds that it will:
- be likely to maintain or improve the standard of education provision at post-16;
  - provide young people with a wider choice of post-16 provision located at one site;
  - provide enhanced facilities for post-16 pupils; and
  - contribute to the aims of the Learning and Skills (Wales) Measure 2009 by strengthening sustainable provision.
53. The Cabinet Secretary notes that this proposal is due to be implemented with effect from 1 September 2016 and from that date pupils of John Summers High School will cease to be admitted to the sixth form. When the proposal is implemented, the Cabinet Secretary looks to the local authority to ensure that appropriate arrangements are put in place and that the transfer of pupils is carried out with the minimum disruption possible. The local authority should inform Schools Effectiveness Division, Education Directorate within the Welsh Government when the proposal has been implemented.

**Decision on the proposal to remove sixth form provision at John Summers High School**

54. The Cabinet Secretary has approved Flintshire County Council's proposal to remove sixth form provision at John Summers High School.
55. The decision was made after careful and detailed consideration and, based on the evidence to date, because the impact that the Cabinet Secretary believes the proposal is likely to have on the quality and standards of post-16 education.

## **PROPOSAL TO END 11-16 PROVISION FROM 31 AUGUST 2017**

### **Objections to the proposal**

56. The Cabinet Secretary notes that there were significant statutory objections during the objection period totalling 2,119, all of which were objecting to the ending of the 11-16 provision. The objections received came from a diverse range of people, including family members of pupils attending the school, pupils and ex-pupils, prospective parents, parents of pupils in other schools, a governor of the school, the Minister of Christ Church Deeside, the assistant Head teacher of St. Ethelwold's Voluntary Aided Primary School, staff members from various local schools including John Summers High School and feeder schools, such as Ysgol Tyffynnon), companies with contacts at the school, local businesses, residents, Carl Sargeant AM, Mark Tami MP, Mark Isherwood AM and members of the public and the community.

## **QUALITY AND STANDARDS IN EDUCATION**

### **Outcomes (Standards and Wellbeing)**

57. The Cabinet Secretary partially agrees with the local authority that the school should close because it is no longer viable and that other schools in the area can provide at least an equivalent standard provision. The Cabinet Secretary notes that when compared in absolute terms, standards are at least equivalent, when benchmarked the outcomes at John Summers High School ranks higher than both Connah's Quay High School and St. David's High School as Key Stage 3 and equal to St. David's High School at Key Stage 4, albeit the parity is due to both schools being in the bottom quartile of the National School Categorisation coding.

58. The Cabinet Secretary has noted that the local authority only produced a single year of performance data in setting out its argument in the consultation document. Though this is clearly not ideal, the Cabinet Secretary considers that in providing links to the My Local School website which provides a longer term overview of school performance the local authority mitigated some of the concerns in not providing a more complete set of performance data.

59. The Cabinet Secretary was not wholly convinced by the way the local authority analysed the performance data. Overall, long term outcomes at Key Stage 4 when benchmarked have been mixed at Connah's Quay High School, and whilst in some years the outcomes have been in the highest quartiles when compared with others in the same free school meals groups, Connah's Quay High School has also been in the lower and lowest groups at times. On the other hand, the benchmarked performance data suggests that John Summers High School performed consistently well until the last 2 years. Connah's Quay High School performed most recently slightly better than John Summers High School, and though it was in the lower quartile in 2015 it was only just below the median. The Cabinet Secretary is satisfied that at Hawarden High School, outcomes when benchmarked have been consistently in one of the 2 top quartiles and better than John Summers High School. The same cannot be said of St David's High School, which the Cabinet Secretary believes will become the next nearest school for some pupils should John Summers High School close. Performance at this school has been mixed and the Cabinet Secretary does not believe that there is consistent evidence to demonstrate that outcomes have been better at St. David's

High School than at John Summers High School, when benchmarked, though the Cabinet Secretary accepts that they are probably no worse at present.

60. The Cabinet Secretary has expressed some concern about the local authority's proposal for Connah's Quay High School to be the primary alternative school to relocate pupils. This is on the basis that currently approximately 13.8% pupils on roll at Connah's Quay High School receive free school meals and 31.5% of pupils at John Summers High School receive free school meals. The Cabinet Secretary's was concerned about the effect a significant increase of children receiving free school meals would have on outcomes in absolute terms at Connah's Quay High School. However, the Cabinet Secretary recognises that providing that the school is able to respond to the needs of these pupils this may not necessarily be the case when benchmarked and the local authority was able to point to better outcomes for pupils entitled to FSM at both Hawarden and Connah's Quay.
61. The Cabinet Secretary is satisfied that John Summers High School does not provide any unique or specialist facilities or services for the support of children with special educational needs. Therefore, the Cabinet Secretary believes that the local authority will be able to provide for any special educational needs that current pupils of John Summers High School may have at any other school in the Flintshire area. She notes the local authority's assurance that specific consideration will be given to pupils with ALN though transition to minimise any disruption and that their needs will be prioritised along with other vulnerable groups.
62. Though the Cabinet Secretary recognises that there were objections relating to the inclusive ethos at John Summers High School that encourages children to thrive, she does not agree with objectors that this ethos does not exist at other Flintshire schools. Estyn's latest inspection praised Connah's Quay High School for its inclusive ethos and ability to enable integration of pupils from different social backgrounds. Therefore, the Cabinet Secretary is satisfied that Connah's Quay High School has experience and is able to accommodate children from socially diverse backgrounds.
63. The local authority has accepted that closing John Summers High School could lead to uncertainty amongst pupils, staff and the wider community, particularly for the 2016/17 academic year. This risk seems greatest for Year 10 pupils who will have to study their GCSE courses over two schools, the first year in John Summers High School and the second at an alternative school likely to be Connah's Quay High School. The Cabinet Secretary recognises that the local authority included the governors of John Summers High School in proposal discussions and that a timetable was compiled with their inclusion. With transition being one of the Cabinet Secretary's main concerns, she is satisfied that the local authority has provided assurances that it will do all it can to ensure minimal disruption to pupils during.

## **Provision**

64. Should the proposal to close the school be approved, the Cabinet Secretary considers that the lack of job security may put the delivery of effective 11-16 education at risk in the short term. The Cabinet Secretary's primary concern in this regard is to those students who will be in Year 10 and studying the first year of their GCSEs at John Summers High School in the year 2016/17. However, updated information supplied by the local authority has provided some reassurance that considerable preparation work has been undertaken to ease transition, though the Cabinet Secretary wishes to

emphasise the importance of ensuring minimal disruption pupil's education in the 2016/17 year and beyond.

65. The Cabinet Secretary notes that several objectors claimed that Connah's Quay High School would not provide at least equivalent accommodation or better than that which is currently available at John Summers High School. The Cabinet Secretary believes that such concerns appear to have some basis as Flintshire County council's strategic outline plan includes plans to significantly modernise Connah's Quay High School. This suggests that concerns about the adequacy of accommodation will need to be addressed by the local authority. The Cabinet Secretary would wish to see substantial progress in improvements to Connah's Quay High School's accommodation prior to the transfer for pupils in September 2017. The Cabinet Secretary appreciates that the improvements are unlikely to be completed until past this date but has taken note of the local authority's assurances that any works would not compromise delivery of effective education at the school.
66. The Cabinet Secretary agrees that overall the proposal to discontinue 11-16 provision at John Summers High School is likely to maintain or improve the standards of education provision in the area in the long term. The Cabinet Secretary recognises that there will be challenges to meet in the 2016/17 academic year and that there could be some disruption during the transitional period, but the Cabinet Secretary is satisfied that these will be minimised providing that the promised transitional support and modernisation work is forthcoming by the local authority. Without improvements to the buildings, the Cabinet Secretary finds it difficult to be convinced that the standards of accommodations will at least be equivalent or better for the 11-16 group once they move to Connah's Quay High School.
67. On the basis of the above, the Cabinet Secretary is placing a condition on the approval of the proposal to close John Summer High School that approval will only be granted subject to the local authority receiving capital projects funding and any necessary planning permission in order to modernise Connah's Quay High School to a satisfactory level. The current local authority plans indicate that construction will begin in July 2017. Therefore, the Cabinet Secretary has determined that the conditions must be met by 14 July 2017 in order to obtain the proposal's approval. The rationale for this is so that pupil's can be informed of whether the closure proposal is to go ahead or not before the end of the preceding school term.

### **Leadership and management**

68. The Cabinet Secretary notes that the National School Categorisation for John Summers High School recently fell from and amber to a red. The Cabinet Secretary has also recognised that the performance of John Summers High School at Key Stage 4 has been in general decline since 2012 and this may have been factor in the school's latest grading, though it did recover a little in 2015. Additionally, the Cabinet Secretary has noted that during this time the school's head teacher left their post and this may have also negatively affected performance. The Cabinet Secretary is also mindful of falling pupil numbers and the additional challenges that the school is likely to face as a small school.

69. The Cabinet Secretary is satisfied that John Summers High School appears to have had no problem balancing its finances in recent years and, that removal of the sixth form is only likely to strengthen the school's financial situation.
70. It is the Cabinet Secretary's belief that should John Summers High School remain open there is scope for it to improve as an 11-16 school through having a firmer financial footing and with the additional support and challenge offered to schools placed in the red category. The Cabinet Secretary does not necessarily agree with the local authority that it would be challenging to appoint a permanent head teacher; provided that the school were to be retained for the foreseeable future providing job security although she recognises that recruiting and retaining head teachers can sometimes be a challenge for small schools.
71. The Cabinet Secretary is not convinced of the local authority's position that John Summers High School must close in order to improve education provision for the 11-16 cohort, but equally she has no reason to believe that standards in the area as a whole will decline if it does close. The Cabinet Secretary is satisfied that standards will likely be maintained and that the local authority has given assurances that it will mitigate any risks in respect of disruption of education provision during the transition. However, the Cabinet Secretary strongly believes that the modernisation and improvements to Connah's Quay High School are vital to ensure the standards of provision would be better, hence why the condition is placed upon the approval.

#### **Need for places and the impact on accessibility of schools**

72. The Cabinet Secretary is aware that over the last few years, pupil numbers at John Summers High School have been declining, with surplus capacity increasing from 20.18% in 2009 to 35.75% in 2015. She recognises that projections for pupil numbers indicate that the numbers will begin to increase within the next few years, but not until 2020.
73. The Cabinet Secretary notes that removing the sixth form from John Summers High School, along with Connah's Quay High School and St. David's High School, have substantially increased surplus capacity in the area. The Cabinet Secretary understand that with the removal of the sixth form, would result in the school having fewer than 300 pupils, and with projections showing a decline until 2020 this causes her concern about the viability of the school and its ability to deliver the full curriculum.
74. The Cabinet Secretary is not wholly convinced that there is a guarantee that parents in the locality will continue to be engaged with the school should it remain open. This view is based on the fact that applications for new intakes have already substantially declined for the year 2016/17; although the Cabinet Secretary recognises that this may be due to the uncertainty over the school's long term future. However, the Cabinet Secretary believes that the significant objection to the school's closure does suggest that the community is likely to continue to engage with the school to some extent should it remain open.
75. The Cabinet Secretary is satisfied that there is adequate surplus capacity in the locality's schools to accommodate all of the pupils that will be displaced if and when John Summers High School closes. The Cabinet Secretary does have some concern about pupils not being able to attend Hawarden High School as their nearest school, due to Hawarden High School currently being oversubscribed with 303 of its pupils not

having Hawarden as their nearest school. However she considers that this problem will lessen in future and that pupils who would previously have attended John Summers High School will instead attend Hawarden High School. Although this was a concern to the Cabinet Secretary, she has noted that the local authority will be applying discretionary transport arrangements for the full current pupil cohort to Connah's Quay High School. For pupils who express a preference for another school then transport eligibility will be considered in line with the Council's home to school transport policy.

76. The Cabinet secretary is also satisfied that the quality of accommodation at Hawarden High School, being the nearest alternative school, will likely be better than that currently available at John Summers High School. However, the same cannot be said of Connah's Quay High School and it is for this reason that the Cabinet Secretary has decided to give the proposals conditional approval based on the local authority securing the necessary funding and planning permission in order to modernise Connah's Quay High School.

### **Resourcing of education, and other financial implications**

77. The Cabinet Secretary recognises that the local authority will make savings of £383,000 from not keeping John Summers High School open. She also understands that the local authority is anticipating its transport costs to increase to approximately £169,000 due to funding the transport of relocated pupils. The Cabinet Secretary is therefore satisfied that the proposal is likely to result in savings of approximately £214,000 for the local authority.
78. In light of pupils relocating to alternative schools, the Cabinet Secretary recognises that these alternative schools will receive increased funding from the additional pupils and that this will likely increase their cost effectiveness with economies of scale. As the cost per pupil for John Summers High School is currently higher than in other schools, the cabinet Secretary believe that the closure of the school will likely enable a fairer distribution of funding between the other schools in the area, meaning they will better contribute to the delivery of sustainable schools and probably improve strategic management of the school estate.
79. The Cabinet Secretary also recognises that as it currently stands, the local authority has no confirmed plans for the site and therefore there will be no capital receipts from land or building sales anticipated as a result of this proposal.

### **OTHER GENERAL FACTORS**

#### **Equality impact assessment**

80. The Cabinet Secretary is satisfied that the local authority has carried out an equality impact assessment. She notes that the local authority appear to have explored equality impacts in some detail, including that the local Gypsy and Traveller service being proactive with relevant parents throughout the process. She has noted the local authority's assurance that support for gypsy/traveller children will be prioritised as part of transition planning. In addition, the Cabinet Secretary is satisfied that Connah's Quay High School has a good record of inclusion as referenced in Estyn inspections. The Cabinet Secretary is satisfied that no pupils from groups with protected characteristics would be unfairly disadvantaged as a result of this proposal.

## **Community impact**

81. The Cabinet Secretary does not entirely agree with the conclusion drawn in the local authority's community impact assessment which identified that the proposals to reorganise provision in this area of Flintshire could have a neutral to positive effect. However, she notes the local authority's assurance that community facilities will remain on site at Queensferry Primary and in the leisure centre opposite the campus. It is difficult for the Cabinet Secretary to conclude anything but an overall negative effect in the short term as some of the facilities and services currently provided are relocated.

## **What impact the proposal will have on educational attainment among children from economically deprived backgrounds**

82. The Cabinet Secretary agrees with elements of the local authority's conclusions that the extra choice, availability and appropriateness of courses offered at Connah's Quay High School would be at least of equivalent standards to those offered at John Summers High School.

83. The Cabinet Secretary is satisfied that the local authority has recognised that there are certain challenges for parts of the local community to John Summers High School and addressed via solutions such as offering the current cohort of pupils free transport to Connah's Quay High School.

84. The Cabinet Secretary believes that the relocation to a larger school may have a positive effect on all children as it would likely offer increased social diversity and aid integration with other elements of various communities.

## **The effect of proposals on 11-16 provision in schools**

85. The Cabinet Secretary has some concerns about the risk of disruption to children's education during the 2016/17 academic year. This concern largely stems from the risk of teaching staff leaving the school due to the lack of job security, therefore resulting in fractured education for the children at the school. This concern is heightened due to the local authority not appearing to have any contingency in place should this risk materialise and a number of teaching staff sought employment elsewhere. However, the Cabinet Secretary does recognise that once John Summers High School does close, the relocation of pupils to other schools will likely increase demand for teaching staff at the alternative schools and therefore provide employment opportunities for teachers.

86. The Cabinet Secretary is also concerned about GCSE pupils having to study their Year 10 at John Summers High School and Year 11 at an alternative school, likely to be Connah's Quay High School. The concern she has is that this change of environment might cause disruption to children that will in turn adversely affect their education. This concern is exacerbated due to the aforementioned risks that may materialise at John Summers High School for the 2016/17 academic year. Even though this is a clear risk, the Cabinet Secretary recognises that this is a risk that would likely be present in most school closure proposals and she is satisfied that the local authority are taking steps to mitigate this risk to minimise disruption for children. The Cabinet Secretary understands that steps are being taken to align curriculums at John Summers High School with the partnering schools, implementing effective



transitional arrangement to minimise instability and to ensure pupils are taught by the same teaching staff so continuity is provided where possible.

### **The effect on Queensferry Primary School**

87. As this primary school shares the Queensferry campus with John Summers High School and utilises some of the High School's facilities, such as halls, canteen and kitchen, there will clearly be some impact in the view of the Cabinet Secretary. The Cabinet Secretary is satisfied, following assurance from the local authority, that Queensferry Primary School will have continued access to the facilities it currently shares with John Summers High School following its closure.

## **SPECIFIC FACTORS IN THE CONSIDERATION OF SCHOOL CLOSURES**

### **Community**

88. The Cabinet Secretary had some concerns regarding the ability to deliver Communities First objectives in light of the local cluster office being located within John Summers High School. The local authority has confirmed that the Communities First office for the Flintshire East cluster will be relocated to another site or merged with a current office for another cluster and that their work can continue. Therefore, the Cabinet Secretary is satisfied that the Communities First objectives for the area should not be jeopardised.

### **Consideration of alternatives**

89. The Cabinet Secretary is satisfied that the local authority fully considered the alternative options available that were listed in the consultation document. The Cabinet Secretary believes that some elements could have been handled with more sensitivity than is apparent considering the reaction of the local community to the proposal. The Cabinet Secretary believes this is largely due to the understandable distress of the community resulting from the previous optimism that surrounded the original new 3-16 school proposal that had Welsh Ministers' approval.

## **FACTORS TO BE TAKEN INTO ACCOUNT IN APPROVING/DETERMINING SCHOOL ORGANISATION PROPOSALS**

### **Whether there are any other related proposals**

90. The Cabinet Secretary considered the relevancy of other proposals to reorganise schools and sixth form provision in Queensferry and the surrounding area. The Cabinet Secretary has determined that the proposal to close John Summers High School is directly related to the proposal to remove the sixth form provision at John Summers High School. This is on the basis that if the proposal to remove the sixth form is not approved, it would not be possible to close the school.

### **Whether consultation has been conducted in accordance with the School Organisation Code**

91. The local authority used the same consultation document for both proposals relating to John Summers. The Cabinet Secretary was overall satisfied that the consultation document was made available to all relevant consultees referred to in paragraph 3.2 of

the Code. However, the Cabinet Secretary was disappointed to note that whilst the consultation was open for 43 days, some information was not made available until 13 days into the consultation and in particular:

- the historical and future pupil data for other schools in the area;
- information from the most recent Estyn reports for each school likely to be affected (although a link to Estyn's website had originally been included);
- additional financial information about savings;
- likely impact of the proposals on the ability of the school or affected schools to deliver the full curriculum at each key stage; and
- information on walking routes to alternative schools.

92. The Cabinet Secretary is only partly satisfied that the local authority conducted consultation in accordance with the Code in respect of the school closure. However, the Cabinet Secretary is satisfied that the omitted information was published 13 days into the consultation period and that 30 days would likely have been sufficient time to consider the proposal. The Cabinet Secretary is of the opinion that some of the information would have been obtainable elsewhere, such as inspection information on the Estyn link provided in the consultation document, performance data on My Local School and local knowledge of walking routes. However, information on the impact of affected schools or their ability to deliver the full curriculum would have been difficult to obtain elsewhere. The Cabinet Secretary is satisfied that had this information been available sooner in the consultation period that it would not have changed the outcome or consultees' views. Therefore, the Cabinet Secretary believes that it would be difficult to argue that this would not have been adequate time to allow consultees to fully consider the proposal, especially as consultation meetings also took place after the supplementary information was published.

93. The Cabinet Secretary wishes to note a point of concern regarding the child friendly version of the consultation document. The Code states that information given to children **must** be presented in such a way that is relevant to their age and likely understanding and that the document **should** clearly explain the difference between consultation and objection periods and how children can object. Though the Code does not stipulate what **must** be included in the child friendly version, the Cabinet Secretary is disappointed that the supplementary information was not also published as child friendly versions in a way relevant to their age and likely understanding. However, the Cabinet Secretary has concluded that even though the information was not presented in a child friendly version the local authority has complied with the Code in this regard.

94. A procedural non-compliance is not always fatal but a decision taken after a flawed consultation exercise will only stand if the Cabinet Secretary is satisfied that the outcome would inevitably have been the same had the consultation exercise not been flawed. If the omitted information had been included in the consultation from the outset, the Cabinet Secretary is satisfied that this would not have led to representations being made which raised any new issue or information which would have affected her decision. The Cabinet Secretary is therefore satisfied to the requisite high degree that she would inevitably have reached the same decision on the proposal had the information been included in the consultation document at the outset.

95. Furthermore, the Cabinet Secretary is satisfied that the consultation report addressed the main issues from the consultation process and also included Estyn's response as well as the local authority's reply. Overall, the Cabinet Secretary is satisfied that the local authority has carried out consultation in accordance with the requirements of the Code for the proposal to close the sixth form at John Summers High School.

**Whether the proposal has been published in accordance with the Code and the notice contains all of the required information**

96. The Cabinet Secretary is satisfied that the publication requirements have been complied with.

**Decision on the proposal to discontinue 11-16 provision and, in effect, close John Summers High School**

97. The Cabinet Secretary has conditionally approved Flintshire County Council's proposal to discontinue the 11-16 provision at John Summers High School, in effect closing the school.

98. The decision was made after careful and detailed consideration and, based on the evidence to date, because the impact that the Cabinet Secretary believes the proposal is likely to have on the quality and standards of education, which should be given paramount importance.

99. However, the Cabinet Secretary has placed a condition on the approval. The approval will only be in place on the condition that Flintshire County Council receives approval for its application for funding and any relevant planning permission to improve Connah's Quay High School to a standard that is outlined in their Strategic Outline Plan submitted to the Welsh Government's 21<sup>st</sup> Century Schools Capital Funding team. The approval for the local authority's funding application and planning permission must be in place by 14 July 2017.

100. The local authority should inform Schools Effectiveness Division, Education Directorate within the Welsh Government when the proposal has been implemented.

101. I am sending a copy of this letter to the Chief Executive of Flintshire County Council.

Yours sincerely



**STEVE VINCENT**

Dirprwy Gyfarwyddwr  
Yr Is-Adran Effeithiolrwydd Ysgolion  
Deputy Director  
Schools Effectiveness Division