
**SCHOOL ORGANISATION PLANNING: SCHOOLS CATCHMENT AREA
CONSULTATION – CONSIDERATION OF CALLED-IN CABINET DECISION
CAB/15/84**

Background

1. The Council's Constitution makes provision for a Call-In Procedure which provides that any non-Cabinet Member may call-in a decision of which notice has been given, by giving notice in writing to the Operational Manager of Scrutiny Services within the Call-In Period (within seven clear working days after publication of the decision). The Operational Manager shall then notify the Cabinet Business Office and call a meeting of the relevant Scrutiny Committee, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in.
2. Cabinet Decisions, for purposes of the Call-In Procedure, are those made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive or a Corporate Director (or other post holder/s within the same tier of management or responsibility).
3. During the Call-In Period after the Cabinet meeting of the 21 March 2016 three non-executive Councillors submitted requests to Call-In the decision on the item titled '*School Organisation Planning: Schools catchment Area Consultation*'. The report sought approval for the recommendations on the proposed changes to the Welsh-medium high school catchment areas of Ysgol Plasmawr and Ysgol Glantaf through transfer of Ysgol Pencae

catchment from Ysgol Plasmawr to Ysgol Glantaf catchment, with effect from September 2017.

4. The Cabinet Decision CAB/15/84 made on 21 March 2016, published on 23 March 2015 and with a proposed implementation date of 26 April 2016, resolved that:

- Officers be authorised to carry out a review of options for secondary provision in the area concerned, in order to better match supply and demand and to secure consistently high standards of education provision.
- Changes to the English-medium high school catchments of Fitzalan High School and Cantonian High School and associated English-medium primary school catchment areas would not proceed currently.
- The proposed changes to the Welsh-medium high school catchment areas of Ysgol Plasmawr and Ysgol Glan Taf through transfer of Ysgol Pencae catchment from Ysgol Plasmawr to Ysgol Glantaf catchment to take effect from September 2017 be approved.

5. The reasons provided in the decision register for taking this decision were:

- To approve changes to English-medium and Welsh-medium primary and secondary school catchment areas in order to achieve a balance between the supply of and demand for school places.

6. Attached as **Appendix A** is the report to the Cabinet Business Meeting of 21 March 2016. Also attached are three of the appendices to **Appendix A**, these are:

- **Appendix 1** – Catchment area map detailing the proposed catchment areas that would be implemented in September 2017 (English and Welsh medium);

- **Appendix 3** – Statutory Screening Tool (Welsh-medium Catchment Changes); and
- **Appendix 5** – Formal consultation responses (Welsh-medium Catchment Changes).

7. Three non-executive Councillors have requested that this decision is called-in for Scrutiny Committee consideration. Copies of the reasons submitted by those Councillors for the Call-in are attached at **Appendix B, C and D**. The reasons set out by Members include:

- The change is ill-conceived, a short term answer to Welsh-medium secondary provision in the catchment areas of both Ysgol Plasmawr and Ysgol Glantaf. Consideration of post-2017 data on the capacity of the city's three Welsh-medium high schools, and likely growth in demand for school places could have led to different options being considered;
- The socio-economic impact of these changes on Ysgol Plasmawr has not been fully examined, and the views of important stakeholders have not been taken into account;
- Several key stakeholders have expressed concerns that the change could have unwelcome consequences for the social and academic wellbeing of pupils;
- The consultation exercise appeared to disregard the views of a large majority of respondents;
- The apparent short notice of the consultation with Ysgol Pencae;
- Any discussion of secondary provision should include laying out a timetable for a fourth Welsh Medium school in Cardiff;

- The view that the Council's whole approach to Welsh medium education is reactive and piece meal;
 - The decision should therefore be called-in, and officers advised to carry out a review of options for Welsh-medium secondary provision in the existing catchment areas of the two schools and across the City.
8. The Children & Young People Scrutiny Committee's terms of reference were last agreed by Full Council on 25 June 2015. These cover a wide range of topics including English and Welsh Medium Education and Catchment areas.
9. The role of Scrutiny Committees calling-in a decision is:
- To test the merits of the decision;
 - To consider the process by which the decision has been formulated;
 - To make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider);
 - To suggest further steps before a decision is made.

Scope of Scrutiny

10. The Committee therefore needs to consider this call-In in accordance with the requirements of the Call-In Procedure. The scope of this scrutiny is limited to exploring the reasons for the call-in listed in paragraph 9.
11. It is important that Members focus their questions directly on the decision taken by Cabinet on 21 March 2016. Should questions be evaluated as probing decisions not within the remit of the call-in then the Chair will deem it necessary to disallow the line of inquiry.
12. Under the Call-In Procedure, the relevant Scrutiny Committee may consider the called-in decision itself, or decide to refer the issue to the Council for

Scrutiny if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within 10 clear working days of such a referral, unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.

13. Having considered the decision, the Scrutiny Committee may refer it back to the decision maker for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.
14. If following a Call-In, the matter is not referred back to the decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issues, or the expiry of the Scrutiny Period or the Council Scrutiny Period as appropriate, whichever is the later.

Way Forward

15. Councillors Dianne Rees, Paul Mitchell and Neil McEvoy (the Councillors calling-in the Decision) has been invited to explain their reasons for the call-in and provide evidence to the Committee.
16. Councillor Sarah Merry (Cabinet Member for Education) and Nick Batchelar (Director of Education and Lifelong Learning) supported by other Council Officers, have been invited to attend Committee to respond to the call-in and answer Members' questions.
17. Representatives from local schools have asked to speak at Committee and to answer Members' questions.

Legal Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to consider Cabinet Decision CAB/15/84 in accordance with the Call-In Procedure.

David Marr
Interim Monitoring Officer
11 May 2016