

<b>MEETING:</b>	<b>CHILDREN'S SERVICES SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>10 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>CALL-IN OF CABINET'S DECISION THAT DILWYN CHURCH OF ENGLAND PRIMARY SCHOOL BE DISCONTINUED ON 31 AUGUST 2011</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Golden Cross with Weobley

### **Purpose**

To review Cabinet's decision that Dilwyn Church of England Primary School be discontinued on 31 August 2011, which has been called in by three Members of the Committee: Councillors JJD Lavender, SJ Robertson and AM Toon.

### **Recommendation(s)**

**THAT: the Committee reviews Cabinet's decision and decides**

- (i) whether it accepts that decision with no further comment, or**
- (ii) whether it wishes to accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration and, if so, what recommendations to Cabinet it wishes to make.**

### **Key Points Summary**

- Call-in is a statutory right for Members of the Council to review a decision of the Executive taken by Cabinet or an individual Cabinet Member after it is made but before it is implemented.
- A decision can not take effect pending consideration of the call-in by the Scrutiny Committee.
- After consideration by the Scrutiny Committee the decision maker may implement the original decision or reconsider it in the light of the Scrutiny Committee's comments.
- The Committee has no power to overturn a decision of the Executive. It can only request the Executive to reconsider its decision.

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Further information on the subject of this report is available from  
David Sanders, Interim Director of Children's Services on Tel: (01432) 260039

- The Constitution (4.5.16.5) provides that call-in should only be used in exceptional circumstances including but not limited to;
  - a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in this Constitution
  - b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in this Constitution; or
  - c where a decision is outside the Budget and Policy Framework
- The Committee is not therefore reconsidering the decision but testing the merits of that decision.
- The stated reasons for the call in of Cabinet's decision in relation to Dilwyn Church of England Primary School indicate the basis for this call-in is that there is evidence which suggests that issues have not been handled in accordance with the decision making principles set out in the Constitution.
- The Committee can either accept the Cabinet's decision with no further comment or accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration.

## **Reasons for Call-in**

2. In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, Cabinet's decision on 25 November 2012 that Dilwyn Church of England Primary School be discontinued on 31 August 2011 has been called in for consideration by this Committee.
3. The stated reasons for the call-in are:
  - Hope under Dinmore school and Brilley School went through the scrutiny process the same should be afforded to Dilwyn.
  - Little weight in the report has been given to the impact the closure will have on the Community.
  - The report does not take into account the change of Government and their new policy of maintaining small rural schools stating that every assistance and support should be given to keep them open to help the viability of rural villages (Dilwyn School has the support of the MP).
  - Federating with St Mary's has been the main option, the report does not look at other federations such as Lord Scudamore, or other primary schools outside of the cluster.
  - A number of other schools have been in similar circumstances and problems have been overcome with the support of the Local Authority ie Canon Pyon and Eardisley.
  - Numbers are increasing, (33 now on roll) 3 from the trigger point of 36. There is evidence that 13 would have gone to Dilwyn.
4. The call-in is therefore made on the basis that there is evidence which suggests that issues have not been made in accordance with the decision making principles set out in the Constitution.

5. The draft decision notice (Ref No. Ref 2010 Cab 033), together with the report by the Director of Children's Services to Cabinet in relation to Dilwyn School on 25 November, the report to Cabinet on 12 July 2010 and relevant Minute are appended to the report, the relevant draft Minute of the meeting of Cabinet on 25 November will be circulated separately. A joint statement circulated at Cabinet on 25 November on behalf of Herefordshire Local Authority; the Bishop of Hereford, the Board of Education, Hereford Diocese; the Archdiocese of Cardiff Commission for Schools and Colleges; and St Mary's Roman Catholic High School.

## **Appendices**

- Draft Decision Notice of Cabinet on 25 November 2010 Ref 2010 Cab 033
- Report to Cabinet 25 November 2010 – Dilwyn Church of England Primary School – Determination of Proposal to Continue (Extract of Minutes of Cabinet 25 November 2010– To follow)
- A joint statement circulated at Cabinet on 25 November on behalf of Herefordshire Local Authority; the Bishop of Hereford, the Board of Education, Hereford Diocese; the Archdiocese of Cardiff Commission for Schools and Colleges; and St Mary's Roman Catholic High School.
- Report to Cabinet 12 July 2010 and extract of relevant Minute – The Future of Dilwyn Church of England Primary School

## **Background Papers**

- Responses to the Statutory Notice