

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Children, Young People and Education Cabinet Board**

1 December, 2016

### **Report of the Head of Transformation – Andrew Thomas**

#### **Matter for Decision**

#### **Wards Affected:**

**Briton Ferry East and Briton Ferry West**

**ESTABLISHMENT OF A TEMPORARY GOVERNING  
BODY FOR THE PROPOSED NEW PRIMARY SCHOOL  
REPLACING BRYNHYFRYD, LLANSAWEL AND  
YNYNSMAERDY PRIMARY SCHOOLS.**

#### **Purpose of the Report**

1. To seek approval to establish a temporary governing body for the proposed new (3-11 age range) primary school replacing Brynhyfryd, Llansawel and Ynysmaerdy Primary Schools. For administrative purposes the working title name of the school will be Ysgol Newydd Briton Ferry.

#### **Background**

2. Cabinet at its meeting of 20th July, 2016, following a statutory period of consultation, approved the creation of a new (3-11 age range) primary school that would replace Brynhyfryd, Llansawel and Ynysmaerdy Primary Schools.

3. The new primary school will become operational on 1st September 2018, on the site that was previously Cwrt Sart Comprehensive School, making use of the unused school buildings. All three aforementioned primary schools, as individual entities, will close as from that date.
4. The process of establishing a new school requires the Authority to make arrangements for the constitution of a temporary governing body to conduct the business for the new school prior to setting up the school's permanent governing body. The temporary governing body is only empowered to make decisions about the new school. All decisions concerning the current schools will remain the responsibility of the existing governing bodies for those schools until they close.
5. Establishing a Temporary Governing Body
  - i) Composition

Regulations prescribe the composition of a temporary governing body and, in the case of the new school the temporary governing body shall comprise the categories and numbers of governors set out in the table overleaf.

Category of Governor	No's.
Parent Governor	4
LA Governor Representative	3
Teacher Governor	1
Staff Governor	1 or 0*
Community Governor	3
Additional Community Governor	1
Headteacher (following appointment)	1
Total:	14 (13*)

(\*In relation to a temporary governing body, the Authority has discretion as to whether or not to include a staff governor)

## ii) Appointment of Temporary Governors

### a) LA Governor Representatives

The Authority is responsible for appointing to the temporary governing body LA governor representatives. The agreed policy for appointment is to provide priority to elected members representing wards in the catchment area of the relevant school or pupil referral unit, or other elected members.

### b) Parent and Teacher Governors

In circumstances where a temporary governing body is established for a new school as a result of the discontinuance of existing

schools, Regulations provide for the LA to ask the governing body of the schools being discontinued to appoint/nominate some or all of the temporary teacher and parent governors. Members are recommended to agree to permit the governing bodies of the schools being discontinued to appoint/nominate the temporary teacher and parent governors.

c) Staff Governor

The Authority has the discretion whether or not to include a staff governor to the temporary governing body. Members are recommended to agree to include a staff governor and permit the governing bodies of the schools being discontinued to appoint/nominate that person.

d) Community Governor

In accordance with Regulations, this will be for the temporary governing body to consider and appoint directly.

e) Additional Community Governor

Where a primary school is situated in an area where there are one or more community councils the responsibility for the nomination of an additional community governor lays with those councils.

f) Headteacher

The Headteacher is an ex-officio governor.

Regulations provide that where two or more schools are to be discontinued and the registered pupils at those schools are to transfer to a new school, the Headteachers of the discontinued schools are entitled to attend any meetings of the temporary governing body until such time as the Headteacher for the new school is appointed. The temporary governing body will also be encouraged to enlist other (non-governors) to the governing body to ensure a balanced representation of views is heard and informs their decision making.

## **Financial Impact**

6. There is no financial impact associated with this proposal.

## **Equality Impact Assessment**

7. Having considered the Council's screening assessment guidance produced to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010 it has been determined that the proposal within this report does not require an equalities impact assessment.

## **Workforce Impacts**

8. There are no direct workforce or staffing issues in relation to this proposal, however, the temporary governing body will have a vital role to play in appointing individuals to the new school and in this regard the Council will be expecting the temporary governing body to honour the employer's pledge.

## **Legal Impacts**

9. The recommendations contained within this report are in accordance with the Council's obligations set out in The New Maintained Schools (Wales) Regulations 2005.

## **Risk Management**

10. Should the recommendation to create the temporary governing body not be approved then the process of organising the business for the new primary school, including the appointment of a Headteacher, cannot commence.

## **Consultation**

11. There is no requirement under the Constitution for external consultation on this item. Internal consultation regarding nominations of the LA Governor Representatives has, though, been undertaken with the respective Ward Members.

## **Recommendations**

12. (a) That a temporary governing body for the proposed new 3-11 primary school replacing Brynhyfryd, Llansawel and Ynysmaerdy Primary Schools be established in line with the table above, and that appointments to the temporary governing body include a staff governor.

- (b) That the following appointments/procedures to populate the temporary governing body are agreed:
- i) Parent governors are appointed by the current primary schools governing bodies, with a minimum of one from each of the existing schools.
  - ii) One teacher and one staff governor are jointly appointed by the current primary schools governing bodies. Should there be no mutual agreement between the three current governing bodies as to the identification of the individuals, the Director of Education be authorised to make the appointment from nominations submitted by each of the three governing bodies;
  - iii) LA Governor Representatives will be: Councillor Hugh N. James and Councillor Colin Morgan plus one other to be identified.

### **Reasons for Proposed Decision**

13. To comply with legislative requirements for the establishment of a new school.

### **Implementation of Decision**

14. The decision is proposed for implementation after the three day call in period.

### **Appendices**

15. None.

### **List of Background Papers**

16. Cabinet Report 1st June, 2016:

<https://www.npt.gov.uk/pdf/CabinetReport010616BritonFerryPrimarySchools.pdf>

The New Maintained Schools (Wales) Regulations 2005:

<http://www.legislation.gov.uk/wsi/2005/2912/contents/made>

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