

Dyddiad /Date:  
Gofynnwch am/Please ask for:  
Llinell uniongyrchol/Direct line:  
Ebost/Email:

6 Medi 2019

Janet Finch-Saunders, AS  
Cadeirydd y Pwyllgor Deisebau  
Cynulliad Cenedlaethol Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1NA



Annwyl Ms Finch-Saunders,

## Deiseb P-05-828 Rhagdybiaeth o Blaid Ysgolion Gwledig

Diolch yn fawr am eich ymholiad yn ymwneud â'r Rhagdybiaeth o Blaid Ysgolion Gwledig ac ymddiheuriadau fy mod wedi bod yn hir yn dod yn ôl atoch. Fel yr ydych yn ymwybodol, nid yw CLILC yn cadw gwybodaeth ar y mater hwn yn ganolog, ond rydym wedi cysylltu ag awdurdodau lleol yng Nghymru i geisio eu barn. O ganlyniad, dylid ystyried y llythyr hwn fel ymateb ar y cyd gan CLILC a CCAC.

Rheoleiddir proses ail-drefnu ysgolion dan God a Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013. Mae'r broses yn seiliedig ar ymgynghoriad cyhoeddus llawn a dulliau penderfynu democrataidd. Mae prosesau democrataidd yn destun her gan aelodau etholedig a galw i mewn lle bo angen. Yn ogystal â hynny, mae 219 o ysgolion bellach yn ddarostyngedig i'r 'rhagdybiaeth yn erbyn cau ysgolion gwledig' dan y Cod Trefniadaeth Ysgolion diwygiedig.

Gellir herio'r broses drwy adolygiad barnwrol. Mae'r broses bresennol wedi gweithio'n dda i ni am gyfnod sylweddol o amser ac wedi ein helpu i wneud penderfyniadau cadarn. Nid oes angen ychwanegu dull apeliadau pellach yn fy marn i. Gellir ystyried bod proses apeliadau yn gweithredu yn erbyn democratiaeth leol os caiff ei ddarparu gan gorff allanol i'r awdurdod lleol.

1. egwyddor cyffredinol cyflwyno proses apeliadau mewn perthynas ag unrhyw gynnig i gau ysgol yng Nghymru; Nid oes unrhyw dystiolaeth i awgrymu bod angen proses apeliadau. Cesglir barn gymunedol drwy ymgynghoriad, fe'u cynrychiolir gan aelodau etholedig ac, ar ben hynny, gellir herio cynnig i gau ysgol yng Nghymru drwy adolygiad barnwrol.

2. sut mae'r prosesau presennol yn ymwneud â chynigion i gau ysgolion wedi gweithredu ers Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, Mae prosesau wedi gweithredu yn unol â Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, ar adegau pan nad

Dr Chris Llewelyn  
Prif Weithredwr  
Chief Executive

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yw awdurdodau lleol wedi gweithredu'n unol â'r Cod, maent wedi cael eu herio drwy adolygiad barnwrol.

3. a oes digon o gyfleodd i grwpiau neu unigolion a effeithir gan fwriad i gau ysgol, megis cyrff llywodraethu, i fynegi eu barn neu gyfrannu at benderfyniadau yn ystod prosesau presennol; hwylusir y rhain drwy'r broses ymgynghori a amlinellir yn Neddff Safonau a Threfniadaeth Ysgolion (Cymru) 2013.

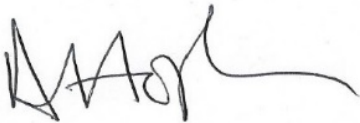
4. sut allai/ddylai unrhyw broses apelio weithredu; gweler ymateb 1.

5. a fyddai proses apelïadau yn amharu'n ormodol ar egwyddor gwneud penderfyniadau lleol; Byddai. Mae LIC wedi ymgynghori yn weddol ddiweddar ar ei God Trefniadaeth ac wedi cynnwys y cysyniad o broses apelïadau allanol. Ni aethpwyd ymlaen â hyn.

6. y manteision a'r anfanteision sydd ynghlwm ag unrhyw broses apelïadau. Dim manteision. Byddai'r anfanteision yn cynnwys ymestyn proses sydd eisoes yn broses hir heb fod angen, a allai arwain at ragor o bryder ac ansicrwydd i ddisgyblion, staff ac ati; tansilio democratiaeth leol; ychwanegu biwrocraetiaeth a chostau sylweddol heb gyfiawnhad.

Gobeithiaf y bydd y farn hon yn cynorthwyo'r Pwyllgor â'i ystyriaethau.

**Yn gywir / Yours sincerely**



**Pennaeth Addysg, Dysgu a Diwylliant Dros Dro  
Interim Head of Education, Learning & Culture**

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6 September 2019  
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Janet Finch-Saunders, AM  
Chair of the Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA



Dear Ms Finch-Saunders,

### **Petition P-05-828 Presumption in Favour of Rural Schools**

Many thanks for your inquiry regarding Presumption in Favour of Rural Schools and apologies for the time taken to respond. As you know, the WLGA does not hold information on this issue centrally but we have liaised with local authorities in Wales and sought their views. Consequently, you may take this as a joint response from the WLGA and ADEW.

The process of school reorganisation is regulated under the School Standards and Organisation (Wales) Act 2013 and Code. The process is underpinned by full public consultation and democratic decision making. Democratic processes are subject to challenge by elected members and a call-in if necessary. Furthermore, we now have 219 schools under the revised School Organisation Code subject to the 'presumption against the closure of rural schools'.

The process can be challenged by a judicial review. The current process has served us well over a significant length of time and has guided sound decision making. There is no need to add a further appeals' mechanism in my view. An appeals' process could be seen to be acting against local democracy if it is facilitated by a body external to the local authority.

1. the general principle of introducing an appeals process in relation to any proposal to close a school in Wales; There is no evidence to suggest that an appeals process is necessary. Community views are captured through consultation, they are represented by elected members and, furthermore, a proposal to close a school in Wales can be challenged by judicial review.

2. how current processes relating to school closure proposals have operated since the School Standards and Organisation (Wales) Act 2013; Processes have operated in accordance with the School Standards and Organisation (Wales) Act 2013, where local authorities

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have acted in non-accordance with the Code, they have been challenged through judicial review.

3. the sufficiency of opportunities for groups or individuals affected by a proposed closure, such as school governing bodies, to express their views or contribute to decisions during current processes; these are fully facilitated by the consultation process outlined in the School Standards and Organisation (Wales) Act 2013.

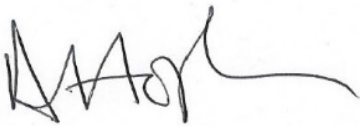
4. how any appeals process could or should operate; see response 1.

5. whether any appeals process would unduly fetter the principle of local decision making; Yes. WG has, fairly recently, consulted on its Organisation Code and included the notion of an external appeals' process. This was not pursued.

6. the advantages and disadvantages that could arise as a result of any appeals process. No advantages. Disadvantages would be to unnecessarily prolong an already lengthy process leading to increased anxiety and uncertainty for pupils, staff etc; to undermine local democracy; add significant bureaucracy and cost without justification.

I hope that these views will assist the Committee in its deliberations.

**Yn gywir / Yours sincerely**



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Interim Head of Education**

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