

## PERTH AND KINROSS COUNCIL

## Lifelong Learning Committee

26 August 2015

**Statutory Consultation –  
Additional Support Needs Specialist Provision at Oakbank Primary School****Report by Executive Director (Education and Children's Services)****PURPOSE OF REPORT**

This Report informs the Committee of the outcome and findings of the statutory consultation exercise undertaken in respect of Oakbank Primary School as detailed in the published Consultation Report (attached as Appendix A). This report also seeks approval from the Lifelong Learning Committee to implement the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School with effect from August 2015.

**1. BACKGROUND/MAIN ISSUES**

- 1.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area. This duty applies in respect of both the current school population and future pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003.

Most importantly, the Education Authority would wish to optimise the educational experience for every pupil by providing:

- a range of social and emotional experiences.
- an enriched and broad learning experience.
- the best possible education which meets the needs of all learners.

- 1.2 The Council's School Estate Management Plan, approved by the Lifelong Learning Committee of Perth and Kinross Council on 6 March 2014, (Report No [14/96](#) refers) provides information on the whole of the school estate and provides information about overall objectives and future priorities within Perth and Kinross Council.

- 1.3 A Special Meeting of Perth and Kinross Council on 9 February 2012 approved a report outlining the proposed budget for the Composite Capital Programme for the five years 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17 (Report No [12/53](#) refers).

- 1.4 On 26 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist provision at Oakbank Primary School (Report No [14/465](#) (Revised) refers).
- 1.5 The Executive Director (Education and Children’s Services) was instructed to report back to the Committee on the outcome of these consultations no earlier than August 2015.
- 1.6 The purpose of this report is to inform the Committee of the responses and comments which have been received from stakeholders during the public consultation exercise on the establishment of Additional Support Needs Specialist Provision at Oakbank Primary School, and to recommend an appropriate course of action having had regard to relevant written and oral representations; Education Scotland’s Report; and relevant responses received in the period following publication of the Consultation Report.

## **2 STATUTORY CONSULTATION EXERCISE**

- 2.1 An electronic link to the [Proposal Paper](#) was issued by letter on Monday 5 January 2015 to those individuals and bodies listed under Distribution within the document, and was also published on the Council’s website: [www.pkc.gov.uk](http://www.pkc.gov.uk). The Proposal Paper made clear to consultees that the consultation period would run until Friday 27 February 2015 - a period of 34 school days in total.
- 2.2 The number of letters issued with details of the Proposal Paper was 533.
- 2.3 A public meeting was held in Oakbank Primary School on Monday 2 February 2015. Nine members of the public attended.
- 2.4 In all, there was one enquiry submitted regarding the proposal and there was one written response received during the statutory consultation period. The respondent did not oppose the proposal.
- 2.5 In summary, the written and oral responses can be grouped broadly as follows:
  - Clarification on the operation of the Additional Support Needs Specialist Provision relating to numbers and range of needs of pupils who would attend and how this would be managed.
  - Clarification on the staffing numbers and support for pupils both in the classroom and outdoor areas.
  - Clarification on the impact on pupils attending Oakbank Primary School who do not have additional support needs when pupils with additional support needs transition into mainstream classes.

- Assurances being sought that the addition of the Additional Support Needs Specialist Provision will not result in disruption to the quality or quantity of teaching time offered to pupils without additional support needs.

2.6 Having considered the oral and written representations and Education Scotland's Report, a Consultation Report (attached as Appendix A) was prepared and published for public scrutiny on the Council's website ([www.pkc.gov.uk](http://www.pkc.gov.uk)) from 17 July 2015 until 21 August 2015. This allowed for more than the required full three week review of the document prior to a final Committee decision on 26 August 2015, and complies with Section 9 (3) and Section 11 of the 2010 Act.

### 3. PROPOSALS

3.1 Following the outcome of the statutory consultation exercise detailed in the Consultation Report (attached as Appendix A), and having due regard to relevant written and oral representations and Education Scotland's Report, it is therefore proposed to implement the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School, with effect from August 2015.

### 4. CONCLUSION AND RECOMMENDATIONS

4.1 A comprehensive Proposal Paper containing an Educational Benefits Statement was produced. This allowed for informed consideration to be given to the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School through formal consultation with key stakeholders. The outcome and findings of the statutory consultation exercise have been widely published and it is now recommended to implement the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School, with effect from August 2015.

4.2 It is recommended that the Committee:

- (i) Notes the contents of the Consultation Report (attached as Appendix A); and
- (ii) Approves the implementation of the following proposal:  
Establish Additional Support Needs Specialist Provision at Oakbank Primary School, with effect from August 2015.

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#### Approved

Name	Designation	Date
John Fyffe	Executive Director	14 July 2015

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes/None</b>
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	Yes
Workforce	No
Asset Management (land, property, IST)	No
<b>Assessments</b>	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	Yes
Risk	No
<b>Consultation</b>	
Internal	Yes
External	Yes
<b>Communication</b>	
Communications Plan	No

### 1. Strategic Implications

1.1 The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No (ii) Developing educated, responsible and informed citizens.

1.2 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area: Change and Improvement.

### 2. Resource Implications

#### Financial

2.1 The replacement of Oakbank Primary School was funded from the Capital Programme. The total budget for the project was £9.588m.

- 2.2 Any staffing implications for the new additional support needs specialist provision will be met from within the current Education and Children's Services budgets. Any additional transport costs will require Education and Children's Services Senior Management Team to submit an expenditure pressure with a corresponding saving through the revenue budget process.
- 2.3 Any resource implications arising from the statutory consultation relate primarily to staff time and have been contained within the Education and Children's Services revenue budget.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The procedure presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- i) Assessed as **not relevant** for the purposes of EqIA

#### Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

#### Legal and Governance

- 3.3 Where the Council is proposing to establish Additional Support Needs specialist provision outwith a special school, there is a legal requirement to consult on those proposals. This consultation exercise has been undertaken in accordance with the Schools (Consultation) (Scotland) Act 2010 and with the full involvement of Legal Services throughout the process.

## **4. Consultation**

### Internal

- 4.1 The Head of Democratic Services and Head of Legal Services have been consulted in the preparation of this report. Consultation on this proposal was also undertaken with key stakeholders as part of the statutory consultation exercise.

### External

- 4.2 This report contains full details of the Statutory Consultation exercise undertaken in respect of this proposal and this is fully detailed in Appendix A.
- 4.3 Informal consultation with stakeholders was also undertaken through the User Reference Group established for the project.

## **5. Communication**

- 5.1 This is fully detailed in the Consultation Report attached as Appendix A.

## **2. BACKGROUND PAPERS**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

## **3. APPENDICES**

Appendix A: Consultation Report







**PERTH AND KINROSS COUNCIL**

**EDUCATION AND CHILDREN'S SERVICES**

**CONSULTATION REPORT**

**REPORT ON THE OUTCOME OF THE CONSULTATION RELATING TO  
THE ESTABLISHMENT OF ADDITIONAL SUPPORT NEEDS  
SPECIALIST PROVISION AT OAKBANK PRIMARY SCHOOL WITH  
EFFECT FROM AUGUST 2015**

**30 June 2015**

This Consultation Report has been issued by Perth and Kinross Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

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**PERTH AND KINROSS COUNCIL**  
**EDUCATION AND CHILDREN'S SERVICES**

This report has been prepared following consultation on the proposal that the Council:

- establish Additional Support Needs Specialist Provision at Oakbank Primary School with effect from August 2015.

Having had regard (in particular) to:

- a) Relevant written representations received by the Council (from any person) during the consultation period;
- b) Oral representations made to it (by any person) at the public meeting held on 2 February 2015; and
- c) Education Scotland's report on the proposal.

## **1. INTRODUCTION**

This is a consultation report prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal.

1.1 The purpose of this report is to:

- Provide a record of the total number of written responses made during the Statutory Consultation period;
- Provide a summary of the written responses;
- Provide a summary of oral representations made at the public meeting held on 2 February 2015;
- Provide a statement of the Council's response to those written and oral representations;
- Provide the full text of Education Scotland's Inspectorate report and a statement of the Council's response to this report;
- State how the Council reviewed the above proposal following the representations received during the Statutory Consultation period and the report from Education Scotland;
- Provide details of any omission from, or inaccuracy in, the [Proposal Paper](#) and state how the Council acted upon it; and
- State how the Council has complied with Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposals.

## 2. BACKGROUND

- 2.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area. This duty applies in respect of both the current school population and anticipated pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003. Most importantly, the Education Authority would wish to optimise the educational experience for every pupil by providing:
- a range of social and emotional experiences;
  - an enriched and broad learning experience; and
  - the best possible education which meets the needs of all learners.
- 2.2 The Council's School Estate Management Plan, approved by the Lifelong Learning Committee of Perth and Kinross Council on 6 March 2014, (Report No [14/96](#) refers) provides information on the whole of the school estate and provides information about overall objectives and future priorities within Perth and Kinross Council.
- 2.3 A Special Meeting of Perth and Kinross Council on 9 February 2012 approved a report outlining the proposed budget for the Composite Capital Programme for the five years 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17 (Report No [12/53](#) refers).
- 2.4 This was approved subject to an adjustment to approve the allocation of an additional £20,000,000 to fund specific projects which included resources to upgrade the life expired building at Oakbank Primary School.
- 2.5 On 25 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist Provision at Oakbank Primary School (Report No [14/465](#) (Revised) refers) and agreed that statutory consultation was to be undertaken in respect of the proposal.
- 2.6 Lifelong Learning Committee reports and Proposal Paper referred to above are available on the Council's website [www.pkc.gov.uk](http://www.pkc.gov.uk).

## 3. CONSIDERATIONS

- 3.1 The main considerations relating to the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School with effect from August 2015 are fully explained in the Proposal Paper, and the main points are highlighted as follows:
- 3.1.2 Perth and Kinross Council works to enhance quality of life, make best use of public resources and ensure continuously improving services.

Perth and Kinross Council's Corporate Plan "Securing the Future" aims to ensure that individuals, families and communities experience the best possible outcomes from a range of services.

3.1.3 Perth and Kinross Council has a strong identity and clear priorities which everyone works together to achieve, creating areas which are vibrant and successful; safe, secure, healthy and sustainable environments; educated, responsible and informed citizens; confident and active communities; and places where people are nurtured and supported, giving every child the best start in life.

3.1.4 A new combined school and nursery has been built on the playing field adjacent to the existing school. The existing school and nursery will be demolished following the completion of the new building to create new external space. Due to an increasing demand for Additional Support Needs (ASN) specialist provision in Perth and Kinross, this project had additional scope in the form of Additional Support Needs specialist provision facilities added to the brief.

3.1.5 The establishment of ASN specialist provision at Oakbank Primary School will:

- expand the education provision available in the school and also within Perth and Kinross;
- Accommodate up to 12 pupils; and
- Meet the needs of projected and potential pupils with ASN.

3.1.6 The Additional Support Needs (ASN) specialist provision will be:

- Fully accessible, specially built, and equipped with modern solutions to meet specific needs;
- Built to meet the learning and care needs of pupils and ensure the best learning opportunity is afforded to every pupil; and
- Delivered by staff with appropriate qualifications and high levels of expertise, working in partnership with other agencies and staff to meet individual needs.

3.1.7 In addition it will:

- Focus on building skills and strategies to help pupils cope with social and personal relationships;
- Promote accessible, inclusive learning; and
- Enhance the Council's capacity to meet the needs of young people with ASN to remain in mainstream education provision.

## 4. THE CONSULTATION PROCESS

- 4.1 On 25 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist Provision at Oakbank Primary School (Report No [14/465](#) (Revised) refers).
- 4.2 An electronic link to the Proposal Paper was issued by letter on 5 January 2015 to those individuals and bodies listed under Distribution within the document. The Proposal Paper was also published on the Council’s website: [www.pkc.gov.uk](http://www.pkc.gov.uk)
- 4.3 The Proposal Paper made clear to consultees that the consultation period would run from Wednesday 7 January 2015 until Friday 27 February 2015 – a period of 34 school days in total, which exceeds the required period of at least 30 school days.
- 4.4 The proposal on which consultation took place was to:
- establish Additional Support Needs Specialist Provision at Oakbank Primary School with effect from August 2015.
- 4.5 The requirements for consulting on a relevant proposal relating to schools are set out in the Schools (Consultation) (Scotland) Act 2010.
- A Proposal Paper was published on Wednesday 7 January 2015. A copy of this document was available free of charge to the consultees listed within the document.
  - The Proposal Paper was published on the Perth and Kinross Council website [www.pkc.gov.uk](http://www.pkc.gov.uk) and was available in paper copy upon request.
  - An advertisement ran in the Courier and Advertiser on 7 January 2015, and the Perthshire Advertiser on 8 January 2015.
  - One public meeting was held to discuss the proposal on Monday 2 February 2015.
  - The Consultation period ended on Friday 27 February 2015.
  - Education Scotland’s involvement consisted of: the proposal document being sent to them, attendance at the public meeting on 2 February 2015 and a visit to Oakbank Primary School, meeting with a sample of pupils, staff and parents/carers. They also received a copy of all written representations. They then prepared a report on the educational aspects of the proposal. This is attached as Appendix 3.
- 4.6 The following schools are affected by the proposal:
- Oakbank Primary School

- 4.7 In accordance with statutory requirements, the following persons were consulted:
- The Parent Council (if any) of the affected school
  - The parents of the pupils and children who may attend the affected school
  - Parents of children expected to attend the affected school within 2 years of the date of publication of this proposal document
  - The teaching and ancillary staff at the affected school
  - The trade union and professional association representatives of the above staff
  - The Community Council
  - Relevant users of the affected school
  - Elected Members of Perth and Kinross Council
  - Lay Members of Lifelong Learning Committee
  - The Constituency MSPs and List MSPs covering the Constituency
  - The Constituency MPs
  - The Executive Director, The Environment Service, Perth and Kinross Council
  - The Executive Director, Housing & Community Care, Perth and Kinross Council
  - Tayside Contracts
  - Education Scotland
- 4.8 The number of letters issued with details of the Proposal Paper was 533.
- 4.9 During the consultation period, representations were sought from interested parties, either in oral or written form or electronically. A generic email account was set up by the Council to receive enquiries on the proposal or representations.
- 4.10 This Consultation Report is the Council's response to the issues raised during the consultation period on the Proposal Paper.
- 4.11 This Consultation Report was published on the Council's website for a period of five weeks prior to final consideration by Lifelong Learning Committee on 26 August 2015.

## **5. THE PUBLIC MEETING**

- 5.1 A public meeting was held in Oakbank Primary School on Monday 2 February 2015. Nine members of the public attended. A full note of the meeting is attached as Appendix 1 which details the questions and issues raised at the meeting.
- 5.2 The attendees at the public meeting and the questions and issues raised, indicate that there was no opposition to the proposal.



## **6. RESPONSES TO THE CONSULTATION EXERCISE**

In all, one written response was received during the consultation period. This response did not oppose the proposal. The detail of the respondent is contained within the Summary of Consultation Responses, attached as Appendix 2.

In summary, the written and oral responses can be grouped broadly as follows:

- Clarification on the operation of the Additional Support Needs Specialist Provision relating to numbers and range of needs of pupils who would attend and how this would be managed.
- Clarification on the staffing numbers and support for pupils both in the classroom and outdoor areas.
- Clarification on the impact on pupils attending Oakbank Primary School who do not have additional support needs when pupils with additional support needs transition into mainstream classes.
- Assurances being sought that the addition of the Additional Support Needs Specialist Provision will not result in disruption to the quality or quantity of teaching time offered to pupils without additional support needs.

## **7. EDUCATION AUTHORITY RESPONSE TO WRITTEN AND ORAL REPRESENTATIONS**

### **7.1 What will the impact be on pupils, positive or negative, who do not have ASN who attend Oakbank Primary School?**

The impact would be positive in all respects. The definition of ASN is so broad that the new provision will meet a range of needs to everyone's benefit.

### **7.2 Would the pupils be separate from the main school?**

The new provision can be accessed from the school when required as it is sited within the body of school. The aim is to have children with Additional Support Needs integrated into mainstream education where, and when, appropriate. Children who excel in subjects have the opportunity to offer support throughout the school.

### **7.3 From a practical point of view how does the provision work within the school?**

The provision works by assessing what the needs of the individual pupils are. Some pupils require additional support in terms of nurture or social skills. The new provision is very flexible and pupils can attend in periods of time over weeks, full days or half days. The accommodation allows for a range of needs to be met.

- 7.4 **If there are only 12 spaces available – how will the pupils be chosen?**  
The selection of pupils varies depending on individual learning needs. Pupils will be considered by the ASN Transition Panel to ensure the best decision is made for each individual pupil who requires additional support.
- 7.5 **Are class numbers taken into account when allocating spaces?**  
Yes class numbers are taken into account. As year groups move up, the class sizes increase within the school in accordance with legislation. The integration of pupils into mainstream varies. Pupils may spend less time in mainstream when in early year groups but as they move up the school, time in mainstream classes may increase.
- 7.6 **How many additional staff will be brought in?**  
There will be 1 class teacher and 1 Additional Support Needs assistant per class. However this is a standard allocation for the size of each class and this may vary due to a child's, or children's, individual needs.
- 7.7 **How many other schools provide ASN provision?**  
There are 7 schools with specialist ASN provision. Each serves a catchment area however allocation to specialist provision is determined by a Panel. The Panel may decide that the best provision for the child is outwith the child's catchment area. All children requiring ASN provision for next year have already been allocated places which are not within Oakbank.
- 7.8 **Is the reason for the provision having its own entrance due to the shared play area causing problems?**  
Having its own entrance will allow pupils to be dropped off at the door. Some pupils who require additional support find the play area overwhelming due to the size and also the noise. Wherever possible, schools with ASN specialist provision have separate play areas and playtimes, with support of the school, so many pupils can integrate over time.
- 7.9 **What range of needs will you support?**  
The fullest range of needs will be supported by responding to each child's individual needs in order to provide the best support.
- 7.10 **The new school was already planned so what has changed to make allowances for the new ASN provision?**  
The budget for the school build has been increased to allow for the ASN provision. This provision would take the form of 2 teaching spaces, snoezelen quiet area and a sensory space.
- 7.11 **Is there support for the transition of ASN pupils into mainstream schooling?**  
Yes there is support which is very flexible depending on the individual pupils. This may start with short periods of time and slowly building up the amount of time spent in mainstream classes.

7.12 **Will the children who attend have as complex needs as those at Fairview?**  
The children at Fairview have the most complex needs with specialist teaching. Their needs are different to those pupils with ASN who would benefit from this provision.

7.13 **Assurances being sought that the addition of the ASN provision will not result in disruption of the quality or quantity of teaching time offered to pupils without ASN.**

It is a priority for Education and Children's Services to promote accessible, inclusive learning and to ensure there is capacity to meet the needs of young people with ASN to remain in mainstream education provision, wherever possible. A large number of schools in Perth and Kinross have pupils with ASN who are successfully supported in mainstream classes without any issues. There are a range of ways children may be supported including Pupil Support Assistants, visual aids, IT support, etc to ensure pupils with ASN are appropriately supported within a mainstream setting which does not reduce the teaching time provided within the class. If appropriate support is provided then transition in to mainstream can be very successful for pupils with and without additional support needs. Children learn to appreciate differences and it gives an opportunity for shared experiences.

7.14 **Concern that there requires to be sufficient staffing to ensure that all children can benefit not only within the classroom but also in the outdoor play area.**

There will be 1 class teacher and 1 Additional Support Needs assistant per class. However this is a standard allocation for the size of each class and this may vary due to a child's, or children's, individual needs. The appropriate staffing and support is considered according to each child's individual needs in order to provide appropriate and sufficient levels of support.

## **8. EDUCATION SCOTLAND REPORT**

8.1 In accordance with the Schools (Consultation) (Scotland) Act 2010, a report was produced by Education Scotland on the educational aspects of the proposal.

8.2 Education Scotland visited Oakbank primary School to speak to relevant consultees. Education Scotland attended the public meeting held on 2 February 2015 in connection with the Council's proposals.

8.3 The Education Scotland report is reproduced in full (Appendix 3).

8.4 The report supports the proposal and is summarised below:

- Education Scotland acknowledges that the proposal is of clear educational benefit and will enhance Perth and Kinross Council's capacity to meet the learning needs of children with complex additional support needs within a mainstream school setting. (Education Scotland para 3.1)

- Education Scotland notes that children attending the specialist provision will benefit from access to modern facilities and specialist staff and will enable pupils to attend their local school. (Education Scotland para 3.2)
- Education Scotland points out that the specialist provision at Oakbank Primary School will reduce the need for some children to spend time travelling to other schools providing specialist provision. (Education Scotland para 3.2)
- Education Scotland highlights that children with complex additional support needs will benefit from support from specialist staff, and partnership working will ensure that learning, therapeutic and health needs are met. (Education Scotland para 3.3)
- Education Scotland notes that staff at Oakbank Primary School were of the view that the school already has a strong inclusive ethos. (Education Scotland para 3.4)
- Education Scotland indicates that all parents, staff and children who met them were in favour of the proposals and there is no recorded opposition to the proposal. (Education Scotland para 3.4 and para 4)

## 8.5 Perth and Kinross Council's Response to Education Scotland's Report

The Council welcomes the report from Education Scotland and accepts its findings.

In response to the findings contained within the Education Scotland report, Perth and Kinross response is as follows:

**If Perth and Kinross Council decides to implement the proposal it needs to continue to engage parents, children and staff further in discussion of the detailed plans for implementation.**

A communications plan was developed with the User Reference Group to ensure that parents were kept informed at each key stage throughout the project and the Council would seek to extend this to cover the implementation plan for the specialist provision. If the proposal is approved, the Council will work with the headteacher to ensure parents, staff, pupils and other key stakeholders are engaged in further discussions regarding the detailed implementation of the proposal. In addition to the usual communication channels, there will also be an opportunity for parents, staff and pupils to attend a drop-in session which will allow the Council to share information directly with parents, staff and pupils.

## **9. TRAVEL ARRANGEMENTS**

- 9.1 Perth and Kinross Council currently provides free transport for eligible pupils who attend their catchment primary and secondary schools. There will be no change in eligibility for pupils entitled to home to school transport.
- 9.2 Transport arrangements for the Additional Support Needs specialist provision would be made in line with the current Perth and Kinross Council policy for Home to School Transport. Under this policy, pupils will be eligible for free home to school transport to attend their designated school where the distance between their home address and the catchment school is more than 2 miles for primary pupils.
- 9.3 Free home to school transport is not provided for pupils who attend a school of their parents' choice as the result of a successful placing request.
- 9.4 The establishment of Additional Support Needs Specialist Provision at Oakbank Primary School may negate the requirement for some pupils with complex additional support needs to travel significant distances to access specialist provisions in other localities.

## **10. ALLEGED OMISSIONS OR INACCURACIES**

- 10.1 Section (10) (3) of the 2010 Act also places a requirement on the Council to provide details of any inaccuracy or omission within the Proposal Paper which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.
- 10.2 In the course of the consultation exercise, there were no areas identified by respondents as being inaccurate or omitted from the Proposal Paper during the consultation period.

## **11. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010**

- 11.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

- (i) written representations received by the Authority (from any person) during the consultation period,
- (ii) oral representations made to it (by any person) at the public meeting,
- (iii) Education Scotland's report.

- 11.2 Following receipt of twenty-three written representations and consideration of oral representations made at a public meeting held during the consultation period, officers reviewed the proposals.
- 11.3 The feedback from the consultation was considered by a range of officers. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.
- 11.4 Officers of the Education Authority have listened carefully to the points made at the public meetings and have considered equally carefully the written representation, including the Education Scotland report. Having reviewed the feedback from consultees, officers concluded that the basis of the original proposal remained the best solution to enhance the capacity to provide appropriate and effective education provision to Perth and Kinross pupils with complex additional support needs.

## **12. LEGAL ISSUES**

- 12.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation.
- 12.2 The Council is mindful of its duties in respect of equality and the Equality Impact Assessment did not identify that any parent, child or young person would be treated less favourably as a result of this proposal.
- 12.3 Under the terms of the Schools (Scotland) (Consultation) Act 2010, it is a legal requirement that the Council should not reach any formal decision without:
- having reviewed the relevant proposal having regard, in particular, to:
    - a) relevant written representation received from any person during the consultation period;
    - b) oral representation made to it by any person at the public meeting held on 2 February 2015;
    - c) the Education Scotland report ;
  - preparing a Consultation Report; and
  - waiting until a period of three weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.
- 12.4 As it is the intention that this Consultation Report should be published, both electronically and in written form, if required, on 17 July 2015 until 21 August 2015, this exceeds the statutory requirement to publish this report more than three weeks before consideration of the proposal by Lifelong Learning Committee.

### **13. PERSONNEL IMPLICATIONS**

Staffing arrangements will be consistent with Perth and Kinross Council's Staffing Standard and other local agreements. Detailed consultation will be undertaken with individual members of staff, Trade Unions and Professional Associations on an implementation plan for staffing the new Additional Support Needs Specialist Provision at Oakbank Primary School.

### **14. CONCLUSION**

14.1 The Council now has 4 broad options to consider, namely:

- a) adopt the proposal;
- b) withdraw the proposal and make no additional provision for Additional Support Needs at Oakbank Primary School;
- c) amend the proposal in some way which allows the proposal to proceed; or
- d) amend the proposal significantly and undertake a further consultation exercise on a new proposal.

14.2 In withdrawing the proposal, the Council would be failing to recognise or respond to the support from parents/carers, staff and pupils for the proposal to establish Additional Support Needs Specialist Provision in Oakbank Primary School, with effect from August 2015. Education Scotland has identified that the proposal would lead to clear educational benefits for young people. These benefits include children with complex additional support needs being able to attend their local school and the proposal enhances the capacity of the Council to meet the needs of children with complex needs in a new building with facilities designed to modern standards.

14.3 If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Proposal Paper would materialise. There would also be a requirement that close joint planning with parents/carers, staff and pupils is well managed in ways which are supportive to the pupils concerned, and in their long term interests.

14.4 The key issues that have been highlighted during the consultation period are as follows:

- The Council's proposals have been generally supported by parents/carers, staff and the wider community.
- There has been no opposition to the Council's proposal.
- The report from Education Scotland acknowledges that the proposal would lead to clear educational benefits for young people with complex additional support needs.

## **15. RECOMMENDATIONS**

15.1 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most suitable option and it is recommended that the Council:

- Approves the establishment of Additional Support Needs Specialist Provision in Oakbank Primary School, with effect from August 2015;

John Fyffe  
Executive Director (Education and Children's Services)

30 June 2015



**Perth and Kinross Council  
Education and Children's Services  
Statutory Consultation Public Meeting**



**Minute of meeting held on Monday 2 February 2015**

**At 7pm in Oakbank Primary School**

	<b><u>Present</u></b>	
	Councillor Bob Band	Convener, Lifelong Learning Committee
	Karen Robertson	Service Manager – Business Services
	Dorothy Henderson	Quality Improvement Officer – Inclusion Services
	<b><u>In Attendance</u></b>	
	Councillor Wilson	Perth and Kinross Council
	Councillor Stewart	Perth and Kinross Council
	Councillor Munro	Perth and Kinross Council
	Brian Reid	Assistant Project Manager – Project Support S
	Ken McAra	Education Scotland
	Moya Dawson	Headteacher, Oakbank Primary School
	Alison Downie	Depute Headteacher, Oakbank Primary School
	Emma Wilson – Minutes	Perth and Kinross Council
	9 members of the public	
<b>1.</b>	<b><u>Welcome and Introductions</u></b>	
	Karen Robertson opened the meeting and welcomed the members of the public in attendance. Karen Robertson introduced herself and the panel to the members of the public and thanked them for attending.	
<b>2.</b>	<b><u>Format of meeting</u></b>	
	Karen Robertson explained the format of the meeting.	
<b>3.</b>	<b><u>The proposal</u></b>	
	Karen Robertson explained the consultation proposal to the attendees:	
	<i>“To establish Additional Supports Needs Specialist Provision at Oakbank Primary School with effect from August 2015.”</i>	
	In line with the terms of the Schools (Consultation) (Scotland) Act 2010 a period of formal consultation will be undertaken from <b>7 January 2015</b> until <b>27 February 2015</b> .	
	There were three presentations explaining the consultation in further detail.	

<b>4.</b>	<b><u>Presentations</u></b>	
	<b><u>Background</u></b>	
	<p>Karen Robertson gave a presentation on the background to the proposal. The presentation outlined what Perth and Kinross Council want to achieve from the Additional Support Needs provision including the Councils vision of making best use of public resources.</p> <p>Karen Robertson outlined that the reasons behind Additional Support Needs Specialist Provision being added to the replacement of Oakbank Primary School.</p>	
	<b><u>Additional Support Needs (ASN) Specialist Provision at Oakbank Primary School</u></b>	
	<p>Dorothy Henderson gave a presentation on the objectives of Additional Support Needs Specialist Provision at Oakbank Primary School. It was explained that ASN provision will meet the needs of projected and potential pupils with ASN. Dorothy Henderson explained in detail the educational benefits of the ASN provision. Details were provided in relation to staffing and that arrangements will be consistent with Perth and Kinross Council staffing standard agreements. Dorothy Henderson also advised that a detailed consultation will be undertaken with individual members of staff, Trade Unions and professional associations on an implementation plan for staffing.</p>	
	<b><u>Transport Arrangements</u></b>	
	<p>Karen Robertson gave a presentation on current and future transport arrangements. Catchment areas and when free school transport was provided was discussed. Karen Robertson outlined the fact that pupils who travel significant distances to other specialist provisions may have the opportunity to travel shorter distances to access ASN provision.</p>	
	<b><u>Statutory Consultation Process</u></b>	
	<p>Karen Robertson gave a presentation on the statutory consultation process including the legal framework, consideration by Lifelong Learning Committee, the content of the proposal including the Educational Benefits statement, statutory consultation period and representation from interested parties as the first part of the consultation process. Karen Robertson then went on to explain the next stages of the process which includes the involvement of Education Scotland, the preparation and publication of the consultation report and the decision made by the Lifelong Learning Committee.</p>	
	<p>Karen Robertson then opened up the meeting to any questions from the floor.</p>	
<b>5.</b>	<b><u>Questions</u></b>	
<b>Q.</b>	<b>What will the impact be on pupils, positive or negative, who do not have ASN who attend Oakbank Primary School?</b>	
<b>A.</b>	The impact would be positive in all respects. The definition of ASN is so broad that the new provision will meet a range of needs to everyone's benefit.	

<b>Q.</b>	<b>Would the pupils be separate from the main school?</b>	
<b>A.</b>	The new provision can be accessed from the school when required as it is sited within the body of school. The aim is to have children with Additional Support needs integrated into mainstream education where, and when, appropriate. Children who excel in subjects have the opportunity to offer support throughout the school.	
<b>Q.</b>	<b>From a practical point of view how does the provision work within the school?</b>	
<b>A.</b>	The provision works by assessing what the needs of the individual pupils are. Some pupils require ASN in terms of nurture or social skills. The new provision is very flexible and pupils can attend in periods of time over weeks, full days or half days. The accommodation allows for a range of needs to be met.	
<b>Q.</b>	<b>If there are only 12 spaces available – how will the pupils be chosen?</b>	
	The selection of pupils varies depending on individual learning needs. Pupils will be considered by the ASN Transition Panel to ensure the best decision is made for each individual pupil who requires additional support.	
<b>Q.</b>	<b>Are class numbers taken into account when allocating spaces?</b>	
<b>A.</b>	Yes. There needs to be space in that year group. As year groups move up, the class sizes increase within the school in accordance with legislation. The Integration of pupils into mainstream varies. Pupils may spend less time in mainstream when in early year groups but as they move up the school, time in mainstream classes may increase.	
<b>Q.</b>	<b>How many additional staff will be brought in?</b>	
<b>A.</b>	There will be 1 class teacher and 1 Additional Support Needs assistant per class. However this is a standard allocation for the size of each class and this may vary due to a child's, or children's, individual needs.	
<b>Q.</b>	<b>How many other schools provide ASN provision?</b>	
<b>A.</b>	There are 7 schools with specialist ASN provision. Each serves a catchment area however allocation to specialist provision is determined by a Panel. The Panel may decide that the best provision for the child is outwith the child's catchment area. All children requiring ASN provision for next year have already been allocated places which are not within Oakbank.	
<b>Q.</b>	<b>Is the reason for the provision having its own entrance due to the shared play area causing problems?</b>	
<b>A.</b>	No. Having its own entrance will allow pupils to be dropped off at the door. Some pupils who require additional support find the play area overwhelming due to the size and also the noise. Wherever possible, schools with ASN specialist provision have separate play areas and playtimes. With support of the school, so many pupils can integrate over time.	

<b>Q.</b>	<b>What range of needs will you support?</b>	
<b>A.</b>	The fullest range of needs will be supported by responding to each child's individual needs in order to provide the best support.	
<b>Q.</b>	<b>The new school was already planned so what has changed to make allowances for the new ASN provision?</b>	
<b>A.</b>	The budget for the school build has been increased to allow for the ASN provision. This provision would take the form of 2 teaching spaces, snoezelen quiet area and a sensory space.	
<b>Q.</b>	<b>Is there support for the transition of ASN pupils into mainstream schooling?</b>	
<b>A.</b>	Yes there is support which is very flexible depending on the individual pupils. This may start with short periods of time and slowly building up the amount of time spent in mainstream classes.	
<b>Q.</b>	<b>Will the children who attend have as complex needs as those at Fairview?</b>	
<b>A.</b>	No. The children at Fairview have the most complex needs with specialist teaching. Their needs are different to those pupils with ASN who would benefit from this provision.	
<b>6.</b>	<b><u>Close and Thanks</u></b>	
	Karen Robertson thanked everyone for attending the meeting, reminded them of the different ways to make representation on the proposal and that the consultation period ends on Friday 27 February 2015 at 5pm.	



**Perth and Kinross Council**

**Education and Children's Services**

**Oakbank Primary School –  
Additional Support Needs Specialist Provision**

**Summary of Consultation Responses**

The statutory consultation on the proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School commenced on 7 January 2015 and closed on 27 February 2015.

Details of the proposal document were issued to the list of consultees contained within the Proposal Paper. 533 letters were issued with a link to the proposal paper and details of where and how to obtain a paper copy. The Proposal Paper was also published on the Council website. Public Notice adverts were placed in the local press on 7 and 9 January 2015 and notices were placed on the Council’s Facebook and Twitter pages.

A specific email address was set up for representations and enquiries. This was in addition to the usual methods of submitting representations. An online response form was set up on the consultation webpage.

One written submission was received. This did not oppose the proposal.

<b>RESPONDENT GROUP</b>	<b>NUMBER OF RESPONSES</b>
Parents	1
<b>Total</b>	<b>1</b>

This 1 response represents 1 separate individual.

The Council held one public meeting to discuss the proposal. The meeting took place in Oakbank Primary School on Monday 2 February 2015. Nine members of the public attended this meeting.

The following points summarise the verbal issues raised at the meeting and in the written response to the Proposal Paper:

- Clarification on the impact, positive or negative, on pupils in Oakbank who do not have ASN.
- Would the ASN pupils be separate from the main school?
- Clarification on how does the provision work within the school.
- How will pupils be chosen/allocated to the spaces in the ASN provision?
- Are class numbers taken into account when allocating spaces?
- How many additional staff will be brought in?
- Clarification on how many other schools provide ASN specialist provision.
- Clarification on why there is to be a separate entrance and whether this is because of issues with shared areas?
- Clarification sought regarding the range of needs supported and would those attending have the same needs as those attending Fairview?
- What changes have been made to the design of the building to accommodate ASN provision?
- Clarification regarding support during transition into mainstream school.
- A concern that the proposal paper did not answer what parents felt were basic questions.

- An understanding of the need for additional ASN provision and the benefits of this being incorporated into new school builds as well as the social and emotional benefits which could be offered to all children in the school.
- Assurances being sought that the addition of the ASN provision will not result in disruption of the quality or quantity of teaching time offered to pupils without ASN.
- Concern that there requires to be sufficient staffing to ensure that all children can benefit not only within the classroom but also in the outdoor play area.

**Report by Education Scotland addressing educational aspects of the proposal by Perth and Kinross Council to establish Additional Support Needs Specialist Provision at Oakbank Primary School with effect from August 2015.**

## 1. Introduction

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Perth and Kinross Council's proposal to establish specialist provision for children with additional support needs at Oakbank Primary School with effect from August 2015. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the school any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

### 1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 2 February 2015 at Oakbank Primary School in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others;



- visit to the site of Oakbank Primary School, including discussion with relevant consultees.

## **2. Consultation Process**

2.1 Perth and Kinross Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*. Perth and Kinross Council approved a new combined Oakbank Primary School and nursery building on the playing field adjacent to the existing school in 2012. The new building is expected to be operational in June 2015. The existing buildings will then be demolished. Perth and Kinross Council added Additional Support Needs Specialist Provision to its plans for the new school building. This required Perth and Kinross Council to undertake a formal consultation on their proposal to establish specialist provision for children with additional support needs within the new Oakbank Primary School with effect from August 2015.

2.2 Formal consultation on the proposal ran from 7 January until 27 February 2015. Notices about the proposal were placed in local newspapers and on Perth and Kinross Council's website. Letters containing an electronic link to the consultation proposal document were sent directly to all relevant consultees. A public meeting was held at Oakbank Primary School on 2 February 2015. Those who attended the public meeting asked a number of questions seeking more specific details. Perth and Kinross Council received one written representation.

## **3. Educational Aspects of Proposal**

3.1 Perth and Kinross Council's proposal to establish specialist provision for children with additional support needs within Oakbank Primary School with effect from August 2015 is of clear educational benefit. If implemented, the proposal will establish Additional Support Needs Specialist Provision within a new purpose-built modern school building with high-quality accommodation and facilities. It will result in additional specialist provision and enhance Perth and Kinross Council's capacity to meet the learning needs of children with complex additional support needs within mainstream school settings. The specialist provision will include a dedicated drop off area; separate entrance for children using the facility; two additional support needs classrooms; specific purpose designed rooms, and shared areas within the school including a medical room, a personal care room and outdoor play area. The specialist provision is intended to accommodate up to 12 children.

3.2 Children attending the Additional Support Needs Specialist Provision will benefit from access to modern facilities and specialist staff. This will enable children in the Oakbank locality with complex additional support needs to attend their local school. This will reduce the need for some children to spend time travelling to other schools providing specialist support.

3.3 Children with complex additional support needs will benefit from support from specialist staff. Additional support needs staff will work in partnership with other specialists to ensure appropriate learning, therapeutic and health needs are met.

3.4 All parents, staff and children who met HM inspectors were in favour of the proposals. Parents who attended the public meeting asked a number of specific questions on the detailed implementation of the proposal, including information on the range of additional needs which the provision will specialise in. They sought and were given reassurance that the proposals will be of benefit to all children attending Oakbank Primary School. Staff were of the view that Oakbank Primary School already has a strong inclusive ethos. They would welcome more detail on the

potential for additional opportunities for professional learning. Parents sought more specific details about the level of support provided and other day-to-day operational issues. They would welcome the opportunity to be involved more fully in discussions should the proposal be approved.

3.5 Perth and Kinross Council proposes to establish the provision from August 2015. When allocating places to children the council will need to ensure effective transition arrangements are put in place.

#### **4. Summary**

Perth and Kinross Council's proposal to establish Additional Support Needs Specialist Provision at Oakbank Primary School has clear educational benefits. Children with complex additional support needs in the Oakbank area will be able to attend their local school. The proposal, if implemented will enhance the capacity of Perth and Kinross Council to meet the needs of children with complex needs in a new building with facilities designed to modern standards. The proposal is supported by parents, children and staff. There is no recorded opposition to the proposal. If Perth and Kinross Council decides to implement the proposal it needs to continue to engage parents, children and staff further in discussion of the detailed plans for implementation.

**HM Inspectors  
Education Scotland  
March 2015**