

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee

31 October 2018

Statutory Consultation – Forteviot Primary School

Report by Executive Director (Education and Children's Services) (Report No. 18/350)

PURPOSE OF REPORT

This report informs the Lifelong Learning Committee of the outcome and findings of the statutory consultation exercise undertaken in respect of the formal proposal to close Forteviot 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 from 1 July 2019.

1. BACKGROUND

- 1.1 The School Estate Strategy ([Report No. 12/370 refers](#)) sets out the Council's aspirations for our schools and, in particular, the high value we place on learning, through our vision for well designed, maintained and managed schools.
- 1.2 The Council's Transformation Strategy 2015-2020 'Building Ambition' and Organisational Development Framework were approved by Council on 1 July 2015 ([Report No. 15/292 refers](#)). Together they detail how Perth and Kinross Council will deliver transformation over the five year period. Accompanying the strategy was a programme of major reviews which are considered to be key drivers and enablers of transformation across the organisation.
- 1.3 On 24 August 2016, Lifelong Learning Committee ([Report No. 16/347 refers](#)) approved principles to be used as a basis for the transformation review, 'Securing the Future of the School Estate'. The principles approved by Lifelong Learning Committee as a basis for the transformation review were as follows:
 - (i) schools should have an occupancy rate where possible greater than 60% of the capacity and ideally should be operating at over 80% capacity;
 - (ii) every school should be rated as A or B, ie at least satisfactory for condition and suitability; and
 - (iii) life expired buildings¹ within the school estate should be prioritised for replacement.

¹ Life expired buildings are defined as buildings which are uneconomical to maintain.

- 1.4 In October 2016, the decision was taken to 'mothball' Forteviot Primary School. This was as a result of a diminishing school roll and resulting under capacity. This means provision in a school is suspended with pupils temporarily zoned to another catchment area. Mutually agreed arrangements were made with the parents of the three remaining Forteviot Primary School pupils to temporarily zone pupils to Forgandenny Primary School.
- 1.5 On 2 November 2016, the Lifelong Learning Committee approved ([Report No. 16/485 refers](#)) by the Executive Director (Education and Children's Services). This report details the outcome of the high level review undertaken in respect of the school estate and proposed to proceed with further detailed work.
- 1.6 This report approved the development of an options appraisal in relation to the future of Forteviot Primary School due to very low occupancy. The pupil roll at Census 2016 was 5 pupils giving an occupancy of 10%. The pupil roll was due to be 3 pupils by October 2016, giving an occupancy of 6% prior to the school being mothballed.
- 1.7 Informal pre-consultation was undertaken with the affected communities of both Forteviot and Forgandenny to gather and share information, establish possible alternatives and engage the communities to understand and help shape the proposals for Forteviot Primary School to inform the options appraisal.
- 1.8 Following on from these, and using information obtained during the pre-consultation activities, an options appraisal was developed for Forteviot Primary School. There were four options identified. The findings contained within the options appraisal concluded that, of these four options, the only reasonable option is to close Forteviot Primary School because the school roll is not sustainable. None of the other options considered were determined to be reasonable alternatives to closure nor would they allow the school roll to reach a sustainable level.
- 1.9 On 24 January 2018, the Lifelong Learning Committee considered the [Options Appraisal](#) and agreed to commence formal consultation on a proposal to close Forteviot Primary School ([Report No. 18/14](#) refers) in accordance with the Schools (Consultation) (Scotland) Act 2010.
- 1.10 The 2010 Act's principal purpose is to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools. These consultation processes are expected to be robust, open, transparent and fair, and seen to be so. They are also expected to be consistent across Scotland.
- 1.11 The 2010 Act makes special arrangements in relation to rural schools, and establishes a presumption against the closure of rural schools.
- 1.12 The result of this is that education authorities must have special regard to a number of factors before formalising a proposal to close a rural school and in

consulting on and reaching a decision as to whether to implement a rural school closure proposal.

- 1.13 Councils have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their entire area for the current school population and future pattern of demand.
- 1.14 Councils also have a statutory responsibility in terms of the Local Government in Scotland Act 2003 to achieve best value. The organisation of the school estate is therefore kept under regular review, including the need for school provision and other factors, such as altering catchment areas and the provision of school transport.
- 1.15 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. STATUTORY CONSULTATION

- 2.1 The Schools (Consultation) (Scotland) Act 2010 sets out the process which must be followed in undertaking a statutory consultation on a proposal affecting a school.
- 2.2 The Council is required to prepare and publish a Proposal Paper which clearly sets out the proposal on which the Council is consulting. The Proposal Paper must include details of the proposed date for implementation, the educational benefits statement, a summary of the consultation process and details of the supporting evidence or information used to formulate the proposal.
- 2.3 For a school proposal, the Council is required to consult:
 - The parents of the pupils and children at the affected schools
 - The parents of children expected to attend an affected school within 2 years of the date of publication of this proposal document
 - The pupils at the affected schools
 - The Parent Council (if any) of the affected schools
 - The teaching and ancillary staff at the affected schools
 - The trade union representatives of the above staff
 - The Community Councils
 - Relevant users of the affected schools
- 2.4 The 2010 Act also requires that Education Scotland must consider the educational aspects of the Council's proposal and then prepare and submit a report to the Council which the Council must consider when preparing its final Consultation Report.

- 2.5 The Council is then required to prepare and publish its final consultation report. In preparing the report, the Council must consider the report from Education Scotland and other responses to the consultation. The consultation report must explain how the Council has reviewed the proposal, a summary of the points raised during the consultation and the Council's response to them, details of any alleged inaccuracies or omissions and, for rural schools, an assessment of the rural school factors.
- 2.6 The proposal for Forteviot Primary School, subject to the outcome of the consultation process, is that:
- Education provision at Forteviot Primary School be permanently discontinued with effect from 28 June 2019, or as soon as possible thereafter;
 - The pupils of Forteviot Primary School catchment area permanently receive their education at Forgandenny Primary School, from 1 July 2019 or as soon as possible thereafter; and
 - The delineated catchment area of Forgandenny Primary School be permanently extended to subsume the whole delineated catchment area of Forteviot Primary School from 1 July 2019.
- 2.7 An electronic link to the [Proposal Paper](#) was issued by letter to the consultees listed within the document, and was also published on the Council's website: www.pkc.gov.uk.
- 2.8 The Proposal Paper made clear to consultees that the consultation period would run from Monday 19 March 2018 until Thursday 17 May 2018, which includes a period of 31 school days. Public Notice adverts were also placed in the local press.
- 2.9 The number of letters issued with details of the Proposal Paper was 151.
- 2.10 One public meeting was held in Forgandenny Primary School on Thursday 26 April 2018. Five members of the public attended this meeting.
- 2.11 Two online responses were received during the statutory consultation period. No written representations were received.
- 2.12 In summary, the verbal responses raised at the meeting can be grouped broadly as follows:
- Queries regarding the impact additional Forteviot catchment pupils would have on the availability of spaces for younger siblings of placing requests already attending Forgandenny Primary School;
 - Clarification regarding the P1 intake, maximum P1 intakes and future projected rolls;
 - Clarification on the impact of house building in the Forgandenny catchment area and the impact on the future school capacity and whether the school would need to be extended in the future;

- Clarification on the ownership of Forteviot Primary School and the future use of the building if the school was to close; and
- Clarification on the consultation process and the statutory consultees.

3 EDUCATION SCOTLAND REPORT

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

3.2 The report supports the proposal and is summarised below:

- Prior to formulating the proposal, the Council had given appropriate consideration to any reasonable alternative to closure and evaluated these accordingly as outlined in their options appraisal paper.
- In undertaking their options appraisal, the Council gave well-balanced consideration to any potential impact of the closure on the local community, the environment and children, young people and other school users.
- Education Scotland acknowledges that the Council has presented a comprehensive account of the educational benefits of closing Forteviot Primary School.
- The proposal further secures a long term sustainable school roll and future for the Forgandenny school community through the proposed, expanded and enlarged catchment area. Overall, HM Inspectors consider that there are many clear and well-founded educational benefits to the proposal.
- The Council's proposal to permanently discontinue education provision at Forteviot Primary School, making consequent changes to catchment areas, is of clear educational benefit. Since the mothballing of the school in October 2016, the Forteviot pupils have become well-integrated into Forgandenny Primary School, benefiting from being educated alongside a larger peer group at every stage. The children have adjusted well to the move and to the minimal additional travel involved and overall there has been no detrimental impact.
- Education Scotland notes that alternative options to closure have been very well-considered.

3.3 With a declining and unsustainable school roll and facilities requiring investment, potential savings can be secured as a result of the closure, minimising the impact of any cuts to education services and contributing to the Council's vision of best value and that no objections to the proposal as it stands were received. Affected parents have advised that they would not send their children back to Forteviot Primary School if the school were to re-open.

4. CONSULTATION REPORT

4.1 Having considered the verbal 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) from Friday 14 September 2018 until Friday 5 October 2018.

This allowed for the required full three week review of the document prior to a final Committee decision on Wednesday 31 October 2018, and complies with Section 9 (3) and Section 11 of the 2010 Act.

5. CONCLUSION

- 5.1 The Council recognises there has been no opposition from parents, staff and pupils towards the proposal and there is no support from statutory consultees, and the wider community to keep the school open. Affected parents do not wish to see the school re-opened.
- 5.2 Education Scotland has identified that the proposal has many clear and well-founded educational benefits for young people. This includes the larger number and wider range of peers in Forgandenny Primary School which allows children to access a learning environment where there are groups of learners at all stages of school, further allowing them to develop their social and interpersonal skills in a broader range of appropriate contexts.
- 5.3 If the Council adopts the proposal, it is understood that the educational benefits set out in the Proposal Paper would materialise. There is evidence that children from Forteviot have become well-integrated into Forgandenny Primary School since the school was mothballed and the children have adjusted well to the move.
- 5.4 The key points 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.
 - The report from Education Scotland acknowledges that the proposal has led to clear and well-founded educational benefits for pupils.
 - The Council, having had special regard to the rural school factors, does not consider that the proposal will adversely affect the sustainability of the community, or that there will be an adverse effect from the premises no longer being available for community use.

6. RECOMMENDATIONS

- 6.1 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 recommended that the decision is made to implement the proposal that education provision at Forteviot Primary School be permanently discontinued with effect from 28 June 2019, or as soon as possible thereafter; that the pupils of Forteviot Primary School catchment area permanently receive their education at Forgandenny Primary School from 1 July 2019, or as soon as

possible thereafter; and that the delineated catchment area of Forgandenny Primary School be permanently extended to subsume the whole delineated catchment area of Forteviot Primary School from 1 July 2019.

6.2 A comprehensive Proposal Paper containing an Educational Benefits Statement was produced in relation to the proposal. Pupils are already attending and are benefiting by attending Forgandenny Primary School which was evident when Education Scotland visited the school. The Proposal Paper allowed for informed consideration to be given to the proposal that education provision at Forteviot Primary School be permanently discontinued with effect from 28 June 2019 through formal consultation with key stakeholders. The outcome and findings of the statutory consultation exercise have been published. 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 now recommended to implement the proposal with effect from 1 July 2019.

6.3 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 that:
 - Education provision at Forteviot Primary School be permanently discontinued with effect from 28 June 2019, or as soon as possible thereafter;
 - The pupils of Forteviot Primary School catchment area permanently receive their education at Forgandenny Primary School, from 1 July 2019 or as soon as possible thereafter; and
 - The delineated catchment area of Forgandenny Primary School be permanently extended to subsume the whole delineated catchment area of Forteviot Primary School from 1 July 2019.

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Approved

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Sheena Devlin	Executive Director (Education and Children's Services)	16 October 2018

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (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
- (v) Creating a safe and sustainable place for future generations

This report relates to all of these objectives.

Corporate Plan

1.2 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 all of these objectives.

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Maximising Resources

2. Resource Implications

Financial

2.1 The annual recurring savings of the preferred option is made up of staff costs and building running costs. The financial implications of this proposal is that there will be a saving of £113,407 to be made if the proposal is to be implemented.

2.2 The annual cost of mothballing Forteviot Primary School is £1,850 which is made up of costs for energy and property maintenance.

2.3 On 30 June 2010, the Council approved the report Securing the Future – Towards 2015 and Beyond ([Report No. 10/357 refers](#)). This report set out our continuing strategy for securing the future, aiming to support the delivery of savings through revised service delivery models and ongoing improvement activities in the Council. Education and Children's Services Service Review Programme within this report contains a re-design project to "review the school estate".

2.4 Therefore, any savings arising from the proposed option to close Forteviot Primary School will be allocated against Education and Children's Services budget savings targets. This will mitigate against making alternative budget reductions within other areas of Education and Children's Services, with a corresponding reduction in service delivery in that area.

2.5 The annual budget is built reflecting cost drivers such as the number of schools, buildings, staff and pupils. If Forteviot Primary School were to be closed then future years' budgets would not contain any allowance for staffing Forteviot Primary School and there would be reduced property costs (and possibly no costs should the building be declared surplus to the Council's requirements). Any per capita budgets relating to individual pupils would continue to be budgeted against the school that these pupils would attend following the closure of Forteviot Primary School.

2.6 It is envisaged that the existing Forteviot Primary School will be declared surplus to the requirements of Perth and Kinross Council. This will minimise the risks associated with vacant buildings.

Workforce

2.7 There are no staffing implications relating to the proposal. Appropriate arrangements were made for staff at Forteviot Primary School when the school was mothballed in October 2016 and these arrangements have been in place since then.

Asset Management (land, property, IT)

- 2.8 If the proposal to permanently close Forteviot Primary School is approved, Education and Children's services would declare the building surplus to the requirements of Perth and Kinross Council.

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 (Eq1A) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:
- 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. Pupils would have access to a wider peer group of both sexes at Forgandenny Primary School which is a positive impact.
 - In terms of Socio Economic Impact, the assessment identified that there may be a small disadvantage for some parents who would have further to travel when attending meetings or events in school. However, the identified benefits significantly outweigh any disadvantage. It is also not considered to be a significant disadvantage as parents are already travelling to access all other services outside Forteviot village. In addition, a number of pupils from Forteviot catchment area were already attending Forgandenny Primary School as the result of successful placing requests prior to Forteviot Primary School being mothballed.

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.

However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 N/A

Legal and Governance

- 3.4 Legal Services has been consulted in the preparation of this report which has been prepared in accordance with the Schools (Consultation) (Scotland) Act 2010, as amended.

Risk

- 3.5 N/A

4. Consultation

Internal

- 4.1 The Head of Democratic Services and Head of Legal Services have been consulted in the preparation of this report.

External

- 4.2 This report contains full details of the Statutory Consultation exercise which has been undertaken in respect of this proposal and this is fully detailed in Appendix A.

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