

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee

31 October 2018

Statutory Consultation – Balhousie Primary School

Report by Executive Director (Education and Children's Services) (Report No. 18/349)

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 Balhousie 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 August 2022.

1. BACKGROUND/MAIN ISSUES

- 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 On 2 November 2016, the Lifelong Learning Committee approved [Report No 16/485](#) 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.

This report approved the development of an options appraisal in relation to the future of Balhousie Primary School due to the poor condition and poor suitability of the school which were both rated 'C' and with significant spend being required to improve its condition rating and their being limitations to what can be achieved to improve its suitability. Elements of the external social areas and accessibility were rated as suitability 'D'. The occupancy of the school was also 45% at Census 2017.

- 1.5 Informal pre-consultation was undertaken with the affected communities to gather and share information, establish possible alternatives and engage the communities to understand and help shape the proposals for Balhousie Primary School to inform the options appraisal.
- 1.6 An options appraisal was developed for Balhousie Primary School and North Muirton Primary School. The options appraisals for Balhousie Primary School and North Muirton Primary School have been combined because there is funding of £16m in the Composite Capital Budget for a replacement primary school in the 'North' of Perth. The options appraisal considered whether there were opportunities for both schools, which have adjoining boundaries, to benefit jointly or separately from the funding in the capital programme.
- 1.7 The findings contained within the options appraisal concluded that the only reasonable option is to close Balhousie Primary School and for pupils to move to a new school because this option will provide a well-designed, accessible, modern teaching space which would benefit both Balhousie Primary School and North Muirton Primary School pupils and families. The cost of the new school would be approximately £4.4m less than the cost of building a new school at North Muirton and refurbishing Balhousie Primary School. This would provide best value for the Council, allowing it to invest the capital in the school estate and the revenue saved into improving other school buildings and supporting the wider delivery of education. None of the other options considered were determined to be reasonable alternatives to closure.
- 1.8 On 24 January 2018, the Lifelong Learning Committee considered the [Options Appraisal](#) and agreed to commence formal consultation on a proposal to close Balhousie Primary School ([Report No 18/15](#) refers) in accordance with the Schools (Consultation) (Scotland) Act 2010.
- 1.9 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.

- 1.10 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.
- 1.11 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.
- 1.12 Most importantly, the Council 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 Balhousie Primary School, subject to the outcome of the consultation process, is that Lifelong Learning Committee agrees that:
- Education provision at Balhousie Primary School be permanently discontinued with effect from 31 July 2022, or as soon as possible thereafter;
 - The pupils of Balhousie Primary School catchment area permanently receive their education at a larger, new build North Muirton Primary School, from August 2022 or as soon as possible thereafter; and
 - The delineated catchment area of North Muirton Primary School be permanently extended to subsume the whole delineated catchment area of Balhousie Primary School from August 2022.
- 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 556.
- 2.10 Two public meetings were held in North Inch Community Campus on Tuesday 24 April 2018 and Tuesday 1 May 2018. One parent and five members of the public attended the meeting on 24 April 2018 and seven members of the public attended the meeting on 1 May 2018.
- 2.11 Six written submissions were received during the statutory consultation period representing five individuals, as one member of the public submitted two written submissions. The six written submissions opposed the proposal and 53 online response forms were received of which 43 responses opposed the proposal.
- 2.12 In summary, 556 letters were issued inviting comments and participation in the consultation. The number of parents known to have participated in the consultation to make their views known is 26. Of the 10 responses which agreed with the Council's proposal, 9 were from parents. However, it is also recognised that for the majority of parents of pupils at Balhousie Primary School that their children will not be affected by the proposal as they will have left the school by the proposed implementation date of August 2022.

2.13 The main points raised at the public meetings were broadly around the same points as the written responses as three of the written responses were from two members of the public who also attended both the public meetings. In summary, the verbal responses and written representations can be grouped broadly as follows:

- Travel and Safety, including the implications of distance, safe walking routes and cost of transport.
- Financial, including the implications of the use of funding for the new school and the use of funding for the maintenance for Balhousie Primary School.
- Community impact, including the implications of the loss of a community amenity and community focal point, the relationship with the wider community, the impact on the residential area of a closed school if left empty and the opportunity to redevelop the area is being missed. Queries regarding what would happen to the building if Balhousie PS was to close and views that Balhousie PS serves a distinct and diverse community with different needs from those in North Muirton.
- The new school including, the implications of house building and the impact on pupil numbers, projected pupil numbers and class sizes in the new school. Queries about how the decision was reached on where to build the new school and where North Muirton pupils would be during the building works. Queries as to why St Ninian's is allowed to stay open.
- Impact on pupils and families, including views that the new school at North Muirton must not come at the expense of Balhousie Primary School and that Balhousie's character and ethos may be lost, views that that pupils at both schools are socio-economically disadvantaged and views that the proposal could have a serious impact on the educational development and overall level of happiness of pupils.

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:

- Education Scotland notes that there are clear and strong potential educational benefits to Perth and Kinross Council's proposal. Children and staff from both Balhousie Primary School and North Muirton Primary School could benefit from much improved and modern learning facilities. The council's proposal has the potential to improve experiences and outcomes for children from both of the affected schools.
- Education Scotland notes that the existing Balhousie Primary School building is under occupied and in a very poor condition with significant limitations to learning and teaching areas and to outdoor play space which impact negatively on the experience of children and staff.
- Education Scotland notes that the existing North Muirton Primary School building also has significant limitations. In addition to the benefits to

children and staff from both affected schools, the proposal to build a new school brings potential wider benefits to children and young people in Perth and Kinross arising from the Council's approach to securing best value.

- Parents, staff and children valued the strong sense of community in Balhousie Primary School, the existing ethos, positive relationships and the strong historical and community links to their school.

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 28 September 2018 until Friday 26 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 Education Scotland has identified that the proposal has many clear and strong potential educational benefits for young people. These include staff and children from both schools benefitting from much improved modern facilities for learning and teaching and better outdoor space, improved early years provision and improved provision for children with additional support needs. Education Scotland has identified that the Council's proposal has the potential to improve experiences and outcomes for children from both of the affected schools.
- 5.2 The larger, new build primary school will incorporate all stages of early years and primary, nurture and Additional Support Needs provision, allowing a range of learning opportunities for all children and young people attending the facility which cannot be met within the current Balhousie Primary School building.
- 5.3 The Council recognises the poor condition and suitability of Balhousie Primary School and the impact that has on the learning and teaching environment. Significant benefits could be provided to pupils from the Balhousie Primary School catchment area through access to a modern, purpose-built, fully accessible and well-designed learning environment.
- 5.4 If the Council adopts the proposal, it is understood 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 from both schools is well managed in ways which are supportive to the pupils concerned, and in their long term interests.

The Council would also be working with pupils, parents, staff and the wider communities to establish the identity, ethos and culture of the new school.

This would take account of the wide range of views to ensure the identity of the new school was truly representative of both communities and there is sufficient time to plan and prepare for this.

5.5 The key points that have been highlighted during the consultation period are as follows:

- The report from Education Scotland acknowledges that the proposal would lead to many clear and strong educational benefits for pupils and has the potential to improve experiences and outcomes for children from both of the affected schools.
- The estimated cost of refurbishing Balhousie Primary School if it remains open will be in the region of £4.8 - £5.7 million. There would also be decant costs of approximately £600,000 if refurbishment works were to be undertaken. There would also be ongoing maintenance costs associated with the upkeep of an older building . Although the condition of the school would be improved, there would be limited improvement to the suitability and as it is unlikely that the learning and teaching environment can be fully modernised. It is considered that it does not represent best value to commit this level of funding to refurbish Balhousie Primary School when the school is under occupied and where the roll is unlikely to increase greatly in the future.
- The potential socio economic impact for some pupils and families is considered to be small and must be balanced against both the educational and socio economic benefits that will arise from pupils being educated in a modern, fully accessible, fit for purpose, new build school and the benefits which that can offer. The provision of a new build school will benefit a significant number of pupils attending Balhousie Primary School who fall into the category of living in the most deprived areas.
- Whilst the Council's proposals have generally not been supported by the parents/carers, staff and the wider community who responded to the proposal, the vast majority of those consulted have raised no issues or opposition to the proposal.
- The distance between the two schools is approximately 1.2 miles and the majority of pupils live within a mile of North Muirton Primary School.

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 Balhousie Primary School be permanently discontinued with effect from 31 July 2022, or as soon as possible thereafter; the pupils of Balhousie Primary School catchment area permanently receive their education at a larger, new build North Muirton Primary School from August 2022, or as soon as possible thereafter; and that the delineated catchment area of North Muirton Primary School be permanently extended to subsume the whole delineated catchment area of Balhousie Primary School from August 2022.

6.2 A comprehensive Proposal Paper containing an Educational Benefits Statement was produced in relation to the proposal. This allowed for informed consideration to be given to the proposal that education provision at Balhousie Primary School be permanently discontinued with effect from 31 July 2022 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 with effect from August 2022.

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 Balhousie Primary School be permanently discontinued with effect from 31 July 2022, or as soon as possible thereafter;
 - The pupils of Balhousie Primary School catchment area permanently receive their education at a larger, new build North Muirton Primary School, from August 2022 or as soon as possible thereafter; and
 - The delineated catchment area of North Muirton Primary School be permanently extended to subsume the whole delineated catchment area of Balhousie Primary School from August 2022.

Author

| Name | Designation | Contact Details |
|-----------------|--|---|
| Karen Robertson | Service Manager (Business Services) | Tel: 01738 475000 ECSCcommittee@pkc.gov.uk |

Approved

| Name | Designation | Date |
|---------------|---|-----------------|
| Sheena Devlin | Executive Director (Education and Children's Services) | 16 October 2018 |

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

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 net savings of the preferred option is made up of staff costs and building running costs. The financial implications of this proposal is that there is a saving of £253,471 to be made if the proposal is to be implemented.

2.2 The annual cost of retaining Balhousie Primary School until disposal is £35,219 which is made up of costs for energy, rates and property maintenance.

2.3 The approximate capital cost to bring the Balhousie Primary School into an acceptable condition is between £4.8m and £5.7m which would not be required. The decant costs of approximately £600,000 would not be required. There would, however, be a requirement for essential works until the new school at North Muirton is complete and operational.

2.4 A new school can be provided which would accommodate pupils from both schools. The new school would be rated 'A' for condition and 'A' for suitability. The refurbishment of Balhousie Primary School will not achieve these ratings. The cost of the larger new school would be approximately £4.4m less than the cost of building a new school at North Muirton and refurbishing Balhousie Primary School.

2.5 On 30 June 2010, the Council approved the report Securing the Future – Towards 2015 and Beyond (Report 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".

2.6 Therefore, any savings arising from the proposed option to close Balhousie 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.

2.7 The annual budget is built reflecting cost drivers such as the number of schools, buildings, staff and pupils.

If Balhousie Primary School were to be closed then future years' budgets would not contain any allowance for staffing Balhousie 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 Balhousie Primary School and, therefore, are not included in the savings reported.

Workforce

- 2.8 There may be staffing implications relating to the proposal if implemented. Where necessary, any aspect of the implementation of these proposals that impacts on staff will result in consultation with the relevant trade unions and the individuals concerned. Appropriate arrangements would be made for staff at Balhousie Primary School and North Muirton Primary School in planning and consultation for the staffing requirements of the new build school.

Asset Management (land, property, IT)

- 2.9 If the proposal to permanently close Balhousie Primary School is approved, it is envisaged that 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 modern, fully accessible, fit for purpose new build school and the benefits which that can offer at a new build North Muirton Primary School which is a positive impact.
 - In overall terms, the socio economic impact for some pupils and families must be balanced against both the educational and socio economic benefits that will arise from pupils being educated in a modern, fit for purpose, new build school and the benefits which that can offer. The provision of a new build school will benefit a significant number of pupils attending Balhousie Primary School who fall into the category of living in the most deprived areas.

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: Balhousie Consultation Report