

# PERTH AND KINROSS COUNCIL

## Lifelong Learning Committee

22 May 2019

### STATUTORY CONSULTATION – ABERNYTE PRIMARY SCHOOL

Report by Executive Director (Education and Children's Services)  
(Report No. 19/153)

#### 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 Abernyte 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 2020, or as soon as possible thereafter.

#### 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 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".
- 1.3 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.
- 1.4 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 buildings<sup>1</sup> within the school estate should be prioritised for replacement.

- 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. This report approved the development of an options appraisal in relation to the future of Abernyte Primary School due to under-occupancy.
- 1.6 On 21 March 2018, Lifelong Learning Committee [\(Report No. 18/86 refers\)](#) approved further assessment of the option to increase the catchment area for Abernyte Primary School to include the area of Inchtute Primary School catchment which lies to the north of the A90. This took account of feedback from the Abernyte community and the outcome of the online survey of the parents/carers in the Inchtute Primary School catchment to the north of the A90. This assessment would seek to clarify whether a proposal to change the catchment area would provide an increased and sustainable school roll for Abernyte Primary School.
- 1.7 On 22 August 2018, the Lifelong Learning Committee considered the [Options Appraisal](#) and agreed to commence formal consultation on a proposal to close Abernyte Primary School [\(Report No. 18/243 refers\)](#) in accordance with the Schools (Consultation) (Scotland) Act 2010. The occupancy of the school was 11.3% at Census 2017.
- 1.8 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.
- 1.9 The 2010 Act makes special arrangements in relation to rural schools, and establishes a presumption against the closure of rural schools.
- 1.10 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

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<sup>1</sup> Life expired buildings are defined as buildings which are uneconomical to maintain.

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

- 1.11 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.
- 1.12 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.
- 1.13 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 reasons for formulating this proposal along with supporting evidence or information.
- 2.3 For a school closure 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 two years of the date of publication of this proposal document
  - The pupils at the affected schools
  - The Parent Councils (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 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 Abernyte Primary School, subject to the outcome of the consultation process, is that:
- provision of a school at Abernyte Primary School be permanently discontinued with effect from 1 July 2020, or as soon as possible thereafter;
  - the pupils of Abernyte Primary School catchment area permanently receive their education at Inchtute Primary School from 2 July 2020, or as soon as possible thereafter; and
  - the delineated catchment area of Inchtute Primary School be permanently extended to subsume the whole delineated catchment area of Abernyte Primary School from 2 July 2020.
- 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](http://www.pkc.gov.uk).
- 2.8 The Proposal Paper made clear to consultees that the consultation period would run from Monday 29 October 2018 until Friday 14 December 2018, which includes a period of 33 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 356.
- 2.10 Two public meetings were held on 12 November 2018 at Abernyte Primary School and 14 November 2018 at Inchtute Primary School. 29 members of the public attended the meeting on 12 November 2018 and 5 members of the public attended the meeting on 14 November 2018.
- 2.11 The number of written submissions received during the statutory consultation period was 27 representing 25 individuals, as the two other submissions were from the Parent Council and Community Council respectively. All of the written submissions did not agree with the proposal. 26 online responses were received of which one response agreed with the proposal, 24 disagreed with the proposal with one response neither agreeing nor disagreeing with the proposal.
- 2.12 The main points raised at the public meetings were broadly around the same points as the written responses as a number of those who made written responses also attended the public meetings. In summary, the verbal responses and written representations can be grouped broadly as follows:

- the current quality of education provision at Abernyte Primary School
- views that the content of the Educational Benefits Statement is not accurate
- the savings associated with closing Abernyte are overstated
- dissatisfaction with the pre-consultation process for the options appraisal
- the methodology and accuracy of the projected pupil numbers for Abernyte
- the impact on the community of the loss of the school building for community/social events

### **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. The Education Scotland report is reproduced in full at Appendix 5 of the Consultation Report.

3.2 The report notes that the Council has set out a number of reasonable arguments in support of its proposal:

- The Council states there will be educational benefits for children if the proposal goes ahead. These include improved social interaction opportunities from attending a larger school among children of their own age. Participating in larger year groups will increase the opportunity for collaborative working with children of a similar age and stage of development. Opportunities to engage in a broader range of activities which enrich the curriculum will be increased. Children will benefit from participating in a wider variety of after school activities and the Inchtute House System. Inchtute Primary School has the capacity to accommodate additional children should Abernyte Primary School close.

HM Inspectors agree that Abernyte children will have access to wider experiences and increased socialisation through being part of a larger school at Inchtute Primary School. Opportunities to engage in assemblies, after school and team events will be increased.

- In arriving at its proposal the Council has assessed the likely benefits to children and in doing so has given due consideration to any reasonable alternatives. The Council carried out a detailed options assessment in which it considered four options.
- Data indicates that the roll of Abernyte Primary School has been falling over the last five years. Future projections indicate that pupil numbers are unlikely to increase above their current level. Currently, six catchment children that the Council are aware of attend neighbouring schools. If this pattern of parental choice continues, then the future sustainability of Abernyte is challenging.

3.3 Education Scotland also indicated that whilst there are many accurate and sound arguments within the Council's outline of educational benefits, there were areas in the report which required to be addressed by the Council.

These related to how the financial information was presented and aspects of the educational benefits statement.

All necessary steps have been taken to address these points and the detail of how these areas have been addressed is contained in sections 8.1, 8.2, 8.3 and 9.6.2 of the Consultation Report.

- 3.4 The Education Scotland report and comments made by parents and children which are set out in in the Education Scotland report were reviewed. The Council believes that, if implemented, the proposal will be of overall educational benefit to the children directly affected by it.

While it is acknowledged that there are existing benefits at Abernyte Primary School, the very low pupil roll, while providing space and individual attention, does not afford the opportunities that the pupils will have at Inchturre Primary School to experience the breadth, depth and challenge that the curriculum offers through a larger school with a more diverse peer group. The Council believes that this is reflected in the EBS prepared and published in the Proposal Paper.

The Council believes that the proposal is of overall educational benefit. There are clear educational benefits available at Inchturre Primary School. These provide the children with the learning experiences and environment which will ensure that the children will have enhanced access to the entitlements of a coherent, broad and balanced curriculum, in a bright, modern learning environment. HM Inspectors agree that the proposal has the potential to deliver these benefits.

#### **4. CONSULTATION REPORT**

- 4.1 Having considered the written and 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](http://www.pkc.gov.uk)) from Thursday 18 April 2019 until Friday 10 May 2019.

This allowed for the required full three week review of the document prior to a final Committee decision on Wednesday 22 May 2019, and complies with Section 9 (3) and Section 11 of the 2010 Act. This report addressed all matters raised by those who responded to the consultation, as well as those matters identified by Education Scotland in their report.

#### **5. CONCLUSION**

- 5.1 The Council's consultation on the proposal to close Abernyte Primary School with effect from 1 July 2020, or as soon as possible thereafter, was conducted under the terms of the Schools (Consultation) (Scotland) Act 2010. The Act determines a number of key considerations for Councils in proposing to close a school which includes the overall educational benefit of a proposal for children directly affected by the proposal and the rural school factors.

As part of the assessment of educational benefit, the Council also has to consider how implementation of the proposal will affect other children and young people in the Council area. The Council also has to have regard to its legal duty to secure best value in the delivery of its services.

- 5.2 The Act sets out clearly the statutory duties that a Council must comply with when considering closure of a rural school. As Abernyte Primary School is a rural school, these statutory duties applied to this consultation. In undertaking the consultation, the Council complied with the Act's requirements and ensured that it took proper account of all material considerations relevant to the proposal in coming to its decision. The final consultation report, in conjunction with the [Options Appraisal](#) and [Proposal Paper](#), sets out how the Council did this. To comply with the requirements of the Act the Consultation Report has been published more than three weeks before the Council takes its final decision on the proposal.
- 5.3 As Abernyte Primary School is a rural school, the Council has to have special regard to the rural school factors. The Act stipulates that, before consulting on a proposal to close the school, the Council is obliged to identify its reasons for making such a proposal and to consider if there were any reasonable alternatives to the closure of the school. The Council also has to assess the overall educational benefits of any option which is identified as a reasonable alternative to closure. The Council could not consult on a closure proposal unless it was satisfied that this was the most appropriate response to the reasons for formulating the proposal.

The Council complied with its duties by undertaking an options appraisal which considered and assessed alternatives to closure of the school and considered the rural school factors under the Act. As a result of this options appraisal, the Council determined that there were no other reasonable alternatives to closure of the school. The Council determined that closure is the most appropriate response to address the unsustainable school roll and, therefore, decided to consult on the proposal to close Abernyte Primary School.

- 5.4 As required by the Act, before commencing the consultation on the closure of the school, the Council prepared a proposal paper. The proposal paper included an assessment of the overall educational benefits of the proposal. As it was proposing to close a rural school, the proposal paper also considered the likely effect on the local community and the likely effect caused by any different travelling arrangements if the proposal to close the school was implemented. Section 10 of the Consultation Report sets out how the Council complied with these legislative duties. The proposal paper also set out the financial implications of the proposal.
- 5.5 During the consultation period, a number of consultees alleged that there were some inaccuracies and omissions in the proposal paper. The Council reviewed the proposal in light of the representations received and the Council's response to all the points made by consultees during the consultation is set out in section 8 of the Consultation report.

Council officers considered these concerns fully. The Council's view of the educational benefits of the proposal is explored in section 9.6.2 of the Consultation Report. The Council has set out in depth the financial implications of implementation of the proposal in section 8.1 of the Consultation Report. Sections 8.6 and 8.7 of the Consultation Report, explain the methodology behind the calculation of the projected school roll at Abernyte Primary School set out in this report. The Council has also given full consideration of the likely impact on the local community of the closure of the school. This consideration is set out in section 10 of the Consultation Report.

- 5.6 The Consultation Report sets out the overall educational benefits of the proposal and other relevant information for consideration. It demonstrates how the Council has complied with the requirements of the Schools (Consultation) (Scotland) Act 2010 and has taken all material considerations into account. The report concludes that the closure of Abernyte Primary School is the most appropriate response to address the unsustainable school roll and that education provision should therefore be discontinued permanently with effect from 1 July 2020, or as soon as possible thereafter.
- 5.7 Education Scotland has identified that the proposal has potential educational benefits for young people. This includes the larger number and wider range of peers in Inchtute 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.
- 5.8 The Council recognises that the proposals have not been supported by many of the parents/carers of Abernyte Primary School and the wider community who responded to the proposal. However, the vast majority of those consulted have raised no issues or opposition to the proposal.
- 5.9 If the Council adopts the proposal, it is understood that the educational benefits set out in the [Proposal Paper](#) would materialise.
- 5.10 A number of children from Abernyte are already attending Inchtute Primary School as the result of successful placing requests.
- 5.11 To summarise,
  - the report from Education Scotland acknowledges that the proposal has potential educational benefits for pupils. The report also notes the impact of the pattern of parental choice on the school roll and, if this pattern continues, the future sustainability of Abernyte Primary School is challenging. Education Scotland advises that the proposal will assist the Council in its legal duty to secure best value in the delivery of its services through making more efficient and effective use of its resources.
  - the Council, having had special regard to the rural school factors, does not consider that the proposal would adversely affect the sustainability of the community, or that there would be an adverse effect from the premises no longer being available for community use.



- 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.

## 6. RECOMMENDATIONS

6.1 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:
  - Provision of a school at Abernyste Primary School be permanently discontinued with effect from 1 July 2020, or as soon as possible thereafter;
  - The pupils of Abernyste Primary School catchment area permanently receive their education at Inchturre Primary School, from 2 July 2020 or as soon as possible thereafter; and
  - The delineated catchment area of Inchturre Primary School be permanently extended to subsume the whole delineated catchment area of Abernyste Primary School from 2 July 2020.

### Author

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### Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	08 May 2019

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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	Yes
Asset Management (land, property, IST)	Yes
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
<b>Consultation</b>	
Internal	Yes
External	Yes
<b>Communication</b>	
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 approximately £108,213 to be made if the proposal is to be implemented. The annual cost of retaining Abernyte Primary School until disposal is £750 which is made up of costs for energy and rates.
- 2.2 Any savings arising from the proposed option to close Abernyte Primary School would be allocated against Education and Children's Services budget savings targets which have currently been set for the period 2019/20 – 2021/22. This would 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.
- 2.3 The annual budget is built reflecting cost drivers such as the number of schools, buildings, staff and pupils. Therefore, if Abernyte Primary School were to be closed then future years' budgets would not contain any allowance for staffing Abernyte 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 Abernyte Primary School.
- 2.4 It is envisaged that the existing Abernyte Primary School would be declared surplus to the requirements of Perth and Kinross Council. This would minimise the financial risks associated with vacant buildings.
- 2.5 A capital receipt would be forthcoming if the building was sold or income could be generated through a lease.
- 2.6 Combining pupils from both catchment areas into one school maximises use of the school estate and represents good asset management, while also enabling the children to continue to attend a rural school.

### Workforce

- 2.7 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 would result in consultation with the relevant trade unions and the individuals concerned.

## Asset Management (land, property, IT)

- 2.8 If the proposal to permanently close Abernyte 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. This would provide an opportunity for the building to be sold, leased or could present the local community with an opportunity for alternative uses of the building as part of a Community Asset Transfer.

### **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 Inchtute 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 Abernyte village. In addition, a number of pupils from Abernyte catchment area are already attending Abernyte Primary School as the result of successful placing requests.

#### 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 The Head of Legal and Governance 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 Finance and the Head of Legal and Governance has 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: Abernyte Consultation Report