

## PERTH AND KINROSS COUNCIL

## Lifelong Learning Committee

26 August 2015

**Statutory Consultation –  
Additional Support Needs Specialist Provision at Errol 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 Errol 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 Errol Primary School with effect from August 2016.

**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 meeting of the Lifelong Learning School Estate Sub-Committee on 5 June 2014 noted that a feasibility study had been completed to extend Errol Primary School as a result of the increasing school roll (Report No [14/253](#) refers). The scope of the works will provide additional classrooms, Additional Support Needs Specialist Provision with associated ancillary space and expanded nursery provision.

- 1.4 On 26 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist Provision at Errol Primary School (Report No [14/464](#) (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 Errol 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 310.
- 2.3 A public meeting was held in Errol Primary School on Thursday 5 February 2015. Seven members of the public attended.
- 2.4 In all, there were no enquiries submitted regarding the proposal and 3 written responses were received during the statutory consultation period. Of those responses, two of the three respondees stated that they agreed with 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, impact on current staff and input from partnership agencies and how these will be determined and reviewed.
  - Clarification on how children with complex additional support needs attending Errol Primary School will impact on other children who do not have additional support needs and what benefit there will be from the presence of pupils with additional support needs.

- Concern regarding the proposed location of the dedicated outdoor play area.
- Concern regarding the timing of the consultation in relation to the planning application.

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 Errol Primary School, with effect from August 2016.

### 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 Errol Primary School through formal consultation with key stakeholders. The outcome and findings of the statutory consultation exercise have been published and it is now recommended to implement the proposal to establish Additional Support Needs Specialist Provision at Errol Primary School, with effect from August 2016.

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 Errol Primary School, with effect from August 2016.

#### Author(s)

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#### Approved

Name	Designation	Date
John Fyffe	Executive Director	13 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 cost of the current scope of the overall project has been estimated at £3.317m.

- 2.2 The extension of Errol Primary School Project will be funded through the Modernising Primaries Programme, the Enhance/Extend Specialist provision Programme and through Developer Contributions accrued to provide additional capacity in primary schools. This will be subject to the approval of Strategic Policy and Resources Committee.
- 2.3 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.
- 2.4 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 has already been 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 ERROL PRIMARY SCHOOL WITH  
EFFECT FROM AUGUST 2016**

**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 Errol Primary School with effect from August 2016.

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 5 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 5 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 meeting of the Lifelong Learning School Estate Sub-Committee on 5 June 2014 noted that a feasibility study had been completed to extend Errol Primary School as a result of the increasing school roll (Report No [14/253](#) refers). The scope of the works will provide additional classrooms, additional support needs specialist provision with associated ancillary space and expanded nursery provision.
- 2.4 On 26 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist Provision at Errol Primary School (Report No [14/464](#) (Revised) refers) and agreed that statutory consultation was to be undertaken in respect of the proposal.
- 2.5 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 Errol Primary School with effect from August 2016 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 Errol Primary School will be extended as the result of the increasing school roll. The scope of the works will provide additional classrooms, Additional Support Needs Specialist Provision with associated ancillary space and expanded nursery provision.

3.1.5 The establishment of ASN specialist provision at Errol 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 26 November 2014, the Lifelong Learning Executive Sub Committee approved the Report: Statutory Consultation – Additional Support Needs Specialist Provision at Errol Primary School (Report No [14/464](#) (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 Errol Primary School with effect from August 2016.

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 Thursday 5 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 5 February 2015 and a visit to Errol 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:

- Errol 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 310.

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 Errol Primary School on Thursday 5 February 2015. Seven 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 specific opposition to the proposal.

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

In all, three written responses were received during the consultation period. Two of the responses specifically support the proposal. The breakdown of the respondent groups 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, impact on current staff and input from partnership agencies and how these will be determined and reviewed.

- Clarification on how children with complex additional support needs attending Errol Primary School will impact on other children who do not have additional support needs and what benefit there will be from the presence of pupils with additional support needs.
- Concern regarding the proposed location of the dedicated outdoor play area.
- Concern regarding the timing of the consultation in relation to the planning application.

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

### **7.1 The provision will have a separate entrance, but how will this work if children are to be included in whole school activities?**

Children in the specialist provision will be supported to access mainstream. How this is managed depends on the individual child. It may be that transition begins with mainstream pupils learning in the ASN provision and as the interaction becomes more comfortable, pupils from the ASN provision may move to learning in mainstream. All of this is carried out in full consultation with the parents.

### **7.2 There is concern that the outdoor play area is located to the front of the building.**

All specialist provisions are different and it is important to work with what is available. The outdoor play area will be colourful, creative and tailored to the needs of the children. Children and parents will be involved in the design. Play area locations vary and this is not an issue. It was noted the nursery play area is also located to the front of the building.

### **7.3 If staffing costs are to be met within the existing ECS budget, how can the provision be properly resourced?**

The facility will be properly resourced and the needs of individual children will be taken into consideration. Perth and Kinross Council has identified the ASN provision at Errol as a priority, therefore funding must be found within the wider ECS budget, not necessarily from Errol Primary School budget.

### **7.4 The children accessing the provision will have 'complex needs' – what does this mean?**

In ASN legislation, the term 'complex' refers to children who have multiple barriers to learning.

### **7.5 How many children will access the provision?**

Classroom areas indicate 12 children can access the provision. The provision includes a Snoezelen, nurture area, etc.

**7.6 Will all the children come from Errol?**

The ASN provision will serve Errol but in line with Perth and Kinross Council's admissions policy, the Council can prioritise children who access specialist provision. There is an ASN Transition Panel that meets to determine who will access specialist provision. The Panel may determine a child from another catchment area requires to access the specialist provision in Errol, it is unlikely the ASN Provision will only comprise of children from Errol. At the moment, there are children across Perth and Kinross who are travelling significant distances to access ASN provision and it is anticipated the new provision at Errol may alleviate this in the future for some children.

**7.7 Do school management attend this transition panel?**

Headteachers or other members of school staff often come to the panel to discuss children.

**7.8 How will the school be staffed in mainstream to accommodate ASN children?**

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. If children are placed in specialist provision, we will ensure children can be accommodated in mainstream. There are a range of ways children may be supported including Pupil Support Assistants, visual aids, IT support, etc. If appropriate support is provided then transition in to mainstream can be very successful.

**7.9 How will the mainstream pupils benefit from the presence of ASN pupils within the school?**

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. 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.

**7.10 Concern regarding the timing of the consultation in relation to the planning application and a view that this consultation should have taken place before the public consultation on the planning application concluded or before the planning application was submitted.**

It would not be appropriate to undertake consultation on a school proposal that may or may not receive planning permission to proceed. The Council requires to ensure that when consulting on proposed changes to schools, the Council is satisfied that the proposal is appropriate and deliverable before consulting with parents, staff and pupils.

## **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 Errol Primary School to speak to relevant consultees. Education Scotland attended the public meeting held on 5 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 broadly 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 increase provision for 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 a high-quality learning environment designed to meet their needs within a mainstream school. (Education Scotland para 3.1)
- Education Scotland points out that the specialist provision at Errol Primary School will enable pupils to attend their local school and will reduce the need for some children to spend time travelling to other schools providing specialist provision. (Education Scotland para 3.1)
- Education Scotland highlights that there would be opportunities for joint working, sharing expertise and sharing facilities which would benefit all children and promote inclusive practices. (Education Scotland para 3.2)
- Education Scotland indicates that almost all parents, staff and children who met them were in favour of the proposals and all supported the need for a more localised approach to supporting children with complex needs. (Education Scotland para 3.3)

### **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:

**Should the proposal go ahead, the council has acknowledged the need for robust planning arrangements for managing and operating the new specialist provision within Errol Primary School.**

A communications plan will be developed to ensure that parents, staff and pupils are kept informed at each key stage of 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 Errol 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 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 representations, including the Education Scotland report. Having reviewed the feedback from consultees, officers conclude 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 representations received from any person during the consultation period;
  - b) oral representation made to it by any person at the public meeting held on 5 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 The Consultation Report was published, both electronically and in written form, as 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.

### **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 Errol 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 Errol Primary School, with effect from August 2016. Education Scotland has identified that the proposal would lead to clear educational benefits for young people. This includes 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.
- Only three written representations were submitted in response to the Council's proposal.
- The report from Education Scotland acknowledges that the proposal would lead to clear educational benefits for young people attending the new Additional Support Needs Specialist Provision at Errol Primary School.

## **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:

- establish Additional Support Needs Specialist Provision in Errol Primary School, with effect from August 2016.

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 Thursday 5 February 2015**

**At 7.00pm in Errol Primary School**

**Present**

Councillor Gordon Walker	Vice Convener, Lifelong Learning Committee
Karen Robertson	Service Manager - Business Services
Dorothy Henderson	Quality Improvement Officer - Inclusion
Carol Taylor	Service Manager – Resource Management

**In Attendance**

Ken McAra	Education Scotland
Graham Donnachie	Headteacher, Errol Primary School
Peter McAvoy	Head of Education, Secondary and Inclusion
Pamela Bicocchi – Minute	Perth and Kinross Council

7 members of the public

**1. Welcome and Introductions**

Councillor Walker opened the meeting and welcomed the members of public in attendance to the Statutory Consultation Public Meeting. Councillor Walker introduced himself and the panel to the members of the public and thanked them for attending.

**2. Format of meeting**

Karen Robertson explained the format the meeting would follow.

**3. The proposal**

Karen Robertson explained the consultation proposal to the attendees:

“To establish Additional Supports Needs Specialist Provision at Errol Primary School with effect from August 2016.”

In line with the terms of the Schools (Consultation) (Scotland) Act 2010 a period of formal consultation will be undertaken from 7 January 2015 until 27 February 2015.

**4. Presentations**

Karen Robertson and Dorothy Henderson gave presentations explaining the ASN Provision in further detail.

**Statutory Consultation Process**

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.

### **Background**

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 Council's vision of making best use of public resources. Karen Robertson outlined that the reasons behind Additional Support Needs Specialist Provision being included in the extension of Errol Primary School.

### **Additional Support Needs (ASN) Specialist Provision at Errol Primary School**

Dorothy Henderson gave a presentation on the objectives of Additional Support Needs Specialist Provision at Errol 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. Dorothy then showed a number of photographic examples of ASN provision in other establishments.

### **Transport Arrangements**

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.

## **5. Questions**

Councillor Walker then opened up the meeting to any questions or observations from the floor.

**Q. The provision will have a separate entrance, but how will this work if children are to be included in whole school activities?**

**A.** Children in the specialist provision will be supported to access mainstream. How this is managed depends on the individual child. It may be that transition begins with mainstream pupils learning in the ASN provision and as the interaction becomes more comfortable, pupils from the ASN provision may move to learning in mainstream. All of this is carried out in full consultation with the parents.

**Q. There is concern that the outdoor play area is located to the front of the building.**

**A.** All specialist provisions are different and it is important to work with what is available. The outdoor play area will be colourful, creative and tailored to the needs of the children. Children and parents will be involved in the design. Play area locations vary and this is not an issue.

GD noted the nursery play area is also located to the front of the building.

- Q. If staffing costs are to be met within the existing ECS budget, how can the provision be properly resourced?**
- A.** The facility will be properly resourced and the needs of individual children will be taken into consideration. Perth and Kinross Council has identified the ASN provision at Errol as a priority, therefore funding must be found within the wider ECS budget, i.e. not necessarily from Errol Primary School budget.
- Q. The children accessing the provision will have ‘complex needs’ – what does this mean?**
- A.** In ASN legislation, the term ‘complex’ refers to children who have multiple barriers to learning.
- Q. How many children will access the provision?**
- A.** Classroom areas indicate 12 children can access the provision. The provision includes a Snoezelen, nurture area, etc.
- Q. Will all the children come from Errol?**
- A.** The ASN provision will serve Errol but in line with Perth and Kinross Council’s admissions policy, the Council can prioritise children who access specialist provision. There is an ASN Transition Panel that meets to determine who will access specialist provision. The Panel may determine a child from another catchment area requires to access the specialist provision in Errol, i.e. it is unlikely the ASN Provision will only comprise of children from Errol. At the moment, there are children across Perth and Kinross who are travelling significant distances to access ASN provision and it is anticipated the new provision at Errol may alleviate this in the future for some children.
- Q. Do school management attend this transition panel?**
- A.** Headteachers or other members of school staff often come to the panel to discuss children.
- Q. How will the school be staffed in mainstream to accommodate ASN children?**
- A.** If children are placed in specialist provision, we will ensure children can be accommodated in mainstream. There are a range of ways children may be supported including Pupil Support Assistants, visual aids, IT support, etc. If appropriate support is provided then transition in to mainstream can be very successful.
- Q. How will the mainstream pupils benefit from the presence of ASN pupils within the school?**
- A.** Children learn to appreciate differences. It gives an opportunity for shared experiences. Parents in other schools with ASN provision appreciate the induction in to the whole school community.

Councillor Walker thanked everyone for attending and the meeting closed at 8.00pm.



**Perth and Kinross Council**

**Education and Children's Services**

**Errol 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 Errol 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. 310 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.

Two written submissions and one partial submission were received

<b>RESPONDENT GROUP</b>	<b>NUMBER OF RESPONSES</b>
Parents	1
Community Member/Local Resident	1
Undisclosed (Partial submission)	1
<b>Total</b>	<b>3</b>

These 3 responses represent 3 separate individuals. Two of the responses agree with the proposal as outlined in the Proposal Paper.

The Council held one public meeting to discuss the proposal. The meeting took place in Errol Primary School on Thursday 5 February 2015. Seven members of the public attended this meeting.

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

- The provision is to have a separate entrance and clarification was sought how this would operate if children are to be included in whole school activities.
- Clarification on the numbers of children who will access the provision and whether all the children will come from Errol.
- Clarification sought on what “complex needs” means.
- Clarification of whether the ASN provision will have 2 rooms to accommodate infant and upper primary pupils.
- Concern that the provision will be adequately resourced and concern that the budget will be met from within the current Education and Children’s Services budgets.
- Concern that the proposal has not made the Council’s policy clear on which children will attend the provision and that it may serve a wider area than Errol.

- Clarification on how children with complex ASN attending the school will impact on other children attending the school and what benefit there will be from the presence of ASN pupils with research evidence provided for parents to explain and remove prejudices about disruptive behaviour and bullying.
- Clarification on impact on current staff and how school is staffed in mainstream and input from partnership agencies staff and how these time inputs will be determined and reviewed.
- Concern regarding the proposed location of the dedicated outdoor play area to the front of the building.
- Comment regarding the timing of the consultation in relation to the planning application public consultation. Comment that the ASN consultation should have taken place before the planning application was submitted suggesting there is no serious intent by the Authority to take account of public comments.

**Report by Education Scotland addressing educational aspects of the proposal by Perth and Kinross Council to establish Additional Support Needs Specialist Provision at Errol Primary School with effect from August 2016.**

## 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 Errol Primary School with effect from August 2016. 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; children likely to become pupils within two years of the date of publication of the proposal paper;
- 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 5 February 2015 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 Errol 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*. The council proposes to establish specialist provision for children with additional support needs with effect from August 2016. Perth and Kinross Council formally consulted stakeholders between 7 January 2015 and 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 on Thursday 5 February 2015 in Errol Primary School. A small number of written responses were received by the close of the formal consultation period. Overall, these were in favour of the proposal.

2.2 Errol Primary School has been subject to a feasibility study due to an increasing school roll. As a result, the council intends to build additional classroom space and expand the nursery provision to meet the growing needs of the pupil population. In addition, the council proposes to establish a specialist provision for pupils with complex additional support needs within the school. This would comprise of two classrooms, a nurture space, sensory room and associated ancillary areas. This report relates only to the planned expansion of Errol Primary School in regards to establishing this specialist provision, and not to the other planned developments.

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

3.1 Perth and Kinross Council's proposal to establish Additional Support Needs Specialist Provision at Errol Primary School with effect from August 2016 is of clear educational benefit. The council sets out clearly the many educational benefits of establishing this provision as part of the planned expansion of Errol Primary School. The council has identified a need to increase provision of additional support needs education based on an analysis of current and future needs. This proposal would help the council to address this pressure. In addition, pupils from the local area who have complex additional support needs presently often have to travel to schools in areas such as Perth, which is beyond their local area and can result in extended travel times. This proposal would allow Perth and Kinross Council to provide children with a specialist provision that is more local and, as a result, would potentially reduce travel times for some children. Children would attend the new provision on the basis of assessment of need, following established council procedures. They would benefit from the expertise of a range of teachers and specialist staff within a high-quality learning environment that would be designed to meet their needs within a mainstream school. Planned opportunities for working with children from the mainstream classes would further help their learning and development.

3.2 In addition to the clear benefits for the pupils who may be placed in the provision according to their individual needs, this proposal has the potential to provide further benefits for the current and future staff and pupils of Errol Primary School. Opportunities for joint working and sharing expertise would be enhanced and facilities shared. This would benefit all children and promote inclusive practices.

3.3 Almost all parents and staff, who met with HM Inspectors, were in favour of the proposal. They appreciated the council's planned investment in the expansion of Errol Primary School, and considered that, within this, a dedicated provision for children with complex needs would add another positive dimension to the school. All supported the need for a more localised approach to supporting children with complex needs. A few parents and staff sought further clarity through the consultation process about the details around the proposal. These included arrangements for entering and accessing different parts of the school for different pupil groups. Parents were also keen to ensure that children who currently attend Errol Primary School, including those who have additional support needs, would also benefit from the new provision. Should the proposal go ahead, the council has acknowledged the need for robust planning arrangements for managing and operating the new specialist provision within Errol Primary School. Children were excited at the prospect of making new friends and sharing their welcoming school ethos with others. Overall, stakeholders considered that this proposal would potentially provide rich opportunities for shared working between staff and children, and would help to promote inclusion and equal opportunities for all.

#### **4. Summary**

Perth and Kinross Council's proposal to establish Additional Support Needs Specialist Provision at Errol Primary School with effect from August 2016 is of clear educational benefit. Perth and Kinross Council has identified a present and future need to increase educational provision for children within the authority who have complex additional support needs. The establishment of such a provision at Errol Primary School will help the council to fulfil its duty to provide high-quality education for all pupils. The proposal will help to meet the needs of individual pupils in a high-quality and purpose-built learning environment which ensures that children will benefit from the support of specialist staff. It will also help to ensure that children and their families benefit from a more localised service, potentially reducing travel times for children. The proposal will complement the existing plans to extend provision at the school. Furthermore, this proposal will help promote best inclusive education practices which will extend benefits to pupils and staff within the mainstream school.

**HM Inspectors  
Education Scotland  
March 2015**