

**PERTH AND KINROSS COUNCIL****Lifelong Learning Committee****4 November 2015****Proposals for Straloch and Struan Primary Schools****Report by Director (Education and Children's Services)****PURPOSE OF REPORT**

This report seeks approval from the Lifelong Learning Committee to review and update the Options Appraisals for Straloch Primary School and Struan Primary School regarding future proposals for both schools.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 On 1 June 2011, the Lifelong Learning Committee approved the reports Statutory Consultation – Straloch Primary School ([Report 11/254](#) refers) and Statutory Consultation – Struan Primary School ([Report 11/255](#) refers). These reports sought approval to commence formal consultations on the proposals to close Straloch and Struan Primary Schools. It also sought approval of the Options Appraisals and Proposal Papers for both schools.
- 1.2 The Cabinet Secretary for Education and Lifelong Learning then announced the setting up of a Commission for the Delivery of Rural Education and requested a moratorium on rural school closures for one year. The moratorium was proposed to run from 20 June 2011 until 20 June 2012.
- 1.3 The Commission was tasked with, amongst other things:
  - To review the Schools (Consultation) (Scotland) Act 2010 and its application.
  - To examine how the delivery of rural education can maximise attainment and outcomes to give pupils the best life chances, and to examine, where appropriate, how this can be applied more widely.
  - To make recommendations on how to reflect best practice on the delivery of all aspects of education in rural areas (pre-school through to Higher and Further Education).
  - To examine the links between rural education and the preservation, support and development of rural communities and to make recommendations on how these links might be strengthened if necessary.
  - To examine and make recommendations on funding issues surrounding rural education.

- 1.4 Therefore, on 31 August 2011, Lifelong Learning Committee agreed that the decision to commence formal consultations on the proposals to close Straloch Primary School and Struan Primary School would be deferred until the outcome of the Commission on the Delivery of Rural Education was reported (Report [11/430](#) refers).
- 1.5 The Commission's work was due to be completed in August 2012 with a number of recommendations on the way forward for the delivery of education in rural areas. The Commission agreed in June 2012 that its report should be delayed to take into account a forthcoming Appeal in the Court of Session that was relevant to the operation of the Schools (Consultation) (Scotland) Act 2010. This was heard in November 2012, and a judgement received on 6 February 2013. This judgement provided a helpful opinion on the 2010 Act, a key part of the Commission's remit, and allowed the Commission to conclude its work and publish its report on 19 April 2013. The report made 38 recommendations relevant to the delivery of education in rural areas.
- 1.6 As a result of the recommendations made by the Commission, the Schools (Consultation) (Scotland) Act 2010 was amended by the Children and Young People (Scotland) Act 2014. Most of the amendments came into force on 1 August 2014. The final part of those amendments relating to the School Closure Review Panel were introduced and came into force on 30 March 2015.
- 1.7 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.
- 1.8 The 2010 Act makes special arrangements in regard to rural schools, establishing in effect a presumption against the closure of rural schools. The result of this is that education authorities must consider a more detailed set of procedures and requirements in formulating a rural school closure proposal and in consulting on and reaching a decision as to whether to implement a rural school closure proposal.
- 1.9 The new duties are outlined in the [Schools \(Consultation\) \(Scotland\) Act 2010 Statutory Guidance](#).
- 1.10 In addition, the Community Empowerment (Scotland) Act 2015 sets out a new right for community organisations to request the transfer of local assets into local community ownership/management. Public bodies including Councils must consider such requests and respond within a reasonable timescale to them.
- 1.11 The previously agreed arrangements to mothball Straloch Primary School and Struan Primary School from 15 August 2011 have continued during this period as all operational arrangements concerning pupils and staff were progressed and completed by July 2011 in preparation for both schools to be mothballed from 15 August 2011.

## 2. PROPOSALS

- 2.1 As the amendments to the legislation have now been concluded, it is proposed that Education and Children's Services now takes the opportunity to review the Options Appraisals which were undertaken in 2011 in respect of Straloch Primary School and Struan Primary School in accordance with the Schools (Consultation) (Scotland) Act 2010, as amended.
- 2.2 This will enable Education and Children's Services to determine whether the options identified in 2011 are still relevant for both schools and whether additional options require to be investigated further.

## 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Following the amendments made to the Schools (Consultation) (Scotland) Act 2010, it is appropriate to review and update the Options Appraisals which were undertaken in 2011 in respect of Straloch Primary School and Struan Primary School which have both been mothballed since August 2011.
- 3.2 It is recommended that the Committee:
- (i) Agrees that the Options Appraisals for Straloch Primary School and Struan Primary School are reviewed and updated; and
  - (ii) Instructs the Director (Education and Children's Services) to report back to the Committee on the findings and future proposals for Straloch Primary School and Struan Primary School in March 2016.

### Author(s)

Name	Designation	Contact Details
Karen Robertson	Service Manager (Business Services)	01738 476216

### Approved

Name	Designation	Date
Sheena Devlin	Director (Education and Children's Services)	20 October 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	No
Workforce	No
Asset Management (land, property, IST)	No
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	No
Legal and Governance	Yes
Risk	No
<b>Consultation</b>	
Internal	No
External	No
<b>Communication</b>	
Communications Plan	No

### 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 Objective No (ii) Developing educated, responsible and informed citizens.

#### 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 Objective No (ii) Developing educated, responsible and informed citizens.

- 1.3 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 There are no resource implications arising from this report other than staff time to undertake this work.

### Workforce

- 2.2 N/A

### Asset Management (land, property, IT)

- 2.3 N/A

## 3. Assessments

### Equality Impact Assessment

- 3.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

The procedure presented in this report was considered under the Corporate Equalities Impact Assessment process (Eq1A) with the following outcome:

- i) Assessed as **not relevant** for the purposes of Eq1A

### 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. The Options Appraisals will require to be reviewed and updated in light of the amendments to the 2010 Act.

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 N/A

**5. Communication**

- 5.1 N/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.