

PERTH AND KINROSS COUNCIL
LIFELONG LEARNING COMMITTEE

18 MARCH 2020

STATUTORY CONSULTATION – SCHOOL ADMISSION POLICY

Report by Executive Director (Education and Children's Services)
(Report No 20/77)

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 review and vary the School Admission Policy for Perth and Kinross Council, as detailed in the published Consultation Report (attached as Appendix A).

1. BACKGROUND/MAIN ISSUES

- 1.1 In terms of the Education (Scotland) Act 1980, the Council is obliged to publish its arrangements for the placing of children in schools in its area. Within Perth and Kinross, these arrangements are contained within the [School Admission Policy](#) which has been operational since January 2009 when it was last reviewed. The School Admission Policy sets out the arrangements for the placing of catchment pupils and handling of placing requests.
- 1.2 The policy of Perth and Kinross Council is to assign to each school a defined zone known as a catchment area. Each home address has a catchment school for both primary and secondary education. The designated catchment schools are dependent on pupils' home address. Although the Council endeavours to provide enough places for all children in a catchment area to attend the catchment school, living within a catchment area does not guarantee a child a place at that school.

In accordance with the provisions of the legislation, parents have a right to make a request that their child be placed in a school of their choice other than the school which normally serves the catchment area in which they reside. Parents' wishes are to be met wherever possible. If the number of places in any particular school is limited, priority for admissions shall be determined by the priorities as set out in the School Admission Policy.

- 1.3 The arrangements for admission for Primary 1 and Secondary 1 pupils for August 2019 resulted in 181 pupils being refused places for the school of their choice. This subsequently resulted in an unprecedented number of statutory appeals to the Education Appeal Committee.

Education and Children's Services managed the primary and secondary intakes for August 2019 in accordance with the priority categories as set out within the current Perth and Kinross School Admission Policy.

- 1.4 However, the sole criterion of distance being used to determine the priority between children within each category of Priority 2 and Priority 3 has identified that in some cases, in schools where intakes were oversubscribed, children resident within Perth and Kinross were not being afforded the appropriate priority to have their placing request for another school in Perth and Kinross considered. In some cases, pupils from outwith Perth and Kinross were prioritised above Perth and Kinross pupils on the waiting list for an available place.
- 1.5 In addition, using the sole criterion of distance to determine the priority between children within each category of Priority 2 and Priority 3 has identified that in some cases in secondary schools where intakes were oversubscribed, children who were attending an associated primary school as a result of a successful placing request, were not being afforded the appropriate priority to have their placing request considered to allow transition to secondary school with their peer group. In some cases, a small number of Primary 7 pupils were not able to transition to secondary school with their peer group as a result of the criterion of distance being the determining factor in prioritisation of placing requests.
- 1.6 Whilst it has not been an issue in previous years, the number of placing request refusals for August 2019 has now identified that the School Admission Policy requires to be revised in order to ensure that it continues to be fit for purpose and provide flexibility to allow appropriate priority to be provided to pupils living in Perth and Kinross and to those pupils transitioning to secondary school who are attending associated primary schools.
- 1.7 In varying the current School Admission Policy to include specific priority for pupils who are resident within Perth and Kinross, and for pupils transitioning to secondary school from an associated primary school, it is important to note that this proposal will not result in any more or any fewer placing requests being able to be granted. In the majority of cases, the only consequence of this change would be the pupil's position on the waiting list.

In schools where the intake is not oversubscribed, there would be no change to the ability to grant placing requests of all priorities. However, in schools where the intake is oversubscribed, places would continue to be granted in accordance with the agreed capacity and refused placing requests would be maintained on a waiting list in priority determined by the School Admission Policy.

- 1.8 Any proposal to make changes to the School Admission Policy must be subject to a statutory consultation exercise as the varying of any admission arrangements for schools is a relevant proposal in terms of legislation.

- 1.9 On 4 September 2019, the Lifelong Learning Committee agreed to commence formal consultation on a proposal to review the existing [School Admission Policy](#) to vary the admission arrangements in respect of the handling of catchment enrolments and placing requests for primary and secondary schools ([Report No 19/243 refers](#)) in accordance with the Schools (Consultation) (Scotland) Act 2010.
- 1.10 The 2010 Act's principal purpose is to provide strong, accountable, statutory consultation practices and procedures that local authorities must apply to their handling of all proposals relating to changes to schools. These consultation processes are expected to be robust, open, transparent and fair, and seen to be so. They are also expected to be consistent across Scotland.
- 1.11 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 proposal to vary school admission arrangements, 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 and details of any alleged inaccuracies or omissions.
- 2.6 The proposal for the School Admission Policy, subject to the outcome of the consultation process, is to make a limited variation to the School Admission Policy for Perth and Kinross Council schools from school session 2020/2021. The limited changes relate to ensuring pupils living in Perth and Kinross are awarded appropriate priority for school places and pupils transferring to secondary school, from associated primaries, are awarded appropriate priority.
- 2.7 An electronic link to the [Proposal Paper](#) was issued by email to the consultees listed within the document, and was also published on the Council's website: www.pkc.gov.uk and social media accounts (Facebook and Twitter).
- 2.8 The Proposal Paper made clear to consultees that the consultation period would run from Monday 2 December 2019 until Friday 24 January 2020, which included a period of 30 school days. Public Notice adverts were also placed in the local press.
- 2.9 One public meeting was held on 9 January 2020 at Bertha Park High School which was attended by 18 members of the public.
- 2.10 The number of written submissions received during the statutory consultation period was 6, representing 6 individuals (5 parents and 1 member of staff). Of the written responses, 5 agreed with the proposal and 1 neither agreed nor disagreed with the proposal. 63 online responses were received of which 53 responses agreed with the Council's proposal, with 10 disagreeing. The 10 responses which disagreed with the proposal relate to 8 respondents as 2 persons submitted 2 responses each.
- 2.11 At the public meeting, the proposals were generally accepted as a positive move to support pupils to have a better chance of being able to attend secondary school with their friends. The main points raised at the public meeting were broadly around the same points as the written responses.

In summary, the verbal responses and written representations can be grouped broadly as follows:

- Support for the proposal which is considered fairer and more equitable.
- Pupils from associated schools should be able to attend secondary school with their peers to assist transition.
- The importance of pupils attending denominational primary schools having priority to attend the authority's only denominational secondary school.
- Specific queries relating to individual circumstances.
- Timescales for the proposal to be implemented, places being granted and having an address in catchment.
- Transition arrangements for pupils transferring to secondary school.
- Clarification on the new priorities and information available regarding oversubscribed schools, class sizes and waiting lists.
- Impact on primary schools if placing requests are made in order to try to get into a particular secondary school and pupils being moved in P7 to get into a secondary school.
- Whether house building would reduce the chance of placing requests being accepted and impact of house building on catchment areas.
- Transport.
- Comments on Dundee City Council's proposed forthcoming consultation on the catchment area for Harris Academy.
- Clarity on the use of criteria of attendance at an associated primary school.

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 3 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 as follows:
- Overall, the impact of the proposal is not likely to make a difference to a significant number of children and young people, and the authority's own modelling suggests that in the current year it would have had an impact on only 15 from almost 18,000 pupils in the authority. Families whose children and young people attend their catchment primary school and secondary school, are likely to remain unaffected.
 - The proposal is a change and refinement to the admissions policy. The new policy lays out clearer and more precise criteria for priority relating to admissions. This clarity is helpful in giving stakeholders and children and young people a greater confidence regarding their transition route to secondary school.

- The proposal gives stakeholders a greater confidence that children and young people are more likely to progress to the same secondary school as their peers. This is underpinned by criteria within the proposal of prioritising those pupils from associated primary schools. It also helps to ensure that preparation for transitions from associated primary schools are more likely to be suitable and effective. HM Inspectors recognise the value of these arrangements.
- The greater clarity and improved detail should also lessen the need for appeals where placement requests have been unsuccessful. Where appeals are made, the enhanced criteria should make decisions clear and easier for everyone to understand. HM Inspectors recognise the benefit of a more transparent and understandable criteria for such decision making. For the children in denominational primary schools, there will be a greater clarity regarding their priority for places in the authority's only denominational secondary school.
- Stakeholders, overall, welcome the clarity that the proposals bring, with over 80% of responses to the local authority supporting the proposals. Children and young people value the improved level of confidence about their progression arrangements, and the likelihood of progressing with their peer group. Stakeholders whose priority is not improved with this proposal also recognise the benefit of greater clarity.
- The few stakeholders who do not support the proposal focus primarily on the extra travel distance that might be involved for the young people who may not get a place in the school nearest their home. A small number of the stakeholders affected by the proposal are resident in the neighbouring local authorities, and these residents expressed some concern that the proposal may have an impact on their opportunity for a successful placement request.

3.3 The Education Scotland report was reviewed, and the Council believes that, if implemented, the proposal will be of overall educational benefit to the parents, children and schools directly affected by it.

4. RECOMMENDATIONS

4.1 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 proposal to make a limited variation to the School Admission Policy for Perth and Kinross Council schools from school session 2020/2021. The limited changes relate to ensuring pupils living in Perth and Kinross are awarded appropriate priority for school places and pupils transferring to secondary school from associated primaries are awarded appropriate priority. The revised School Admissions Policy is attached as Appendix B.

Author

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Approved

Name	Designation	Date
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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan/Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	No
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	Yes
Risk	No
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan/Single Outcome Agreement

1.1 This section sets 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 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan 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:

- Communication and Consultation

2. Resource Implications

Financial

- 2.1 There are no resource implications arising from the limited variation to the School Admission Policy.

Workforce

- 2.2 N/A

Asset Management (land, property, IT)

- 2.3 N/A

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 consultation exercise presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as **relevant** and the following positive outcomes expected following implementation:

- Pupils attending a denominational primary school will have a better opportunity to continue their education in a denominational secondary school.
- This outcome is not considered to result in an equality issue but has a positive outcome in terms of fairness. A consequence of the limited variation to the School Admission Policy is that it will ensure that children can, as far as possible, attend their associated secondary schools, thus improving the transition experiences for these pupils and reducing the possibility of pupils being separated from their peer group at the transfer to secondary school.

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 Where the Council is proposing to vary any admission arrangements by modifying guidelines in respect of the handling of placing requests, there is a legal requirement to consult on those proposals. The Schools (Consultation) (Scotland) Act 2010 sets out a comprehensive framework for this consultation process. This consultation has been undertaken in accordance with the 2010 Act. Legal Services has been fully consulted in relation to this report.

Risk

- 3.5 N/A

4. Consultation

Internal

- 4.1 The Head of Legal and Governance has been consulted in the preparation of this report.

External

- 4.2 Consultation on this proposal will be undertaken with parents, Parent Councils, Headteachers, staff and other key stakeholders as part of the statutory consultation exercise.

5. Communication

- 5.1 A comprehensive communication plan was prepared as part of the statutory consultation planning process.

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: School Admission Policy Consultation Report

Appendix B: Revised Perth and Kinross School Admission Policy