

**SCHOOL CATCHMENT AREAS REZONING POLICY**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 At the meeting of the Community Services Committee on 11<sup>th</sup> September 2014, the Committee agreed to approve a process by which future requests to alter the catchment area of a school be considered, as detailed in Sections 4.3 – 4.10 of that report.
- 1.2 This report reconsiders the policy in light of recent developments and with regard to the provisions of the *Schools (Consultation) (Scotland) Act 2010* (the 2010 Act).
- 1.3 It is recommended that the Community Services Committee:
- a) Agrees to discontinue the policy adopted on 11<sup>th</sup> September 2014 in relation to dealing with requests to alter the catchment area of a school.
  - b) Note that the relevant Area Committee will be given the opportunity to comment as part of a consultation exercise.
  - c) Agrees to return to the previous process, similar to that for other proposals under the 2010 Act, whereby requests to alter the catchment area of a school are brought before the Community Services Committee for a decision to be made on whether that request is adopted as a 'relevant proposal' to be progressed to a public consultation under the 2010 Act.

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### 2.0 INTRODUCTION

- 2.1 A proposal to change a school catchment area qualifies as a 'relevant proposal' in terms of Schedule 1 of the *Schools (Consultation) (Scotland) Act 2010*, as amended (the 2010 Act) which requires a public consultation to be undertaken before a proposal can be implemented.
- 2.2 On 11 September 2014, the Community Services Committee agreed to approve a process by which future requests to alter the catchment area of a school be considered, as detailed in Sections 4.3 - 4.10 of that report.
- 2.3 This report reconsiders the policy in light of recent developments and with regard to the provisions of the *Schools (Consultation) (Scotland) Act 2010* (the 2010 Act).

### 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Community Services Committee:
- a) Agrees to discontinue the policy adopted on 11<sup>th</sup> September 2014 in relation to dealing with requests to alter the catchment area of a school.
  - b) Note that the relevant Area Committee will be given the opportunity to comment as part of a consultation exercise.
  - c) Agrees to return to the previous process, similar to that for other proposals under the 2010 Act, whereby requests to alter the catchment area of a school are brought before the Community Services Committee for a decision to be made on whether that request is adopted as a 'relevant proposal' to be progressed to a public consultation under the 2010 Act.

### 4.0 DETAIL

- 4.1 Under the current policy as approved in September 2014, the first step in considering any request to alter the catchment area of a school would be the preparation of a report by Education Services to members in order that they can consider the request. This report is presented in the first instance to the appropriate Area Committee and subsequently to the full Council for a final decision on adopting the request as a 'relevant proposal' and progressing with a public consultation under the 2010 Act.
- 4.2 Under the current policy, it is also the case that any request to alter a school's catchment area made by a parent council should have the support of all parent

councils that would be affected by it before it can be adopted as a 'relevant proposal' and allowed to proceed further. This does not preclude individuals within the parent council body or the wider community opposing the request.

- 4.3 Officers have recently conducted an assessment of the current policy and have made a number of observations in respect of this which they wish to bring to the attention of the Committee for consideration.
- 4.4 Firstly, the route which requests to alter school catchment areas take under the present policy is to the relevant Area Committee then to the full Council for a decision to be made on whether it should progress under the formal process set out in the 2010 Act. Whilst this route allows for greater scrutiny of a request by local members in the Area Committee, and then further consideration by the full Council, the policy appears to exclude the Community Services Committee from the process. Under Argyll and Bute Council's Constitution – Part C: Scheme of Administration and Delegations at Section 2.3, the Community Services Committee has delegation to discharge the powers and duties as education authority:

***“Community Services Committee***

*All of the functional areas relating to the delivery of all aspects of Education and Lifelong Learning not otherwise reserved to the Council or the Policy and Resources Committee including, without prejudice to the foregoing generality, the following:-*

*Education and Lifelong Learning*

*The relevant functional areas relating to schools education, educational psychology, early learning and childcare, youth services and lifelong learning.*

***For the avoidance of doubt, it shall discharge the powers and duties as education authority, and in relation to those functions, the dismissal of a teacher whose contract of employment incorporates the Strathclyde Regional Council Conditions of Service for Teachers in Day Schools.”*** [Emphasis added.]

This is of significance in considering the interaction of the policy with the 2010 Act, as Section 1(1) of the Act states that a relevant proposal is formulated by an education authority.

- 4.5 As well as having the delegation to discharge the powers and duties as education authority, the Community Services Committee also has religious and teacher representatives forming part of its membership. These representatives will play an important role in considering requests to alter the catchment area of a school, particularly where it involves a denominational school. However, under the present policy they are unable to participate in the preliminary stages due to the Community Services Committee being excluded from the process.
- 4.6 Whilst the current process adds a preliminary step to the overall process, it is not mandatory for proposals to alter school catchment areas under the 2010 Act. This is in contrast to rural school closures, which are subject to a number of preliminary requirements under the 2010 Act before a proposal to close can be formulated. Moreover, proposals to alter a school catchment area are often found ancillary to a related proposal (i.e. a proposal to establish a new school or

close an existing school) and so the preliminary steps required for the catchment area proposal may delay the progression of the related proposal.

- 4.7 As mentioned above at Paragraph 4.2 above, it is also the case under the current policy that any request from a parent council to alter a school's catchment area should have the support of all affected parent councils before it can be adopted as a 'relevant proposal' and allowed to proceed further. Whilst this does not preclude individuals within the parent council body or the wider community opposing the request, it does mean that a single parent council body who are opposed to a prospective proposal could effectively prevent a proposal being formulated. The public consultation process set out in the 2010 Act is one which allows the views of all relevant stakeholders and interested parties to be heard and taken into account, including those in opposition to a proposal.
- 4.8 It has been confirmed that the current policy was formulated at a time when a high volume of requests to rezone school catchment areas were being received by the Education Authority, and the policy was designed to manage this substantial body of requests by adding a preliminary mechanism whereby requests that were unlikely to receive support from the wider community could be considered and addressed at an early stage, rather than all requests being subject to the lengthy consultation process set out in the 2010 Act. Education Services have confirmed that the number of requests received to alter school catchment areas has reduced since 2014.

## **5.0 CONCLUSIONS**

- 5.1 Under the current policy, requests to alter school catchment areas are subject to a preliminary process before they can be adopted as relevant proposals, and formal consultation under the 2010 Act can proceed. This results in a different treatment from other relevant proposals under the 2010 Act, and the additional process that currently applies to catchment area proposals is not one which is required by the 2010 Act.
- 5.2 If the process which applies for requests to alter catchment areas were to mirror that which applies to other relevant proposals – whilst still complying with the requirements of the 2010 Act - this would provide support and clarity to the Education Service, members, parent councils, relevant stakeholders and all other interested parties on the process which will apply when considering a request to alter a school's catchment area.

## **6.0 IMPLICATIONS**

- 6.1 Policy - If the Committee is minded to approve the recommendations set out in this report, it will result in the policy which applies to requests to alter school catchment areas being the same as that for other relevant proposals, subject to any additional requirements under the *Schools (Consultation) (Scotland) Act 2010*.
- 6.2 Financial – Any changes to school catchment areas may directly impact on staffing and school transport costs. It should also be noted that there will be costs associated with carrying out any consultations under in the 2010 Act and in

accordance with associated guidance.

- 6.3 Legal – Any proposal to alter a school’s catchment area must comply with the requirements of the *Schools (Consultation) (Scotland) Act 2010*.
- 6.4 HR – A successful proposal to rezone a catchment area could have implications on the head teacher’s salary as there is a relationship between salaries and roll size as determined by the job sizing process. An increase or decrease of school roll will also have the potential to increase or decrease teaching staff numbers.
- 6.5 Fairer Scotland Duty:
  - 6.5.1 Equalities – None
  - 6.5.2 Socio-economic Duty
- 6.6 Risk - None
- 6.7 Customer Service – Applying a clear policy and process in relation to requests to alter a school’s catchment area, having regard to the legislative requirements and the public consultation process that may follow, will assist parent councils and all other relevant stakeholders in understanding how to submit a request, how it will be dealt with and will ensure that their expectations are met with regards to the manner in which it will be progressed.

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