

## SCHOOL CATCHMENT AREAS POLICY ISSUES

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### 1.0 EXECUTIVE SUMMARY

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, recently amended by the Children and Young Person (Scotland) Act 2014 requiring a public consultation be undertaken on any proposal put forward. This report updates members on the amendments to the 2010 Act and the revised timeline and process for the public consultation.

This report also provides support to the education service, members and parent councils by detailing how future requests to alter a school catchment area are dealt with. The approach proposed in this report has been carefully considered to allow informed decisions to be made within the legislative framework.

It is recommended that the Community Services Committee:

- a) Note the amendments to the Schools (Consultation) (Scotland) Act 2010, the revised timeline and process for the public consultation as detailed in sections 4.1 and 4.2.
- b) Approve the process by which future requests to alter the catchment area of a school be considered as detailed in sections 4.3 – 4.10.
- c) Agree that any proposal received from a Parent Council being taken forward to a public consultation would require to have the support all parent councils affected by the proposal.
- d) Agree that subsequent requests for altering the catchment area of a school following either a decision to refuse a request to do so or a decision following the publication of the consultation report not to proceed with such an alteration will only be considered if there has been a material change of circumstances from those originally considered.

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### 2.0 INTRODUCTION

- 2.1 Following consideration of the request to alter the catchment area of Strone Primary School at the Council meeting on 20 March 2014, members approved the following request:

*“the Executive Director of Community Services brings forward a paper to the Community Services Committee which considers the principles, options and implications for the development of a Council policy on school rezoning.”*

- 2.2 This paper responds to that request and considers the principles, options and implications for the development of a Council policy in relation to altering the catchment area of a school. This paper has been prepared with support from Legal Services who have advised on the legislative process, the Schools (Consultation) (Scotland) Act 2010 specifies how a council should respond to a request to alter a catchment area of a school. This paper reflecting the advice from Legal Services provides guidance for members on how future requests to alter a catchment area will be considered.

### 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Community Services Committee:
- a) Note the amendments to the Schools (Consultation) (Scotland) Act 2010, the revised timeline and process for the public consultation as detailed in sections 4.1 and 4.2.
  - b) Approve the process by which future requests to alter the catchment area of a school be considered as detailed in sections 4.3 – 4.10.
  - c) Agree that any proposal received from a Parent Council being taken forward to a public consultation would require to have the support all parent councils affected by the proposal.
  - d) Agree that subsequent requests for altering the catchment area of a school following either a decision to refuse a request to do so or a decision following the publication of the consultation report not to proceed with such an alteration will only be considered if there has been a material change of circumstances from those originally considered.

## 4.0 DETAIL

4.1 The proposal to vary the catchment area of a school is a relevant proposal in terms of Schedule 1 of the Schools (Consultation) (Scotland) Act 2010.

Therefore if the Council makes such a proposal it requires

- to prepare an educational benefits statement,
- prepare and publish a proposal paper
- give notice of the proposal to relevant consultees and invite representations
- to hold and give notice of a public meeting
- to involve Education Scotland

The 2010 Act has recently been amended by the Children and Young People (Scotland) Act 2014. The amendments which came into force on 1st August 2014 include a requirement for a report from Education Scotland in the case of every proposal requiring consultation. Guidance has been prepared by the Scottish Government to support implementation of the amendments.

4.2 The following table sets out the timescales for the different phases of the statutory public consultation process.

<b>Phase One: A council consults on a proposal – for a minimum of six weeks, including at least 30 school days</b>
The council has to: <ul style="list-style-type: none"><li>• prepare a proposal paper, including an educational benefits statement and other required information.</li><li>• publish the proposal paper, advertise the fact and notify Education Scotland and relevant consultees as prescribed by schedule 2 of the 2010 Act.</li><li>• give the relevant consultees notice of the proposal which would include:<ul style="list-style-type: none"><li>• a summary of the proposal, where to get a copy of the proposal paper and how to make written representations.</li><li>• the closing date of the consultation, which will be a minimum of six weeks to include at least 30 days of term time.</li></ul></li><li>• give advance notice of the date, time and venue of the public meeting to the relevant consultees and Education Scotland.</li><li>• where an inaccuracy or an omission in the proposal paper is alleged or discovered, investigate and determine whether there is an inaccuracy or omission and whether it is material, complying with section 5 of the 2010 Act</li><li>• following the end of the consultation, provide Education Scotland with a copies of the written representations, a summary of oral representations made at the public meeting(s) and any other relevant documentation.</li></ul>
<b>Phase Two: Preparation of Education Scotland’s report on the educational aspects of the proposal - to be completed within a maximum of three weeks</b>
The three week period commences once Education Scotland receives the proposal paper and other relevant documentation (timing should normally be agreed between Education Scotland and the Education Service well in advance). HM Inspectors will consider the educational aspects of the proposal, including: <ul style="list-style-type: none"><li>• the educational benefits statement;</li><li>• the representations received by the council;</li><li>• any further written representations made directly to Education Scotland on any</li></ul>

<p>educational aspect of the proposal which is considered relevant.</p> <ul style="list-style-type: none"> <li>• undertaking consideration of the proposal; and</li> <li>• finalising the report within a maximum of three weeks, although this can be extended by agreement between the council and Education Scotland, and sending it to the council.</li> </ul>
<p><b>Phase Three: Consultation Report - within no specified timescale, the council prepares and publishes a consultation report</b></p>
<p>The council publishes a consultation report. It must contain:</p> <ul style="list-style-type: none"> <li>• an explanation of how it has reviewed the proposal;</li> <li>• the Education Scotland report;</li> <li>• a summary of points raised during the consultation – both written and oral – and the council’s response to them; and</li> <li>• the substance of any alleged inaccuracies or omissions and details of the council’s response and any action taken.</li> </ul>
<p><b>Phase Four: Council Decision - a minimum of three weeks after the publication of the consultation report the council publishes its final decision</b></p>
<p>The Council takes its final decision on the proposal and implements the decision.</p>

4.3 Giving consideration to the above legislative process the first step for any request to alter the catchment area would be the preparation of a report by the education service to members in order that they can consider any such request. This report would be presented in the first instance to the appropriate Area Committee and in turn to Council for a final decision on progressing with a public consultation.

4.4 It is recommended that any proposal put forward by a Parent Council should have the support of all parent councils affected by the proposal before proceeding further. This does not preclude individuals within the Parent Council body or the wider community opposing the request.

4.5 To enable members to consider a request to change any catchment area the report should contain details of the request together with an assessment of the effects of the proposal, and in particular identify the education services assessment of the likely effects of the request on:

- the pupils of any affected school(s),
- other users of the school(s),
- children who would be likely to become pupils at the school(s) within two years of the publication of the proposal paper,
- other pupils in the council area.

The report would require to include an analysis of:

- any other likely effects of the proposal,
- how the council would minimise or avoid any adverse effects that may arise from the proposal; and
- benefits which the council believes would result from implementation of the proposal, and the council’s reasons for coming to these beliefs.

- 4.6 In setting out the educational benefits of any proposal to alter the catchment area of a school the education service would need to set out how the proposal would improve outcomes for children and young people.
- 4.7 The report would also provide the context for members to consider a request by detailing the growth or decline of the child population within the existing catchment areas. To reflect the true size of the catchment area the number of placing requests will be deducted from the school roll.
- 4.8 Capital investment in the school estate is agreed by elected members within the budget setting process. For the school estate this follows a review of both the condition and suitability of the schools assessed against a set of common criteria. Any capital costs associated with a request to alter the catchment area would be quantified within the report.
- 4.9 The school set to benefit from a proposal should have the capacity to absorb an increased roll and careful consideration when assessing this must be given to the number of placing requests at the school and the future school roll projections. The Scottish Government is currently developing a model for assessing a school's capacity following the recommendations made by the Commission on the Delivery of Rural Education.
- 4.10 There would need to be an assessment provided in the report of any potential revenue costs for the Council as a result of for example changes to school transport arrangements. Financial information should also be quantified and detailed along with the impact of any changes to the school roll on the number of teaching staff required and the head teacher's salary. Revenue costs/savings must be calculated for all of the schools which would be impacted by the proposed change.
- 4.11 The consideration of any proposals to alter a catchment area require considerable time and effort to ascertain whether such a proposal should be recommended to members. Members may wish to consider agreeing that no further request to alter the catchment area of a particular school will be reconsidered unless there has been a material change in circumstances, since either:
- a) A decision to refuse a request to alter the catchment area of a school
  - b) A decision following the publication of the consultation report not to proceed with the altering the catchment area of a school.

## **5.0 CONCLUSION**

- 5.1 Responding to falling school rolls some parent councils have considered the appropriateness of their current school catchment area. This policy provides support to the education service, members and parent councils by having in place a mechanism to deal with these requests. The approach proposed in this report has been carefully considered to allow informed decisions to be made regarding future requests within the legislative framework.

## **6.0 IMPLICATIONS**

- 6.1 Policy – policy guidance will be prepared for use following the approval of this report.
- 6.2 Financial – a change to a school catchment area may directly impact on the staffing, and school transport costs. It should also be noted that there will be costs associated with carrying out consultation, as defined in the Act and associated guidance.
- 6.3 Legal – any proposal requires to comply with the provisions of the Schools (Consultation) (Scotland) Act 2010 as amended.
- 6.4 HR – a successful request 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 a potential to increase or decrease teaching staff numbers.
- 6.5 Equalities – an equalities impact assessment will be included within the consultation report for every request being considered.
- 6.6 Risk – carrying out a public consultation can have an increased reputational risk to the Council especially if a proposal is divisive. Ensuring a proposal has the support of both parent councils mitigates against that risk.
- 6.7 Customer Service – preparing and publicising clear guidance in regard to the process for submitting a request to alter the catchment area, the legislative requirements, the public consultation process will assist parent councils better understand how to successfully submit a request and ensure their expectations are met in how it will be taken forward.

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