
SCHOOL ESTATES – Pre-consultation and Review

Report by Service Director Children & Young People

EXECUTIVE COMMITTEE

2 February 2016

1 PURPOSE AND SUMMARY

- 1.1 This report seeks to update the Executive Committee on the proposed review of the school estate and agree the content of the proposed pre-consultation with communities across the Scottish Borders.**
- 1.2 Curriculum for Excellence is being implemented and further developed in all Scottish Borders schools. A review of the school estate must deliver maximum educational benefits for our children and young people within the new curriculum.
- 1.3 Our school estate has buildings and locations, which have been in existence in some cases for over 100 years. Scottish Borders Council Executive (Education) on 20 January 2015 agreed principles which would guide us in reviewing the school estate. These principles will ensure we take a strategic approach whilst delivering:
- a) Increased educational opportunities
 - b) Improved outcomes for children and young people
 - c) A school estate best placed to enable the Authority to deliver across its range of statutory educational duties
 - d) Sustainability
 - e) A future-proofed school estate
 - f) Affordability
- 1.4 The pre-consultation seeks to engage with all stakeholders to gather information and their views regarding the quality and issues within the current school estate provision. The consultation will also seek views and ideas as to what our future school estates provision should aspire to look like.
- 1.5 Scottish Borders Council will analyse the feedback and information gathered from the pre-consultation and consider both the information from the public and our own data in analysing the existing school estate. This information will then be used to identify a way forward as to how we will improve our school estate. A report is expected to be taken to Scottish Borders Council meeting on 19 May 2016.

2 RECOMMENDATIONS

2.1 I recommend that the Executive Committee:-

- (a) Agrees to the proposed pre-consultation on the school estate across the school communities of the Scottish Borders.**
- (b) Agrees that the outcome of the consultation is reported back to the Full Council on 19 May 2016.**
- (c) Agree that the consultation includes a consideration of key themes within the previously agreed principles of 'maximising educational opportunities', 'improving individual outcomes', 'sustainability', 'affordability', 'delivery of statutory educational duties', and 'future proof' within the School Estate Strategy.**
- (d) Agree that, following the pre-consultation, and Full Council's consideration of its outcomes , the Service Director Children and Young People should prepare a set of school estate proposals which would then be brought back to Full Council for its consideration in August 2016.**
- (e) Scottish Borders Council's Small Schools Policy, produced prior to the Schools Consultation Act 2010, is formally withdrawn.**

3 PROPOSAL

3.1 On 20 January 2015, recommendations from the Depute Chief Executive (People), were approved by the Education Executive in relation to the school estate.

3.2 Approval was reached that:

- a) Scottish Borders Council adopts a long term strategic approach to the development and design of the school estate.
- b) All options are considered in the development of the school estate strategy.
- c) The primary principles of 'maximising educational opportunities' and 'improving individual outcomes' are considered in conjunction with the other principles of 'sustainability', 'affordability', 'delivery of statutory educational duties' and 'future proofing' throughout the school estate strategy.

3.3 Improving Educational Outcomes for Children and Young People in the Scottish Borders

Scottish Borders Council has statutory duties relating to the provision of Education which we fulfil in our school provision. These duties are set out in legislation and include:

- a) Education (Scotland) Act 1980, Section 1, which requires Scottish Borders Council to secure for their area adequate and efficient provision of school education.
- b) Standards in Scotland's Schools Etc Act 2000, Section 3, which requires Scottish Borders Council to endeavour to raise standards and secure improvement in the quality of school education provided in our schools. The education we provide must be directed to the development of the personality, talents and the mental and physical abilities of the children or young people to their fullest potential.
- c) Education (Additional Support for Learning) Scotland Act 2004 and the Education (Additional Support for Learning)(Scotland) Act 2009, which requires Scottish Borders Council to identify and provide support for any children with additional support needs and prepare co-ordinated support plans for those with the most extensive needs.
- d) Scottish Schools (Parental Involvement) Act 2009 which requires Scottish Borders Council to give advice and information to a parent of a school pupil when reasonably requested, on any matter relating to the education provided to that pupil.
- e) Scottish Schools (Parental Involvement) Act 2009 which requires Scottish Borders Council to give advice and information to a parent of a school pupil when reasonably requested, on any matter relating to the education provided to that pupil.
- f) Children and Young People's Act 2014 requires Scottish Borders Council to implement key policies relating to Early Learning and Childcare, provide additional support for children and young people who are looked after and accommodated including kinship care, extend free school meals and strengthen the rights and

participation of children and young people.

- 3.4 Scottish Borders Council sets out within the context of national and local policies what it is aiming to achieve in terms of raising levels of achievement and attainment and improving educational outcomes for all children and young people in the key priorities set out in our Business Plan and our Children and Young People’s Services Plan.
- 3.5 Our key priority is “to improve attainment and achievement levels for all our children and young people, both within and outwith the formal curriculum.”
- 3.6 As part of a multi-agency partnership, we have identified the following priorities within our Children and Young People’s Services Plan:
- a) Raising attainment and achievement for all and closing the gap between the lowest and highest achievers
 - b) Promoting the health and well-being of all children and young people and reducing health inequalities
 - c) Keeping children and young people safe
 - d) Improving the well-being and life chances for our most vulnerable children and young people
 - e) Increasing participation and engagement
- 3.7 The purpose of the curriculum is encapsulated in the four capacities - to enable each child or young person to be a successful learner, a confident individual, a responsible citizen and an effective contributor.
- 3.8 The curriculum aims to ensure that all children and young people in Scotland develop the knowledge, skills and attributes they will need if they are to flourish in life, learning and work, now and in the future. The attributes and capabilities of the four capacities are outlined below:

successful learners	confident individuals	responsible citizens	effective contributors
<p>attributes</p> <ul style="list-style-type: none"> enthusiasm and motivation for learning determination to reach high standards of achievement openness to new thinking and ideas <p>capabilities</p> <ul style="list-style-type: none"> use literacy, communication and numeracy skills use technology for learning think creatively and independently learn independently and as part of a group make reasoned evaluations link and apply different kinds of learning in new situations. 	<p>attributes</p> <ul style="list-style-type: none"> self-respect a sense of physical, mental and emotional well-being secure values and beliefs ambition <p>capabilities</p> <ul style="list-style-type: none"> relate to others and manage themselves pursue a healthy and active lifestyle be self-aware develop and communicate their own beliefs and view of the world live as independently as they can assess risk and make informed decisions achieve success in different areas of activity. 	<p>attributes</p> <ul style="list-style-type: none"> respect for others commitment to participate responsibly in political, economic, social and cultural life <p>capabilities</p> <ul style="list-style-type: none"> develop knowledge and understanding of the world and Scotland’s place in it understand different beliefs and cultures make informed choices and decisions evaluate environmental, scientific and technological issues develop informed, ethical views of complex issues. 	<p>attributes</p> <ul style="list-style-type: none"> an enterprising attitude resilience self-reliance <p>capabilities</p> <ul style="list-style-type: none"> communicate in different ways and in different settings work in partnership and in teams take the initiative and lead apply critical thinking in new contexts create and develop solve problems

- 3.9 The experiences and outcomes are a set of statements which describe the expectations for learning and progression for each of the eight curriculum areas.
- 3.10 The title 'experiences and outcomes' recognises the importance of the quality and nature of the learning experience in developing attributes and capabilities and in achieving active engagement, motivation and depth of learning. An outcome represents what is to be achieved.
- 3.11 The experiences and outcomes for each curriculum area build in all the attributes and capabilities and so develop the four capacities. All our schools in the Scottish Borders are expected to deliver Curriculum for Excellence as set out within the four capacities and the experiences and outcomes.
- 3.12 Our school estate must be fit for purpose and support the delivery of Curriculum for Excellence whilst maximising educational opportunities and benefits for all our children and young people.
- 3.13 Vision for the school estate:
- (a) The shared vision of local government and the Scottish Government for the future of the school estate is articulated in *Building Better Schools: Investing in Scotland's Future*:
- "Our vision is for schools which signal the high value we place on learning; which people and communities can enjoy using and can be proud of; which are well designed, maintained and managed and which encourage continuous engagement with learning; which are far more than just 'educational establishments' whose quality of environment supports an accessible range of services and opportunities and which enrich the communities they serve and the lives of learners and families."*
- (b) Scottish Borders Council shares this vision for the future of the school estate and along with other Local Authorities, has articulated aspirations and principles related to the planning and management of the school estate. The aspirations of the national strategy and of our school estate strategy are as follows:
- i. All children and young people will be educated in, and community users will use, schools that are 'fit for purpose' in terms of condition, suitability and sufficiency;
 - ii. Schools are well-designed, accessible, inclusive learning environments that inspire and drive new thinking and change and which support the delivery of high quality educational experiences through Curriculum for Excellence;
 - iii. Schools are integral parts of the communities they serve, with pupils making use of community facilities and communities accessing school facilities;
 - iv. Schools accommodate and provide a range of services, activities and facilities that make a difference to people's health and well-being, to sustaining economic growth and to the strength and vibrancy of communities;
 - v. A sustainable school estate whose design, construction and operation is environmentally and energy efficient; contributes directly to delivering the year on year reductions in

greenhouse gas emissions introduced by the Climate Change (Scotland) Act 2009, which is resilient to the impact of climate change and which leads by example in matters of environmental performance;

- vi. A school estate that is efficiently run and that achieves best value.
- vii. A school estate which is flexible and responsive - both to changes in demand for school places and to learners' and teachers' requirements and wishes and where the beneficial impact of change is maximised by thorough consultation and engagement with users and stakeholders.

3.14 Guiding Principles in the Review of the School Estate

The aim of this strategy is to deliver on the vision and these aspirations set out above. The following principles will guide us in the review of the School Estate:

- (a) **We will continue to prioritise the investment in our school estate.** Through asset management planning, prioritisation criteria will be developed for investment in the school estate ensuring resources are targeted to the highest priority areas.
- (b) **We will promote sustainability in the school estate.** This includes energy efficient measures, renewable technologies and in the design of new, extension or repair works.
- (c) **We will utilise our buildings effectively and efficiently ensuring affordability.** A programme of area based reviews is planned, with the aim of improving the effective use of the property portfolio in a geographic area and opening new lines of communication with public sector partners.
- (d) **We will actively pursue the development of further community based facilities** within school buildings as we review our property portfolio and prepare plans for future development.
- (e) **We will engage with users and communities** in developing the school estate on a local basis.
- (f) **We will refine and develop performance measures** for the school estate including school design guidelines and post occupancy reviews.
- (g) **We will future proof** the school estate taking into account planning consents, future opportunities and roll projections.
- (h) **We will increase educational opportunities** by considering the learning pathways from 0-18 years and focus on increasing educational opportunities, taking into account equality.
- (i) **We will aim to improve educational outcomes** for all young people by ensuring that educational benefits are a key driver in decision making in our school estates strategy.

Within these principles there are key themes of data sets and information which will enable a robust and thorough approach to the Review of the School Estate. We will share with stakeholders the following information:

- i. School catchment areas
- ii. School rolls and roll projections
- iii. School capacities and occupancies
- iv. Placing request numbers per school
- v. School building condition and suitability ratings
- vi. Community use of schools
- vii. Average cost per pupil per school

3.15 Our provision:

- (a) It is important that such a significant and valuable asset is managed in an efficient and effective manner while meeting the wider strategic objectives of the Council and benefiting our communities.
- (b) Our school estate strategy considers the development and management of the school estate in the context of meeting national and local outcomes, planning ahead and providing best value and benefits to our communities.
- (c) The Children and Young People's Directorate provide a wide range of services to all communities in the Scottish Borders, including Education (Early Years, Nursery, Primary, Secondary and Additional Support Needs), Youth, Community, Sports Development, Culture, and Children's Services.
- (d) In order to provide these services, Scottish Borders Council manage a large number of property assets including schools, community buildings, community learning centres, libraries, museums, art galleries, outdoor centres, resource centres and child and family centres; 71 primary schools, 9 secondary schools, and 8 enhanced provisions for children with additional support needs.
- (e) The assets managed and run by Scottish Borders Council, including the school estate, need to be fit for purpose and provide modern public services that meet the current and future needs of our communities.

3.16 Pre-Consultation and Review Process

Decision making protocols and guidance around the school estate are set out in the Schools (Consultation) (Scotland) Act 2010 and reflect recommendations made in the Commission on the Delivery of Rural Education Report. They provide very clear expectations and details as to how consultation on the school estate should be implemented as well as stating the roles and responsibilities of all stakeholders: Council, Education Scotland, Scottish Government, the public and stakeholders in the school community. In relation to the Act, it is important to note that this proposed consultation is an informal consultation or pre-consultation which aims to engage with communities before any formal 2010 Act proposal papers are considered. The Statutory Guidance states "*pre-consultation*" can cover a range of engagement with communities regarding a proposal

before a formal 2010 Act proposal paper is published. It is not a substitute for, nor does it reduce any of the requirements for formal consultation under the 2010 Act. However, pre-consultation can play an important part in information gathering and sharing in advance of a statutory consultation. It is often this type of participation which really engages and empowers communities to understand and help shape the proposals that affect them. There are many different approaches to pre-consultation, from an extension to the authority's regular engagement with Parent Councils to consider concerns regarding a school's future and possible options, to an authority issuing a pre-consultation paper on a wider range of possible options for the school estate before refining which of these should become statutory proposals."

In this pre-consultation Scottish Borders Council aims to engage constructively with our communities in advance of statutory consultation so that statutory consultation is not a surprise to communities. We aim to achieve a full, fair and rigorous consultation providing high quality and accurate consultation information and documentation whilst ensuring high standards of transparency.

- (a) It is proposed that we embark upon an informal, or "pre-consultation", where we would seek to share the vision for the future of the school estate detailed in 3.13 above, and, to engage with stakeholders in the broadest of terms. We will do this by holding a daytime through to evening open pre-consultation event in each of our 9 secondary schools in March 2016. All families and local members of the community will be invited to attend.

- (b) The format for the engagement event will be:
 - i. Information boards which share key data and information about the school estate in each local area;
 - ii. Information on the educational outcomes being delivered within Curriculum for Excellence in local schools;
 - iii. Opportunities to comment upon key themes within the guiding principles behind the Review: 'maximising educational opportunities', 'improving individual outcomes', 'delivery of statutory educational duties' are considered in conjunction with the other principles of 'sustainability', 'affordability' and 'future proofing' throughout the school estate strategy;
 - iv. Questionnaire for all stakeholders
 - v. Information boards which outline the guidance set out in the Schools (Consultation) (Scotland) Act 2010.

- (c) We are engaging with a QC, who is providing us with external and independent legal advice regarding all our communications in the pre-consultation so that we can be confident that our materials fulfil the expectations for transparency and openness set out in the school consultation act guidance and legislation. A questionnaire will be created in keeping with this independent legal advice which will seek to gather views and responses to questions relating to existing school estate provision and future estates provision based upon achieving the vision set out in this report. We will create an information question and answer sheet, which will go out with the letter inviting parents to the open evening, providing them with some background information, as we recognise this is quite a

complex matter. We will gather views during the engagement evenings and through the questionnaire, which will be available for a consultation period.

The feedback from the pre-consultation event will be used to inform next steps. It will be taken into consideration in the formulation of any proposals which may thereafter be prepared. A further, formal, consultation process will then follow in accordance with the Schools (Consultation) (Scotland) Act 2010 (as amended by the Children and Young People (Scotland) Act 2014) and the Statutory Guidance issued pursuant to that Act.

It should be noted that at this stage there are no particular options being considered. This is a review of the whole school estate and will identify and consider a full range of possible options such as:

- i. Status quo
- ii. Catchment reviews;
- iii. New school build requirements;
- iv. School merger proposals on a new site involving closure of existing schools;
- v. School closures and re-location of the catchment to existing schools;
- vi. School re-design for children and young people within a catchment area eg 2-18 years campus, or 2-8 years campus, or 8-18 years campus;
- vii. Any alternative proposals presented by stakeholders during consultation.

- (d) The Service Director Children and Young People will present the findings of the pre-consultation to Full Council on 19 May 2016.

3.17 Scottish Borders Council produced a Small Schools Policy in 2007 (Appendix 1). This policy was produced prior to the Schools Consultation Act 2010. The policy has never been fully implemented by Scottish Borders Council and certainly not in the period since the 2010 Act and accompanying guidance came into being. While this policy has never been fully implemented, nor has it ever been formally revoked or withdrawn. However, in light of the change in the statutory framework together with the introduction of the Curriculum for Excellence, this guidance is no longer considered to be relevant or useful. It is therefore recommended that it should now, for the avoidance of confusion, be formally withdrawn.

3.18 Approval is sought to go forward with a Schools Estates pre-consultation and review.

4 IMPLICATIONS

4.1 Financial

The Review of the School Estate will influence the Council's Capital Investment Plan and long term Revenue Financial Planning.

4.2 **Risk and Mitigations**

A strategic approach to the School Estate is required to ensure there is scope for improving educational outcomes for all children and young people across the Scottish Borders. We must ensure we have a sustainable estates plan which maximises educational benefits for all children and young people or the Council could face significant risks such as poor condition school buildings and unmanageable building maintenance issues.

4.3 **Equalities**

An Equalities Impact Assessment will be carried out as part of a School Estate Strategy Development to mitigate against any adverse equality implications.

4.4 **Acting Sustainably**

There are no significant impacts on the Economy, Community or Environment arising from the proposed engagement with families and communities as proposed within this report. However, the School Estate Strategy will seek to ensure sustainability, which will be considered as proposals come forward.

4.5 **Carbon Management**

There are no significant effects on carbon emissions arising from the proposals contained in this report. However, the School Estate Strategy will seek to promote environmental responsibility and effective carbon management as part of any proposals that come forward within this Review of the School Estate.

4.6 **Rural Proofing**

In preparing the School Estates Strategy particular regard will be paid to the issue of rurality and rural schools. It will be a key component of any discussions regarding changes to the school estate.

In addition, the Schools (Consultation) (Scotland) Act 2010 create specific statutory obligations in connection with certain proposals for rural schools. These include, for example, a requirement to consider impact on the local community and the effect of any changed travelling arrangements. These obligations will be fully implemented, in accordance with the Act and the Statutory Guidance, if they do become relevant.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

5 CONSULTATION

- 5.1 The Chief Financial Officer, the Service Director Regulatory Services as Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments have been incorporated in the final report.

Approved by

Donna Manson
Service Director
Children and Young People

Signature

Author(s)

Name	Designation and Contact Number
Donna Manson	Service Director Children and Young People

Background Papers:

Appendix 1 – Small Schools Policy – Scottish Borders Council
Schools (Consultation) (Scotland) Act 2010 Statutory Guidance
Schools (Consultation) (Scotland) Act 2010 Timeline
Building Better Schools Investing in Scotland’s Future – Scottish Government
Commission on the Delivery of Rural Education – Scottish Government
Children’s Services Business Plan

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Donna Manson can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA.