
ADDITIONAL SUPPORT NEEDS PROVISION IN EARLSTON

Report by Service Director Children and Young People

SCOTTISH BORDERS COUNCIL

22 December 2016

1 PURPOSE AND SUMMARY

- 1.1 This report, following the completion of the public consultation process, requests approval of the proposal to formally establish the new Additional Support Needs Build in Earlston as a School and the formal discontinuation of the spectrum classes at Wilton Primary School and St Ronan's Primary School.**
- 1.2 At its meeting on 24 May 2016, the Executive Committee agreed that formal statutory consultation papers be brought forward regarding the discontinuation of the existing provision of spectrum classes in Innerleithen, St Ronan's Primary School, and Wilton Primary School grounds and the establishment of the new Additional Support Needs provision in Earlston.
- 1.3 At its meeting on 16 August 2016, the Executive Committee agreed that:
- (a) A statutory consultation be undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 on the proposals to:
 - (i) establish a new additional support needs school in Earlston; and
 - (ii) discontinue the spectrum class at Wilton Primary School
 - (iii) discontinue the spectrum class at St Ronan's Primary School.
 - (b) Following the statutory consultation process, a further report on the Proposals be presented to Scottish Borders Council; and
 - (c) Simultaneously to the statutory consultation as detailed in (a) above, a non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in the village of Earlston and that the outcomes of this non-statutory consultation be brought back to the Executive Committee in due course for approval.
- 1.4 The statutory and non-statutory consultations have now been completed. Through the non-statutory consultation fourteen suggestions were received for the name of the new Additional Support Needs School. From these suggestions Officers created a short list of three possible school names

namely Leader Valley School, Leaderbank School and South Croft School. The short list of school names has now been sent back out to the Consultees in order that they can vote by 14 December 2016 on which of these names should be adopted, as the Council had undertaken to do in terms of the Proposal Paper. The Service Director Children and Young People shall inform Councillors of the outcome of the vote at the Council meeting. The outcome of the vote will be formally reported back to the Executive Committee in January 2017 for their final approval.

- 1.5 The remainder of this report is solely in respect of the proposals that are subject to the statutory consultation process. A consultation report in respect of the proposals requiring Statutory Consultation was prepared and published on 22 November 2016. The Consultation Report is Appendix 1. The Consultation report was advertised in the press and Consultees were written to and informed it had been published, with all interested parties given until 14 December 2016 to raise concerns or pose alternative solutions through written or electronic submissions. Submissions may therefore be received after this Report has been published. Accordingly all submissions made in response to the Consultation Report shall be summarised by the Depute Chief Executive People at the Council meeting in order that cognisance can be taken of them prior to any decision being made.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council agrees that:-

- (a) The new Additional Support Needs Build in Earlston be established as a School;**
- (b) The spectrum support class at Wilton Primary School be discontinued;**
- (c) The spectrum support class at St Ronan's Primary School be discontinued.**

3 BACKGROUND

- 3.1 Scottish Borders Council has invested in a new Additional Support Needs provision, located in the central Borders village of Earlston, to ensure children within the Scottish Borders with complex additional support needs can be educated and cared for in a high quality fit for purpose learning environment.
- 3.2 Following detailed consideration by officers as to how to make best use of this facility to maximise the educational benefits which would accrue, a report was presented to the Executive Committee (Education) on 24 May 2016. In that report the broader context of the Council's overall Additional Support Needs provision was presented to Committee, alongside the Council's aspirations of how this new build will enhance the education of the children who the Council expect to re-locate from the current spectrum classes at Wilton and St Ronan's Primary Schools to the new provision at Earlston (see background papers).
- 3.3 The new provision at Earlston will initially be for the primary aged children currently attending the existing provisions in the spectrum classes in St Ronan's, Innerleithen and in the grounds of Wilton Primary Schools. In addition it will also be able to support other children with complex needs, not only on the Autistic Spectrum, but also those children who may have complex sensory impairments and be on placements outwith Scottish Borders.
- 3.4 Feedback from informal consultation with affected stakeholders was broadly very positive. The terms of the Schools (Consultation) (Scotland) Act 2010 (hereinafter referred to as the "2010 Act") requires that, before an education authority implements a "relevant proposal", it must first comply with the requirements of that Act. The Proposals to establish the new facility as a school and, to discontinue the spectrum support classes at St Ronan's and Wilton are each "relevant proposals" and therefore that statutory consultation process required to be engaged. Following detailed consideration officers prepared an educational benefits statement, together with a formal proposal paper in August 2016. A report in respect of commencing the statutory consultation process was presented to the Executive Committee (Education) on 16 August 2016. Within the report it was proposed that at the same time as the formal consultation was carried out that a separate non-statutory consultation be undertaken on the naming of the new Additional Support Needs School in Earlston.
- 3.5 Approval was given to proceed with the statutory and non-statutory consultations. It was agreed that while the outcomes of the Statutory Consultation would be presented to the full Council in December 2016, the outcomes of the non-statutory consultation on the school name would be presented to the Executive Committee for approval. This report accordingly focusses on only the proposals requiring statutory consultation.
- 3.6 Officers proceeded to arrange for the proposal paper to be published and the consultation period ran from 26 August 2016 until 10 October 2016. The statutory and non-statutory consultations periods have now been completed. In accordance with the statutory requirements and process set out in the Proposals paper Education Scotland have been consulted on the

proposals and have prepared a Report. Officers have, as required by the 2010 Act, considered both the Education Scotland Report and all consultation responses received and have prepared a Consultation Report responding to the key issues raised. The 2010 Act states that the Education Authority may only proceed with a "relevant proposal" a minimum of 3 weeks after they have published the Consultation Report in both electronic and printed form, to provide interested parties with a further period to raise concerns or pose alternative solutions through written or electronic submissions. The Consultation Report was prepared and published on 22 November 2016 and all interested parties were given until 14 December 2016 to respond. The Consultation Report is Appendix 1 to this report. A copy of the Proposal Paper is Appendix A of the Consultation Report.

- 3.7 Given interested parties can make submissions on the Consultation Report until 14 December 2016, submissions may be received after this Report has been published. Accordingly all submissions made in response to the Consultation Report shall be summarised by the Depute Chief Executive People at the Council meeting in order that cognisance can be taken of them prior to any decision being made.

4 ESTABLISHING THE NEW ADDITIONAL SUPPORT NEEDS BUILD IN EARLSTON AS A SCHOOL

- 4.1 The Consultation Report responds in detail to the consultation responses received and sets out the reasons why having taken cognisance of the consultation responses Officers recommend that Councillors should now approve the establishment of the new additional support needs build in Earlston as a School.
- 4.2 The power to establish a new school, following appropriate Statutory Consultation, rests solely with the Education Authority in terms of the 2010 Act. If the Council approve this proposal, officers can commence implementing it without further procedure.

5 DISCONTINUING THE SPECTRUM SUPPORT CLASS AT WILTON PRIMARY SCHOOL

- 5.1 The Consultation Report responds in detail to the consultation responses received and sets out the reasons why having taken cognisance of the consultation responses Officers recommend that Councillors should now approve discontinuing the spectrum support class at Wilton Primary School.
- 5.2 Discontinuing the spectrum support class at Wilton Primary School in addition to being a relevant proposal in terms of the 2010 Act is categorised as being a closure proposal. In terms of the 2010 Act if the Council approve this closure proposal Scottish Ministers will require to be notified of the decision within 6 working days. Once the Scottish Ministers have been notified there is a three week period for any further representations to be made to them and thereafter another five weeks for the Scottish Ministers to decide whether to approve the decision or call it in. If Scottish Ministers are not minded to call the decision in then they can inform the Council of this any time after the initial three week period has expired.

- 5.3 Scottish Ministers can only call in the decision if they consider that either the Council has failed to take proper account of a material consideration or failed to a significant degree to comply with the requirements of the 2010 Act. In the event that Scottish Ministers issue a notice calling in the decision they shall within seven days set up a School Closure Review Panel to thereafter review the decision and make a decision on whether to consent the proposal.
- 5.4 The Council cannot proceed with discontinuing Spectrum Support provision at Wilton Primary School, unless Scottish Ministers approve the decision.

6 DISCONTINUING THE SPECTRUM SUPPORT CLASS AT ST RONAN'S PRIMARY SCHOOL

- 6.1 The Consultation Report responds in detail to the consultation responses received and sets out the reasons why having taken cognisance of the consultation responses Officers recommend that Councillors should now approve discontinuing the spectrum support class at St Ronan's Primary School.
- 6.2 Discontinuing the spectrum support class at St Ronan's Primary School is categorised as being a closure proposal in terms of the 2010 Act. The further procedure that is required in the event that the Council approve this closure proposal is the same as is set out above in paragraphs 5.2 and 5.3 of this Report in respect of discontinuing the spectrum support class at Wilton Primary School.
- 6.3 For the avoidance of doubt the Council cannot proceed with implementing the discontinuation of Spectrum Support provision at St Ronan's Primary School, unless Scottish Ministers approve the decision.

7 IMPLICATIONS

7.1 Financial

The provision at Earlston is within the approved capital plan and is profiled to match the construction programme:

2015/2016 – £481 k
2016/2017 – £1156 k
2017/2018 – £6 k

The revenue consequences of the new facility are being fully developed. It is anticipated these will be met from within existing budgets by transferring existing costs within the current spectrum provisions and within the overall ASN design process. There may be savings from reduced travel costs for pupils who currently require transport out with the Authority. If pupils who might otherwise be placed outside of the Authority to meet their educational needs choose to stay within the Authority in the new facility, then significant savings would be accrued as external placement costs are significantly higher than the Council's own placements.

7.2 Risk and Mitigations

- (a) There is a risk that parents continue to request to place children outwith the Authority. This risk is mitigated by consulting as widely as possible with parents of children who may be able to benefit from

the facility.

- (b) It is important that parents in the Borders believe that the Education Authority have the facilities and highly skilled staff to meet the needs of children in the Scottish Borders with complex needs or it creates reputational risk and anxiety for parents. The provision at Earlston highlights the Council's investment in this vulnerable group of learners and will reassure parents of the Council's commitment to getting it right for every child with complex needs.

7.3 **Equalities**

- (a) An Equalities Impact Assessment was carried out on the overall Proposals set out in the Proposal Paper and given the Proposals are unchanged in terms of the Consultation Report it continues to be anticipated that there are no adverse equality implications.
- (b) The provision at Earlston will have a positive impact upon children and young people within the Scottish Borders irrespective of age, gender, ability, by providing fully accessible Borders based facilities for a very vulnerable group of learners.

7.4 **Acting Sustainably**

It is expected that the new centralised ASN School in Earlston will reduce travel for children with additional support needs currently attending St Ronan's Primary and almost all of the children currently attending Wilton spectrum support classes. It will also reduce travelling time for those children currently attending ASN education provision outwith the Borders who may now attend this new ASN school.

7.5 **Carbon Management**

There may be a slightly negative effect on carbon emissions by increasing the Council's building footprint however, this is mitigated by a reduction in the number and frequency of journeys by young people being transported out of the Scottish Borders as a consequence of the recommendations, which will have a positive impact on the Council's Carbon footprint.

7.6 **Rural Proofing**

This report does not propose any changes to any existing policies or strategy with regards to rurality. The Council transports learners with additional support needs to local schools or enhanced provisions. We would expect that the links between the primary and secondary enhanced provisions and the centrality of the new provision in Earlston will ensure that learner transport journeys are reduced including those children living in designated rural areas.

7.7 **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.

