
ECCLES LEITHOLM PRIMARY SCHOOL - CONSULTATION OUTCOME

Report by Interim Service Director, Children & Young People

Scottish Borders Council

29 August 2019

1 PURPOSE AND SUMMARY

- 1.1 Following a public consultation process, in accordance with the provisions of the Schools (Consultation) (Scotland) Act 2010 (as amended), this report recommends that Elected Members approve the:-**
- 1.1.1 permanent closure of Eccles Leitholm Primary School, Eccles on 20 December 2019 ; and**
 - 1.1.2 permanent re-zoning of the catchment area for Eccles Leitholm Primary School to Swinton Primary School from 21 December 2019.**
- 1.2 Eccles Leitholm Primary School was mothballed in 2016 following a sustained fall in its roll, after a substantial increase in placement requests. The catchment area was temporarily re-zoned to Coldstream Primary School at the time of mothballing. Since mothballing the Council has not received any enquiries regarding the school. At its meeting on 7 November 2017, the Executive Committee agreed to progress the statutory consultation process for the three schools that had been mothballed, including Eccles Leitholm Primary School.
- 1.3 A detailed analysis of all the reasonable options for Eccles Leitholm Primary School was carried out. An Options Appraisal Report was prepared, detailing the analysis, and concluding that closure of the school was the most reasonable option. Following this a Proposal Paper detailing the proposal for closure was published, in accordance with the provisions of the Schools (Scotland) (Consultation) Act 2010, as amended, on 14 March 2019. The Proposal Paper also asked for the community to state a preference regarding the re-zoning of the catchment zone as pupils from the Eccles Leitholm catchment area currently attending 7 different schools. The Proposal Paper was circulated and advertised and a public meeting was held on 25 April 2019 to discuss the proposals and options for the school.

- 1.4 The statutory consultation was undertaken from 14 March to 10 May 2019. 24 responses were received during this period along with a letter from Swinton Primary School. 68% of responses agreed with the proposal to close the school; 20% didn't know; 8% disagreed; and 4% did not answer.

The responses regarding the catchment areas indicated that 76% preferred Swinton Primary School; 16% Coldstream Primary School 4% didn't know; and 4% didn't answer

- 1.5 A Consultation Report in respect of both the proposals and consultation process was prepared and published on 19 June 2019. The Consultation Report contains responses to all the comments and responses received during the consultation period and is attached as **Appendix 1**. The publication of the Consultation Report was advertised in the press and, as far as possible, all responders to the consultation were notified of the publication of the report. Interested parties were given until 19 July 2019 to raise concerns or pose alternative solutions through written or electronic submissions. 15 responses were received during this consultation period and are detailed in this report.

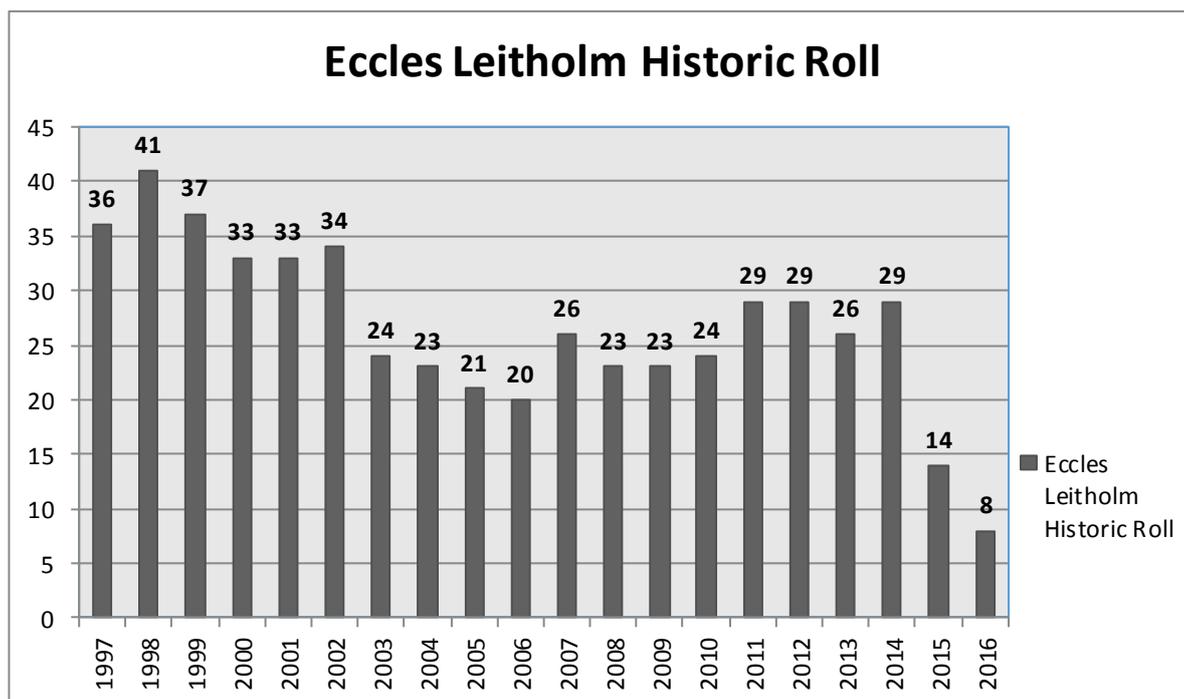
2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council approves:-

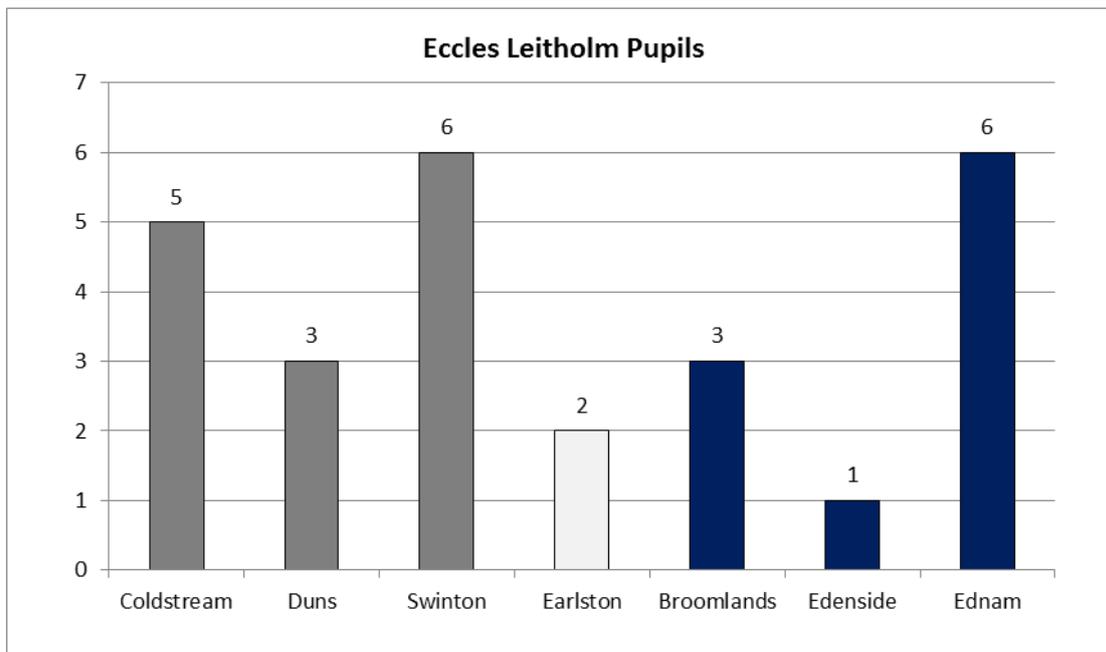
- 2.1.1 the permanent closure of Eccles Leitholm Primary School on 20 December 2019; and
- 2.1.2 the permanent re-zoning of Eccles Leitholm Primary School's catchment zone to Swinton Primary School from 21 December 2019.

3 BACKGROUND

3.1 Eccles Leitholm Primary School is a rural primary school located in Eccles and forms part of the catchment zone for Berwickshire High School. Eccles Leitholm Primary School has capacity for 50 pupils and was mothballed in 2016 following a sustained fall in pupil numbers, after an increase in placement requests being submitted to other schools. Prior to mothballing there were only 8 pupils attending the school; 65% of the children within the catchment area were attending 6 other schools. Following discussions with the parents it was decided to mothball the school in May 2016.



3.2 It was decided, at the time of mothballing, that the catchment zone for Eccles Leitholm Primary School should be re-zoned on a temporary basis to Coldstream Primary School, with transport being provided to and from the school. Coldstream was chosen as the schools shared a head teacher and pupils from Eccles Leitholm regularly accessed facilities and activities at Coldstream Primary School. The schools are also within the same secondary cluster and were part of the same learning community, with shared curricular and teaching plans. However, since mothballing, pupils from the Eccles Leitholm catchment have generally not chosen to attend Coldstream. Currently only 5 children (19%) are attending Coldstream. The pupils from the catchment in the school year 2018/19 attended the following schools, across 3 secondary clusters:-



3.3 Given the pattern of school choices, Council officers decided to consult on which school the community would prefer the catchment to be re-zoned to. Officers considered:-

- the high school cluster arrangements;
- safe route to schools;
- distance;
- community sentiment; and parental wishes

It was then decided to consult on re-zoning the catchment area to either Coldstream or Swinton Primary Schools. To include the other primary schools in the process would have required an extensive consultation exercise regarding High School cluster catchments.

3.4 During the consultation it was clear that the community regretted the loss of the school; however several considered that the closure was inevitable given the change in the demographics of the area and different choices that parents were making regarding schools and early learning. Some very fond memories were expressed about the school and the opportunities and experiences that the children had at the school. However none of the parents (with school aged children) that responded to the Council during the consultation process supported the re-opening of the school and some stated that if the school was to re-open they would not send their children there.

3.5 Swinton Primary School has a capacity for 100 children. There are currently 55 children attending the school. Swinton can accommodate all the children in the Eccles Leitholm catchment and offers a rural smaller school learning environment. Parents and children have advised that they are happy with the learning experiences and opportunities that they receive at Swinton.

3.6 The Proposal Paper was published on 14 March 2019; the consultation period ran from 14 March to 10 May 2019. In accordance with the statutory requirements, Education Scotland has reviewed the consultation process and have visited Eccles Leitholm, Coldstream and Swinton Primary Schools, meeting with staff, parents and pupils. Education Scotland has prepared a

report regarding the consultation process and an assessment of the educational benefits attached to the proposal. A copy of Education Scotland's report and responses on behalf of the Council to all their comments are contained in the Consultation Report. Education Scotland has confirmed that the Inspector considers that there is no educational benefit in re-opening Eccles Leitholm Primary School.

- 3.7 Officers have considered the terms of the Education Scotland report and all the consultation responses received and have responded in detail to the comments and questions in sections 4 and 5 of the Consultation Report.
- 3.8 In terms of the Schools (Consultation) (Scotland) Act 2010 as amended (**2010 Act**) the Council is required to publish the Consultation Report for a minimum period of 3 weeks to provide interested parties an opportunity to raise concerns or pose alternative suggestions through written or electronic submissions. The Consultation Report was published on 19 June 2019 with all interested parties given until 19 July 2019 to respond.
- 3.9 There were 15 responses received during this period. 10 were in support of the proposal to close the school, 3 were neutral and 1 was against. 8 responders were firmly in agreement that Swinton should be the new catchment area, with the remainder either expressing no view or asking questions about school transport or the arrangements regarding children who had already enrolled at Coldstream or other schools.
- 3.10 Taking full cognisance of the whole consultation process and in particular the responses from the community and the identified education benefits for the children, I recommend that Scottish Borders Council should now approve (1) the permanent closure of Eccles Leitholm Primary School and (2) that Eccles Leitholm catchment area is permanently re-zoned to Swinton Primary School. It is recommended that the catchment is permanently re-zoned to Swinton Primary School given the preference expressed during the consultation (76%). It is proposed that transport will therefore be provided to Swinton Primary for the children in the Eccles Leitholm catchment. The children currently attending Coldstream will continue to have their transport provided. Children who have a sibling attending Coldstream will also be transported, providing that they are to start the school while their elder sibling still attends.
- 3.11 A decision for closure cannot be implemented until the Scottish Ministers have advised whether or not they wish to call in the decision for review by the School Closure Review Panel. The Ministers have an 8 week period (including a 3 week period for representations by stakeholders) to decide whether they should call the decision in for review by the School Closure Review Panel. The decision can be called in if it is considered that the education authority has failed to comply with the requirements under the 2010 Act or take proper regard of a material consideration relevant to the decision.
- 3.12 If the Scottish Ministers decide not to call the proposal in, then Children and Young People Services will declare the building as surplus and the building will then be in the control of the Estates team.

4 IMPLICATIONS

4.1 Financial

A financial template has been completed by Finance as part of the statutory consultation process and is annexed to the Proposal Paper. The savings of closing the school from its current mothballed condition would be minimal. However Estates have advised that it would cost c£107k to put the school building in a state to be re-opened. The costs to operate the school would be c£158k pa. The costs of the transport to Swinton Primary School will cost c£22k pa. The costs of transport to Coldstream are currently £17k pa.

4.2 Risk and Mitigations

If the decision is taken to close the school, the risk to a successful closure is that the Scottish Ministers could decide to call the decision in for review by the Schools Closure Review Panel. In the event that the Schools Closure Panel do not consent with the closure decision, Scottish Borders Council would be unable to consult on the closure of the school for a minimum period of 5 years. The grounds for call in are (1) failure to comply with the consultation legislation or (2) if the Council has failed to take into account a material consideration. The risk of the decision being called in has been mitigated by Council officers closely adhering to the terms of legislation and having carried out pre-consultation engagement as part of the Schools Estate Review process. Officers have worked closely with stakeholders. A solicitor from Legal Services has overseen the consultation process and ensured that all consultation documentation and communications with all stakeholders has been carried out in compliance with the Schools (Consultation) (Scotland) Act 2010.

4.3 Equalities

An Equalities Impact Assessment was carried out on the proposals.

4.4 Acting Sustainably

These proposals sit within the broader context of the School Estates Review, which has sustainability embedded as a key consideration.

4.5 Carbon Management

This proposal is carbon neutral

4.6 Rural Proofing

This proposal does not relate to new or amended strategy. The impact on the rural community has been an integral consideration during the Options Appraisal and Proposal Paper stages. The school has been mothballed for over 3 years and the primary aged population within the area has remained fairly constant over that period.

4.7 Changes to Scheme of Administration or Scheme of Delegation

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

5 CONSULTATION

The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR, the non-Councillor members of the Education Executive Committee and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Signature

Stuart Easingwood
Interim Service Director Children & Young People

Author(s)

Name	Designation and Contact Number
Gillian Sellar	Solicitor, School Estates

Background Papers: Consultation Report June 2019

Previous Minute Reference: Executive Committee 7 November 2017

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