



## **ETTRICK 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, as set out in the Schools (Consultation) (Scotland) Act 2010 (as amended), this report recommends that Elected Members approve the:-**
  - 1.1.1 **permanent closure of Ettrick Primary School, Ettrick; on 20 December 2019; and**
  - 1.1.2 **permanent re-zoning of the catchment area for Ettrick Primary School to Kirkhope Primary School, Ettrickbridge from 21 December 2019.**
- 1.2 Ettrick Primary School was mothballed in July 2012 following a sustained fall in its roll. Since mothballing all primary aged pupils have been transported to Kirkhope Primary School. The number of primary aged children has remained consistently low since mothballing and the Council has not received any enquiries regarding the school in that period. 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 Ettrick Primary School.
- 1.3 A detailed analysis of all the reasonable options for Ettrick Primary School was carried out. An Options Appraisal Report was prepared detailing the analysis, which concluded that closure of the school was the most reasonable option. Following this a Proposal Paper detailing the proposal for closure and the options appraisal, in accordance with the terms of the Schools (Scotland) (Consultation) Act 2010 as amended, was published on 4 March 2019. The Proposal Paper was circulated and advertised; with a public meeting held on 26 March 2019 to discuss the proposals and the options for the school.
- 1.4 The statutory consultation was undertaken from 4 March to 28 April 2019. 11 responses were received during this period. 46% of responses disagreed with the proposal; 46% were in agreement and 8% did not know. A Consultation Report in respect of both the proposals and consultation process, responding to all the comments made during the process, was published on 19 June 2019. The Consultation Report 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. No responses were received during this consultation period.

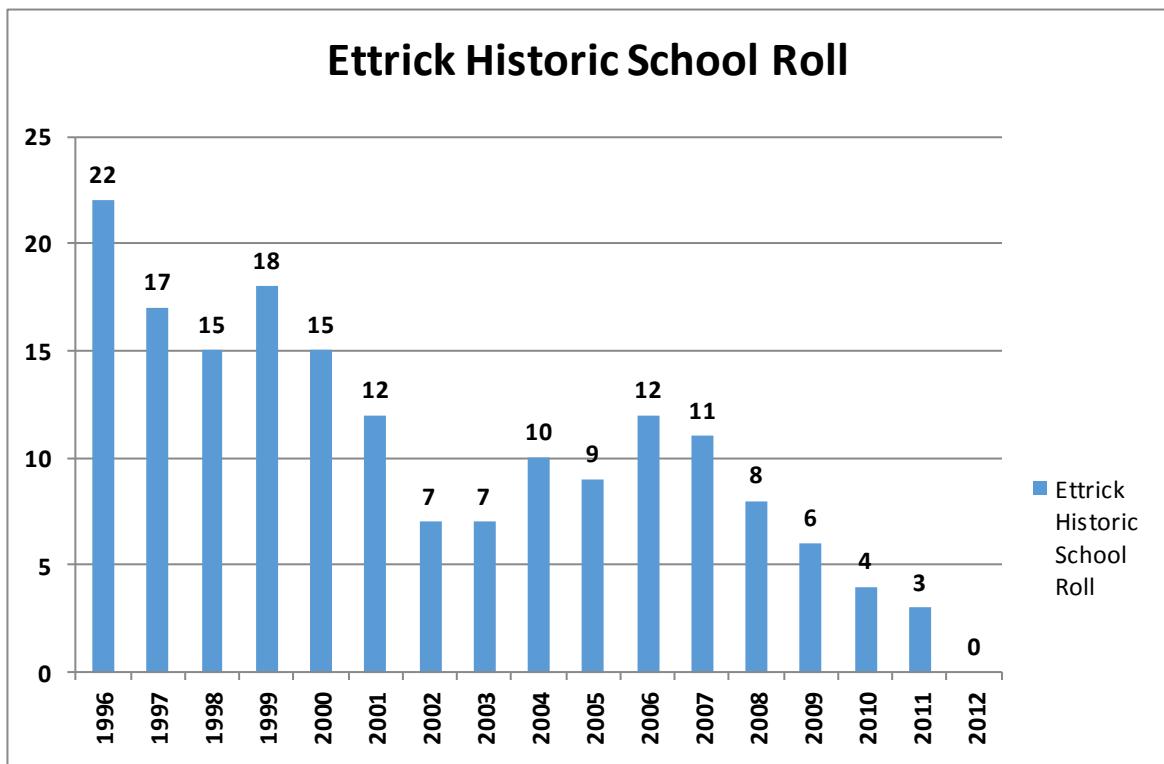
## **2 RECOMMENDATIONS**

### **2.1 I recommend that Scottish Borders Council agree to:-**

- 2.1.1 the permanent closure of Ettrick Primary School on 20 December 2019; and
- 2.1.2 the permanent re-zoning of Ettrick Primary School's catchment zone to Kirkhope Primary School, Ettrickbridge from 21 December 2019.

### 3 BACKGROUND

- 3.1 Ettrick Primary School is a rural primary school located in the Ettrick valley and forms part of Selkirk High School's catchment zone. Ettrick Primary School has capacity for 50 pupils and was mothballed in 2012 following a sustained fall in pupil numbers. Prior to mothballing there were only 3 pupils attending the school, 2 of whom were in P7. Following discussions with the parents it was decided to mothball the school in July 2012.



- 3.2 It was decided at the time of mothballing that the catchment zone for Ettrick Primary School should be re-zoned on a temporary basis to Kirkhope Primary School in Ettrickbridge, with transport being provided to and from the school. Kirkhope Primary School is also located in the Ettrick valley and is approximately 11 miles from Ettrick and less than 7 miles from Selkirk.
- 3.3 Council records indicate that there is currently 1 primary aged and 2 pre-school aged children living in the Ettrick valley catchment area. None of the parents, that responded during the consultation process, supported the re-opening of the school.
- 3.4 During the consultation it was clear that the community regretted the loss of the school; however many considered that the closure was inevitable given the dramatic change in the demographics of the area. Some respondents were concerned that the permanent closure of the school may deter families from moving to the area. Unfortunately the population of the valley area has changed dramatically and Kirkhope Primary School, with capacity for 50 children and a current occupancy of 16%, can comfortably accommodate all the valley children, offering a vibrant learning environment. Kirkhope too has seen a sustained decline in numbers with a current roll of 6, projected to increase to 15 in 2019/20. Parents and

children have advised that they are happy with the learning experiences and opportunities that they receive at Kirkhope. Many parents expressed their concern about the sustainability of Kirkhope and other rural schools. Council officers have been working with all schools with a roll under 50 pupils to develop sustainability plans. On this basis the decision was made to create an Early Learning and Childcare setting at Kirkhope. The decision was also made to include the setting in a Scottish Government pilot for increased funding for early learning and childcare from 600 hours pa to 1140. The pilot commenced in the 2017/18 school year. The Government policy is for the funding to be provided nationwide from August 2010. This has attracted several children to the setting; with a current roll of 9 and a projected roll of 12 in the 2019/20 session.

- 3.5 The Council have been working with the Ettrick & Yarrow Community Development Company (**EYCDC**), which has been created to generate business growth within the area. Through the LEADER funding programme the Council has awarded grant funding to allow EYCDC to progress its initiatives. EYCDC has submitted an Asset Transfer Request to acquire the school building in terms of the Community Empowerment Scotland Act 2015. EYCDC has plans for the building and has been keen for the Council to reach a final decision regarding the school's future. The Council cannot progress the Asset Transfer Request until the formal consultation process has completed and the school can be declared surplus by Children and Young People Services.
- 3.6 The Proposal Paper was published on 4 March 2019; the consultation period ran from 4 March 2019 to 28 April 2019. In accordance with the statutory requirements and process set out in the Proposal Paper, Education Scotland have reviewed the consultation process and have visited Ettrick and Kirkhope Primary Schools and met 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 our responses to all the comments are contained in the Consultation Report. Education Scotland has confirmed that the Inspectors consider that the proposal is of potential educational benefit and that the Council has reasonably concluded that re-opening Ettrick Primary School is not a viable option.
- 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. During the Consultation Period, 11 responses were received. 46% were in agreement with the proposal to close Ettrick Primary School, 46% disagreed with the proposal and 8% did not know.
- 3.8 In terms of the Schools (Consultation) (Scotland) Act 2010 the Council must publish the Consultation Report for a period of a minimum of 3 weeks to provide interested parties with 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. No responses were received during this period.

- 3.9 Taking full cognisance of the whole Consultation process and the identified education benefits for the children, I recommend that Scottish Borders Council should now approve (1) the permanent closure of Ettrick Primary School and (2) the permanent re-zoning of the catchment area for Ettrick Primary School to Kirkhope Primary School.
- 3.10 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. If the Schools Closure Panel do not support a closure proposal, a Council would not be able to consult on a closure proposal for that school for a minimum of 5 years.

## **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. The cost of transport from the Ettrick catchment area to Kirkhope Primary School is currently absorbed into the costs of transport from the valley to Selkirk High School. However Estates have advised that it would cost c£38k for repairs to re-open the school and it is currently estimated that it would cost c£114k pa to operate the school.

### **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 7 years, with the primary aged population within the area remaining consistently low over that period. Council officers have been working with the Ettrick & Yarrow Community Development Company to support their initiatives to generate business growth.

#### **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)**

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**Background Papers:** Consultation Report June 2019

**Previous Minute Reference:** Executive Committee 7 November 2017

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