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## **HOBKIRK PRIMARY SCHOOL - CONSULTATION OUTCOME**

**Report by Interim Service Director, Children & Young People**

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**Scottish Borders Council**

**29 August 2019**

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### **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 Hobkirk Primary School, Bonchester Bridge on 20 December 2019; and**
  - 1.1.2 **permanent re-zoning of the catchment area for Hobkirk Primary School to Denholm Primary School from 21 December 2019.**
- 1.2 Hobkirk Primary School was mothballed in 2015 following a sustained fall in its roll after a substantial increase in placement requests. The catchment area was temporarily re-zoned to Denholm Primary School at the time of mothballing. There have been no enquiries received about the school since mothballing and 88% of the Hobkirk catchment children are currently attending Denholm Primary 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 Hobkirk Primary School.
- 1.3 A detailed analysis of all the reasonable options for Hobkirk 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 was published on 7 March 2019 detailing the proposal for closure, in accordance with the provisions of the Schools (Scotland) (Consultation) Act 2010. The Proposal Paper was circulated and advertised and a public meeting was held on 16 April 2019 to discuss the proposals and options for the school.
- 1.4 The statutory consultation was undertaken from 7 March to 2 May 2019. 5 responses were received during this period. 60% of responses disagreed with the proposal and 40% were in agreement. 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. 2 responses, were received during this consultation period and are detailed in this report.

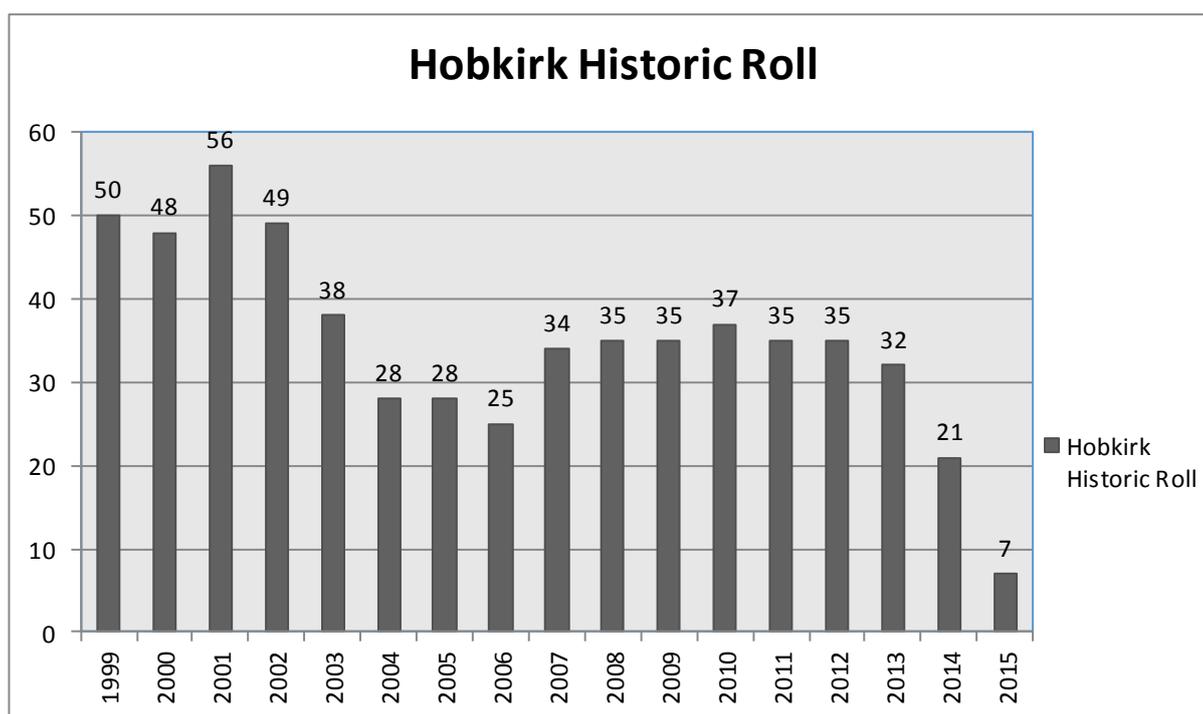
## **2 RECOMMENDATIONS**

### **2.1 I recommend that Scottish Borders Council approves:-**

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

### 3 BACKGROUND

3.1 Hobkirk Primary School is a rural primary school located in Bonchester Bridge and forms part of the catchment zones of both Hawick High School and Jedburgh Grammar School; with pupils having the choice as to which school they will attend. Hobkirk Primary School has capacity for 75 pupils and was mothballed in 2015 following a sustained fall in pupil numbers, which followed an increase in placement requests being submitted. Prior to mothballing there were only 7 pupils attending the school, with 71% of the children within the catchment attending other schools (65% of these children were attending Denholm Primary School). Following discussions with the parents it was decided to mothball the school in November 2015.



3.2 It was decided at the time of mothballing that the catchment zone for Hobkirk Primary School should be re-zoned on a temporary basis to Denholm Primary School, with transport being provided to and from the school. Denholm is located approximately 9 miles from Bonchester Bridge. Council records indicate that there are currently 24 primary aged children living in the Hobkirk catchment area, 88% of whom attend Denholm Primary School. None of the parents, that responded to the Council during the consultation process, supported the re-opening of the school.

3.3 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 the changes to family life, with more parents working and the increased need for pre and after school care. Some members of the community were concerned about the journey times for some of the children and the capacity at Denholm, in particular the class sizes. However officers provided reassurance that (1) the journey times were not unreasonable for rural locations (the children

also confirmed their satisfaction); (2) that Denholm had capacity for all the children and will continue to have space; and (3) that class sizes have legal limits and composite classes in particular cannot exceed certain sizes. Denholm Primary School has a capacity for 125 children. There are currently 105 children attending the school in 5 composite classes. Denholm can accommodate all the children in the Hobkirk catchment and offers a vibrant learning environment. Parents and children have advised that they are happy with the learning experiences and opportunities that they receive at Denholm.

- 3.4 The Proposal Paper was published on 7 March 2019; the consultation period ran from 7 March 2019 to 2 May 2019. In accordance with the statutory requirements, Education Scotland has reviewed the consultation process and has visited Hobkirk and Denholm 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 responses on behalf of the Council to all their comments is contained in the Consultation Report. Education Scotland has confirmed that it considers that Proposals are of potential educational benefit and that the Council has reasonably concluded that re-opening Hobkirk Primary School is not a viable option.
- 3.5 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.
- 3.6 In terms of the Schools (Consultation) (Scotland) Act 2010 as amended (**2010 Act**) the Council is required to publish the Consultation Report for a 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.
- 3.7 There were 2 responses received during this period both of which were not supportive of the proposal. One response considers that the Council did not appropriately deal with the issues at the school before mothballing, which resulted in the rise in placement requests and the other had concerns regarding the journey times to Denholm and the risks attached for children with serious health concerns. Officers have considered these points carefully and have responded directly to the responder regarding the travel times to provide details and reassurance of the support and services that would be provided. Officers have also considered the pattern of placement requests made over the period pre-dating the mothballing. The number of placement requests started to increase when there was 2 streams at Bonchester Bridge and increased dramatically when the school only had one composite class. Anecdotally parents told officers that the children were spending time at Denholm for ICT and PE and expressed their wish to spend more time at the school, which offers very good facilities and an attractive modern environment. None of the parents, that took part in the consultation process, expressed a wish for Hobkirk to re-open. A very small number of the pupils that took part in the process expressed a wish for the school to re-open so they could walk to school. However all pupils expressed their

satisfaction with the learning opportunities and experiences that they had at Denholm and all confirmed that they were happy at the school.

- 3.8 Taking full cognisance of all aspects of the Consultation process and in particular - the response 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 Hobkirk Primary School and (2) that Hobkirk's catchment area is permanently re-zoned to Denholm Primary School.
- 3.9 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.
- 3.10 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£229k to put the school building in a state to be re-opened. The costs to operate the school would be c£134k 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, 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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