

DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES



CONSULTATION REPORT ON THE FUTURE EDUCATION PROVISION FOR PUPILS AT BELLFIELD PRIMARY SCHOOL AND KIRKSTYLE PRIMARY SCHOOL

This report has been prepared following a review of the proposal that:

- Education provision at Bellfield Primary School be discontinued with effect from the end of the 2015/16 academic session in June 2016, or as soon as possible thereafter;
- Education provision at Kirkstyle Primary School be discontinued with effect from the end of the 2015/16 academic session in June 2016, or as soon as possible thereafter;
- That the young people attending these establishments transfer to a new build school establishment, with effect from the start of the 2016/17 academic session in August 2016, or as soon as possible thereafter, to be sited on:
 - Ground at the existing Bellfield Primary School site on Tinto Avenue, Kilmarnock; or
 - Ground on the existing Kirkstyle Primary School site on Carron Avenue, Kilmarnock ; or
 - Ground adjacent to the Bellfield Community Centre site on Whatriggs Road, Kilmarnock; or

Further:

- That the pupils attending the newly formed primary school arising from the merger of Bellfield Primary School with Kirkstyle Primary School will transfer to Kilmarnock Academy from the start of the academic session 2016/17; and
- That pupils from Hillhead Primary School who currently transfer to Kilmarnock Academy will transfer to Grange Academy from the start of academic session 2016/17.

Having had regard in particular to:

- (a) Relevant written representations received by the Council from any person during the consultation period;
- (b) Oral representations made to it by any person at the public meetings held on 18, 19, 20 and 26 February, 2014; and
- (c) Education Scotland's report on the consultation proposal

This document has been issued by East Ayrshire Council under the requirements of the Schools (Consultation) (Scotland) Act 2010.



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Having had regard in particular to:

- (a) Relevant written representations received by the Council from any person during the consultation period;
- (b) Oral representations made to it by any person at the public meetings held on 18, 19, 20 and 26 February, 2014; and
- (c) Education Scotland's report on the consultation proposal

This document has been issued by East Ayrshire Council under the requirements of the Schools (Consultation) (Scotland) Act 2010.

Report by the Executive Director of Educational and Social Services

1. INTRODUCTION

1.1 The purpose of this report is to :-

- Set out a record of the total number of written representations made to the Council by any person during the period of the public consultation exercise;
- Set out a summary of those written representations;
- Set out a summary of the oral representations made to the Council at the public meetings held at:
 - Hillhead Primary School, 18 February 2014
 - Grange Academy, 18 February 2014
 - Bellfield Primary School, 19 February 2014
 - Kirkstyle Primary School, 20 February, 2014
 - Kilmarnock Academy, 26 February, 2014
- Set out a statement of the Council's response to:
 - Those written and oral representations; and
 - Education Scotland's report.
- Provide a copy of Education Scotland's report;
- Set out a statement explaining how the Council reviewed the above proposal having had regard (in particular) to :-
 - The relevant written representations received by the Council during the public consultation period;
 - Oral representations made to it at the public meetings detailed above; and
 - Education Scotland's report
- Provide details of any alleged omission from, or inaccuracy in, the Proposal Paper (including a statement of the Council's opinion on it);
- Provide a statement of the action taken in respect of the omission or inaccuracy, or if no action has been taken of that fact why this is the case; and
- An explanation of the opportunity that may arise for making representations to the Scottish Ministers in terms of Section 15(4) of The Schools (Consultation) (Scotland) Act 2010.

2. THE CONSULTATION PROCESS

2.1 East Ayrshire Council's Cabinet approved the recommendation to issue a Proposal Document (attached as Annex 1 of this report) on the future of education provision at Bellfield Primary School and Kirkstyle Primary School for public consultation at its meeting of Wednesday, 5 February 2014. The formal consultation period ran from Friday, 14 February 2014 to Friday, 28 March 2014 and written representations on the Cabinet's proposals were sought from interested parties in terms of the Schools (Consultation) (Scotland) Act 2010.

2.2 In accordance with statutory requirements, the following individuals and groups were consulted:

Statutory Consultees

- The Parent Councils of the affected schools;
- The parents of the pupils at the affected schools;
- Parents of children expected to attend an affected school within 2 years of the date of publication of this Proposal Document;
- The pupils at the affected schools;
- The teaching and ancillary staff, at the affected schools;
- The trade union representatives of the above staff;
- The Community Councils;
- Relevant users of the affected schools;

Non statutory Consultees

- Relevant Community Associations;
- The constituency MSP;
- List MSPs for the area;
- The Constituency MP;
- Sub-Divisional Commander, Police Scotland;
- Chief Executive, NHS Ayrshire and Arran;
- Chief Executive Strathclyde Partnership for Transport (SPT);
- Area Commander, Scottish Fire and Rescue Service;
- Depute Chief Executive/Executive Director of Neighbourhood Services, East Ayrshire Council;
- Executive Director of Finance and Corporate Support, East Ayrshire Council;
- South Ayrshire Council;
- North Ayrshire Council;
- Skills Development Scotland;
- Community Planning Partnership Board;
- Principal of Ayrshire College

2.3 The Proposal Document was also advertised in the press and copies were made widely available locally and to local interest groups. Additional copies of the document were obtainable from the Department of Educational and Social Services, Council Headquarters, London Road, Kilmarnock, from the schools involved and through the Council Website at www.east-ayrshire.gov.uk. Copies were also available at public libraries and Council offices in the areas

affected. A copy was also sent to Education Scotland, who under the 2010 Act are statutory consultees and a notice of the proposal was sent to all parents of pupils attending the schools directly affected and associated establishments.

- 2.4 It has always been the practice within East Ayrshire to consult directly with the pupils and this good practice is now enshrined in the 2010 Act, which includes the pupils as statutory consultees. The Council followed the Scotland's Commissioner for Children and Young People guidance on the processes to be followed when consulting with pupils and the task of obtaining the views of the pupils at both primary schools, was undertaken by appropriate independent consultants, from Common Ground Mediation.
- 2.5 Five public meetings were arranged by the Council and advertised in the local press and on the Council website. Several schools also sent reminder messages to parents via the Groupcall system. The meetings took place on:
- Hillhead Primary School, 18 February 2014
 - Grange Academy, 18 February 2014
 - Bellfield Primary School, 19 February 2014
 - Kirkstyle Primary School, 20 February, 2014
 - Kilmarnock Academy, 26 February, 2014

Attendance at the meetings, representing parents, staff and others with an interest in the consultation of the future of the primary schools, ranged from no-one at Kilmarnock Academy to more than 50 at the Kirkstyle Primary School meeting. Education Scotland were also represented at the various meetings and a number of interested stakeholders attended more than one meeting.

- 2.6 The meetings offered an opportunity for discussion and clarification of the proposals as well as a forum for people to express their views on the consultation proposals. It included a presentation on the proposals and the consultative process. A written record of the meetings was kept, published on the Council's website and is included as part of the final consultative responses.

2.7 CONSULTATION RESPONSES

BELLFIELD PS / KIRKSTYLE PS MERGER PROPOSAL ANALYSIS

1. Responses to Consultation

Total Number of Responses	30
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1a. Interest Group Definition as Determined by Responder

Parents Bellfield Primary School	1
Parents no links to either primary or secondary school (Kilmaurs PS / Stewarton Academy)	20
Elected Member	1
Community Planning Partner	2

Other 2 x Local Residents South Ayrshire Council Local Sports Club Local Resident / Nursery Puddleducks Nursery	6
Total	30

2.8 There were 30 written submissions received. Table 1 above provides a breakdown of these submissions by group and provides some perspective on the scale of response to the consultation process.

3. FEEDBACK FROM THE PUBLIC MEETINGS

3.1 The following paragraphs summarise the issues raised at the meetings in response to the Proposal Document. Every effort has been made to summarise views as accurately as possible. A copy of the written submissions is available to be viewed at Council Headquarters, London Road, Kilmarnock, KA3 7BU.

3.2 Education Scotland, in addition to attending public meetings, were also provided with the notes taken for each meeting and a copy of every submission received in response to the consultation proposals. On 25 April, 2014 a report was received from Education Scotland on the proposals. A full copy of the Education Scotland report can be found at section 4.14 of this document.

3.3 Public Meetings

(a) The five public meetings were chaired by the Head of Service; Schools, who was accompanied by senior officers from Educational and Social Services, Corporate Infrastructure Services and Head Teachers of the schools affected. Attendance ranged from on-one at Kilmarnock Academy to more than fifty at Kirkstyle Primary School and Education Scotland were also represented at various meetings.

(b) At each meeting, officers from Educational and Social Services presented information on the consultation options and the process which would be followed.

(c) Following the officer presentations members of the public were provided with an opportunity to raise issues or seek further information on the consultation. The paragraphs below summarise the main issues raised and statements made by those attending the various meetings.

3.4 Public Meeting – Hillhead Primary School – 18 February 2014

Travel to Grange Academy from Hillhead Catchment

A parent stated that logistically Grange Academy was difficult to get to, and asked what options were available for parents to send their children to

another secondary school. Mr Ward advised that parents would have the ability to facilitate existing options of placing requests. He also commented that the education authority would look sympathetically at individual circumstances where pupils had an older sibling at the existing Kilmarnock Academy.

The Hillhead Parent Council chair asked for it to be noted that other schools have parents evenings this week and parents could not attend both meetings. She also commented that parents are more willing to send their children to Grange Academy rather than the planned new build campus in New Farm. She also commented that the parents of Hillhead Primary had preferred the Hill Street site for the new secondary school in the previous consultation. Officers noted these comments for the record.

Officers noted that from previous consultation meetings it had been mentioned that transport to New Farm was not straightforward. Parents advised that it remained problematic. Officers advised that consideration of transport implications were part of the process both before and following consultation exercises. A grandparent of Hillhead Primary pupils stated that there is no direct link from Hillhead area to secondary school and that it needed two bus journeys. She also commented that a walking route down Western road area and the nearby public parks was not safe. Mr Ward advised that a review of walking routes would be undertaken by suitably qualified staff to determine whether it was a safe route.

Placing Requests

Mr Ward was asked if a priority would be made for considering placing requests from pupils who have siblings already at either Grange or Kilmarnock Academy. In his response, Mr Ward advised that the placing request system would consider these situations, but he was unable to give a definitive guarantee of a placing request being automatically accepted in these circumstances.

Attendance at Meeting

The Parent Council Chair of Hillhead Primary School noted that many parents could not attend today's meeting because they were not given enough notice to make childcare arrangements or take time off work.

Walking Routes

A grandparent commented on articles in the Kilmarnock Standard that intimated that undesirable elements were present in the area and that having children walking in to school through them was a concern. She expressed further concern that pupils previously transferred from Grange Academy to Kilmarnock Academy were now being rezoned again. Officers indicated that the comments would be noted.

Catchment Areas

A parent asked if individual street plans were reviewed for school catchment areas given the level of housing developments in the area. Officers advised that this was being considered by senior management within the Educational and Social Services department for future consultations not linked to this one.

Consultation Process

Officers were asked if the consultation comments go to Cabinet after the consultation period. He advised the meeting that all comments received during the consultation process would be collated and analysed, with a Consultation Report being prepared for Cabinet consideration in May or June 2014.

Management of Proposals

A member of the audience expressed concern about secondary schools merging as they may have different subject options. Officers confirmed that an authority wide discussion with Head Teachers would take place to look at this for the longer term but the new head teacher would be appointed in time to manage the process.

Mrs Connelly, Head Teacher of Hillhead Primary School, advised that there is a concern regarding merger over moderation. Officers responded that all schools across the authority would continue to work together with their partner secondary school to look at new language programmes, sciences and broad general education.

A parent commented that Kilmarnock Academy had a base for children who experienced difficulty in mainstream education setting. She asked if such a facility would be present in the new school. Officers advised that facilities will be looked at within both schools and as part of new build this facility would be included if felt necessary.

Cost of Transport

A parent of a Hillhead Primary pupil expressed concerned about cost of transport. Mr Ward advised that secondary pupils are eligible to receive transport if they live outwith the 3 mile limit and that concessionary transport may be available if pupils live between 1.5 and 3 miles. All transport issues will be assessed during the process for the secondary school rezoning and officers committed to work with parents.

As there were no further questions, Officers closed the meeting but reminded everyone that they could respond formally to the consultation by letter or e-mail as noted in the consultation document.

3.5 **Public Meeting –Grange Academy – 18 February 2014**

- (a) A parent raised issue of the difficulty with cost of transport, if she has two children at different secondary schools. Officers advised that transport issues had been raised at previous meetings and that he had discussed this with the Acting Head of Facilities Management, who had advised that transport is provided for pupils who live over 3 miles from their catchment secondary school. Officers also advised that parents can submit a placing request to place their children at any secondary school.

A parent stated that if she submitted a placing request her daughter would be moving to a school without her friends and this was not preferable.

Officers responded that they understood this is a difficult situation and that they we would be more than happy to meet with any parent to help resolve any issues that arise.

As there were no further questions, Mr Ward closed the meeting but reminded everyone that they could respond formally to the consultation by letter or e-mail as noted in the consultation document.

3.6 **Public Meeting –Bellfield Primary School – 19 February 2014**

- (a) **Comments made at this public meeting have been summarised as follows**

Change of Catchment Area

Local resident speaking on behalf of her neighbour stated that her neighbour has a child at Bellfield Primary and Grange Academy and would like to know how the change in catchment area will affect them. Officers advised that P7 pupils attending the new merged primary school will transfer together to Kilmarnock Academy, and then on to the new merged secondary school in New Farm when it is complete.

A number of Parents expressed concern about siblings being separated due to the proposed catchment area change. Officers advised that it is recognised that parents may have children at more than one school, and that should they wish to make a placing request for their child this will be taken into consideration.

Walking Routes to School

A few parents expressed concern about the possibility that pupils may walk along the bypass to the new secondary school if they miss the school bus as this is the quickest way to get there. Officers advised that part of the process in developing a new school is to look at safe walking routes and travel plans. He also advised that if pupils live more than 3 miles from the school they will be provided with transport.

Parents expressed concern about children walking from the Kirkstyle area to Bellfield area if site for new school was chosen in this area. Officers advised that an in-depth safe walking route study would be part of any new school build process.

A parent asked if additional crossing patrols would be provided for the new school. Officers advised that this would be included in the process of establishing suitable walking routes. Officers acknowledged a Kirkstyle Primary parent who expressed concern that children from the Kirkstyle side of the Hurlford Road would have to cross the main road to get to the new school if built on the Bellfield site. Officers referred back to previous responses on suitable routes

Management of Proposals

A Bellfield Primary parent expressed concern that joining two schools together may bring problems and she asked if staff will be given additional resources/staffing to help with the merger. She stated that she did not feel that teachers were going to be able to teach and also prepare pupils for moving into a new school with children they don't know. Officers advised that the two head teachers will work closely together, with support from the authority, and that a management plan will be put in place to manage the merger of the two schools, which will include working closely with pupils, staff, communities, and Parent Councils.

A parent asked Mrs Hardie, Head Teacher, how she could ensure a smooth transition for pupils to the new merged school. Mrs Hardie stated that the merger to a new school would be a wonderful opportunity for the pupils. She stated that by working closely together, getting pupils, staff and the community involved in the new school, and participating in joint activities, everyone will get to know each other well.

A parent asked if the new school was going to be a private build, or would it belong to the Council. Officers from Corporate Infrastructure advised that the new school would be built from capital funding that has been set aside for this purpose. He advised that the contract for building the school would be put out to tender and that the building would belong to the authority.

A parent stated that on reading the document she thought that the projected figures showed that the new school will be built for less pupils and will that mean less staff will be required. Officers advised that on average the authority are looking to have 85% occupancy in schools and that there is a pupil : teacher ratio to be followed from national guidelines.

A parent asked what would happen to the sites of the old schools (will new houses be built) which will mean that potentially more pupils will move into the area. Officers advised that these decisions were not made by his department, but he could advise that demolition and disposal costs for the old schools are built into the proposal options.

A parent stated that the proposed new school build is a great opportunity for pupils. She stated that the Bellfield Estate is in a bad state of repair, and wanted to know if there is there is money set aside for the cost of repairing lighting and pathways to keep the area safe for children. Officers advised that general allowances have been put in place for building the new school and that external areas are included in the costs, up to a certain distance from the school.

A resident asked how, when the council has no money, can it be cheaper to knock two schools down and build on new one. Officers advised that building a new more efficient school would be more cost effective and that running two older less efficient schools which require repairs.

A parent asked that if the Bellfield site is chosen for new school build will children be going to school on a building site. Officers advised that if this option was chosen the school would lose school grounds for a period of time until the school is built. The parent expressed concern that external areas are used a lot and this would be a disadvantage to the children. Officers advised that alternative arrangements for outdoor learning would be considered. He also advised that arrangements would be made for the site to be made as safe as possible. Mrs. Hardie, Head Teacher, advised that she has had experience of a new school being built on existing ground while teaching. She advised that the site manager has health and safety at the forefront of his mind and worked very closely with the school. The parent expressed concern that children could climb fences and get onto the building site. Mrs Hardie advised that in her experience sites are boarded off and pupils and staff never saw anything. She also stated that at suitable arranged times staff and pupils were allowed on to the site which was used as teaching aid. Officers also advised that Onthank Primary School is currently having building work done. He advised that the site manager has been very understanding of health and safety. He also advised that the company have clear panels on some of the boarded off areas so that adults and pupils can see the progress being made.

A parent stated that he didn't think it was necessary to build a new school, he stated that he felt the present school could stay open for a few more years and that a new build would be costly. Mrs. Hardie advised that the Depute Head Teacher of Bellfield Primary had visited Gargieston Primary School, which is a new build, and was very impressed. Officers advised that if anyone is interested in a visit to any new school in the authority this can be arranged to give a sense of what could be available in a future new build

A parent asked if parents will be kept up to date about progress. Officers advised that once the formal process has been concluded a decision will be made publicly and parents will be informed. He advised that pupils and staff will be brought together to discuss issues. Staff meetings, pupil councils meetings, interim parent council meeting, etc will be held to discuss the way forward.

A parent noted that her children attend Bellfield Primary but are zoned for Kirkstyle Primary and wondered if there is any possibility that catchment areas

will not be changed. Officers advised that the catchment areas need to change to avoid splitting each P7 cohort when they attend secondary.

A parent asked why P7 pupils will be sent to a secondary school for one year and then transfer to another school. She advised that until recently we believed they were going to Grange Academy. Officers responded that it would be best to ensure that the groups would leave P7 together and transfer to the same destination.

Another parent commented that they may have to pay for school uniform for one year for a school then have to pay for another school uniform for a different school the following year. Officers advised that all comments are being noted and that elected members are at this meeting and will be listening to all comments made tonight. Officers also advised that parent/carers comments are very welcome and he urged everyone to complete the consultation response with their comments and submit to the Council.

A Parent asked why the proposed build isn't taking place later so that all pupils can move together. Officers responded that there was a need to phase planning and that this comment would be noted and considered under management of proposals.

A parent asked if plans go ahead for a new school build, when would building start. Officers advised that the start of the new build, if agreed upon, would be the summer of 2015.

A parent asked how the two different primary schools would be merged. The HT advised that it is important that all pupils and staff move together to new school as one. She advised that she would work closely with the Head Teacher and staff at Kirkstyle Primary school and would start the planning process early.

A parent asked what the time scale is for decision making. Officers explained the procedure and advised that a final decision should be available some time in the summer of this year.

A parent noted that she had difficulty getting access to document online. Officers advised that they would have the website checked. He was also advised that copies of the document were available at the meeting if required.

A Puddleducks member of staff asked if there would be an increase in let charges should they move to a new school build. Officers advised that as let charges are open to change in the future he could not answer this query. However, he did note that the size and age of a building does not determine let charges.

A parent asked if Riccarton Early Childhood Centre had been discussed. Officers responded that Riccarton Early Childhood Centre was not included in these proposals at any stage.

Staffing and Class Sizes

Parents asked if staff would have to apply for their jobs, and if so, when will they be told. She expressed concern that this may affect teachers' ability to teach the class.

The Acting Head of Schools advised that the authority have set procedures for dealing with these situations. He advised that East Ayrshire Council has a policy for no compulsory redundancy for teachers. However, promoted posts, as they stand, would be addressed by interview; unpromoted staff would be redeployed on basis of service, (should the need arise) and teaching staff would be redeployed to other schools. He noted that the authority do not have a surplus of teaching staff and that there is normally a turnover of staff each year. A parent noted that all staff should be considered and not just teaching staff, such as the janitor and office staff. Officers affirmed that all staff involved are important and that they will be kept well informed. He also advised that the Council has set procedures to follow in these situations.

A member of the Puddleducks Nursery advised that they have a contract with the authority at the moment and asked if this will remain in place if a new school is decided upon. Officers advised that the understanding was that there is a natural end to the contract but, at this point, there is no reason to think that the contract won't be continued. Additionally, there is no plan to include an East Ayrshire Council Early Childhood Centre in the new build and that the only change to Early Years provision would be to do with the 600 hours legislation.

A parent asked if staffing were to be reduced for the new school build, how will this affect class sizes. The Acting Head of Schools advised that class sizes are agreed nationally and can't go above the agreed limit. He advised that some classes may be larger than others and some schools may have composite classes, but the quality of teaching will remain the same. He also advised that teacher : pupil ratios need to be as effective as possible. The HT explained how composite classes work and stated that children at all times should receive a high quality education.

A parent advised that her biggest fear of merging schools is that her children are settled and thriving at Bellfield Primary and is worried about wrong staffing getting jobs at merged school. She advised that she had heard that parents of Kirkstyle Primary School are not happy with some of the teachers. Officers advised that there is high quality education at both primary schools.

A member of the Parents Steering Group stated that as a parent of children who attend a new school following the merger of two primary schools, she can advise that the children saw the move as an adventure. There were no major problems and children made friends quickly. She advised that it was a wonderful experience for pupils and that Mr Ward and his team were very supportive during the transfer process. She advised that an interim parent council was set up and all issues addressed. Pupils of both schools worked together to help choose their new school uniform and school name. Officers

advised the meeting that lessons have been learned from previous school mergers, and that all staff and pupils have found the new schools beneficial.

Catering Manager of Bellfield Primary School asked if she would have to apply for her own job if the option for a new school was decided upon, and would staff be consulted on the design and size of the kitchen. Officers advised that full advice would be sought from the Acting Head of Facilities Management and a response given back in the near future. He also advised that the kitchens will be designed and fitted around what is best for any school as meals and the quality of service are both taken very seriously.

A member of school staff noted that if a new school were to be built two senior clerical staff would not be required and how would the authority go about dealing with this. Officers advised that the authority have set procedures for dealing with staffing issues and that all procedures would be used.

Impact on the Community

Parents expressed concern that if the site is chosen adjacent to the community centre in Bellfield, this may have an impact on the future of the community centre, and that there are also concerns about the impact on the elderly community in the area. It was noted that there are vulnerable residents of society who have small gardens that could be near the new school build. Officers advised that the design and layout of the site would take these factors into consideration. Additionally the audience were advised that with any new build planning applications would have to be made and as part of that process there are requirements to consult will all parties/bodies concerned.

A resident who resides adjacent to Belfield Estate site noted that there is no mention of the following disadvantages in the consultation document: parking issues, house prices coming down or noise for residents in the area. She advised that she is happy for a new school to be built but would like these disadvantages to be considered. The Acting Head of Schools advised that these comments will all be taken into consideration and urged people to submit their comments.

A parent asked if the new school would be community school. Officers advised that the authority would want any new school to be used by the community as much as possible.

A parent stated that they have a fear that the community centre would be closed if new school is built with community facilities. Officers advised that they could not comment on the future of the local community centre, which now belongs to the Leisure Trust.

A parent asked if the parish minister would still be included in school. Officers advised that there would be no reason for this not to continue.

Puddleducks staff noted that they have spent thousands of pounds on outdoor area through fundraising and wanted to know if this will be reimbursed. They

also noted that outdoor space for the nursery is important. Officers advised that outdoor space is part of the brief and will be developed through consultation. Puddleducks staff advised that Lottery Funding was given for play equipment and that part of the terms and conditions was that equipment would have to remain with the group. A parent noted that recently a playgroup had moved into Kirkstyle Primary School and she asked how this will affect nursery provision. Officers advised that this will be considered.

Proposal Document

A parent stated that she did not understand the figures stated in the proposal document. Officers advised that the NPV (Net Present Value) effectively takes all costs associated with the option, could be capital cost of building, revenue or savings, utility costs, staff costs, some costs need to be made at point of build others over use of build during its lifetime, eg lighting, roof etc, and what NPV does is it wraps all costs and represents it as a present day figure, some costs come across at different times of life of build. He advised that this shows that the do nothing option is more economic, but when you compare with non financial assessment and score the benefits you would have from new facility, turns weighting around that option 2c is the preferred option.

Legal Issues

A parent stated that he thought the Buchanan Trust had donated the Bellfield Estate to the Council to manage. Officers advised that the land being considered at the Bellfield Estate for the new school is owned by the Council.

A parent who works in a new build in South Ayrshire Council expressed her frustration that there are so many people using building and too many restrictions are put in place e.g. – not allowed to put things on windows etc. Officers advised that they were aware of this issue and advised that teaching staff's comments will be taken into account.

Educational Benefits

A parent asked if additional resources will be made available in the new school, eg IT resources. Officers advised that every area in the new school will have full wireless coverage. He advised that future learning is being looked at very closely and that any new build will have IT technology for the future.

Support for Schools

John Wilson, Senior Education Manager introduced himself to the meeting and advised that he is the support link for Bellfield Primary. He advised that he is better acquainted with Parent Council members and has met with the Senior Management Team led by Liz Hardie. He advised that parents/carers and the community make a school, and that he will be working very hard alongside everyone to make sure that pupils have the very best experiences in school.

3.7 **Public Meeting – Kirkstyle Primary School - 20 February 2014**

Management of Proposals

A parent asked how two separate schools will be managed in new school building. Officers advised that should the proposal be agreed Bellfield Primary and Kirkstyle Primary will merge into one new primary school, with a new name. Mrs MacKinnon, Head Teacher, Kirkstyle Primary advised that staff and pupils would have identified activities to work together with staff and pupils from Bellfield Primary to help get to know each other and work as one school. She also advised that she had spoken to pupils at assembly about the possibility of merging with Bellfield Primary and she advised that the pupils were excited about the possibility. Mrs MacKinnon stated that this would be a wonderful opportunity for the children and community. Officers also advised that if parents were interested in visiting a new school build, this could possibly be arranged.

A parent stated that her daughter is due to attend Kirkstyle Primary in 2015 and expressed concern that she may attend Kirkstyle Primary for one year and then have to attend Bellfield Primary for one year. Officers advised that should the merger be agreed upon, both Kirkstyle Primary and Bellfield Primary would operate as normal until they were merged into one. Officers also advised that all ages through primary would merge into one school together.

A parent expressed concern that parents of pupils starting in Primary one next year may place them in Bellfield Primary rather than Kirkstyle Primary. Officers advised that parental choice was part of normal practice and advised that all concerns will be noted.

A future parent of Kirkstyle Primary asked how improvements in children attending new school buildings were recorded. Officers responded that as an example St Joseph's Academy was an old school building and was not providing a modern setting for pupils, but when the new school was built this was a tremendous step forward, both pupils and staff felt the benefit of attending a new school and pupil's attainment increased. He advised that when there are rooms that are purpose built for the types of activities being provided under curriculum for excellence, pupils are more upbeat about things and want to get involved. Jackie Livingston from the parent Steering Group commented that she has children who attended primary school when two primary schools came together. She advised that it was a difficult time for the parents, but they worked together and now have a fun, bright school with happy children.

A parent asked how school colours are determined in a new school. Officers advised that an interim joint parent council would be formed, as well as a joint pupil council, and through those two types of groups they would start the process of consulting on school colours. He advised that it is important that the young people are involved in the process.

A parent asked if safety and the traffic impact be taken into account, given that there would be double amount of people and cars in the area, should the new build go ahead. Officers advised that it is mandatory for a traffic impact assessment to be completed in these circumstances to support the process. A parent asked if nursery provision be provided at the new school build. Officers advised that Puddleducks nursery (which is a third sector provider) has a contract to provide places. He further advised that there are no plans to change Riccarton Early Childhood Centre at the moment.

A member of Bellfield After School Care asked if there would be any place in the new school for the group. Officers advised that community use has been included in the consultation process and any existing use would be supported to continue in the new school.

A member of Riccarton Pre-5 Groups asked if their group will be taken into consideration and if the let charges will remain. Officers advised that lets will not change and that access to the new building will be under the same conditions as exists just now.

A parent asked how classes will come together. Officers advised that head teachers are very experienced in managing class sizes and will plan well in advance and notify parents.

A parent asked if a new head teacher for the proposed merged school would be in place for new school starting. Officers advised that the two head teachers will work well together will communicate with parents and let parent/carers know what plans are and when new head teacher will be in place.

A Parent Council representative stated that if the merger goes ahead then all pupils will go to the new build and asked what would happen if the following circumstances occur for parents - if pupils due to transfer have older siblings at a different academy and parents want the younger sibling to follow the older one. Officers advised that parents would still have the option to submit a placing request to their school of choice but would therefore be responsible for any transport costs. He further advised that East Ayrshire Council would be sympathetic to individual circumstances.

A parent asked if there would be opportunities for parents to be included in groups to consider any changes. Officers advised that, should the proposals be agreed upon, an interim parent council would be a good forum for discussion and decision-making, which can meet with parents to communicate updates.

A parent stated that he was involved in Grange Academy School Board years ago when they were going through the proposal to build a new secondary school. He advised that he had participated in a visit to a Glasgow PPP school at that time, which he found very beneficial. He stated that it is important for parents to have a say in what they would like for their children's school and that they should take any opportunity to visit a new school build to

see what is available. He also advised parents to take the opportunity to speak to the parent council and get involved in their children's school future.

Officers advised that a visit to a new school build could be arranged if required. Interested parents should contact the head teacher to express an interest.

Staffing and Class Sizes

A parent asked if there would be job cuts if the two primary schools merged. Officers advised that everyone in the school, including office staff, cleaners, etc, would be taken into consideration. He advised that with regards to teaching staff there is a no compulsory redundancy policy, however, should there be a surplus of staff, they would be redeployed to another school. Mrs MacKinnon, HT, advised that she has staff who are temporary or probationers who may not be at Kirkstyle Primary next year. Officers further advised that there is a natural turnover of teaching staff in schools which is normal, and it may be the case that additional staff may be required for the new school. Officers also advised that the number of teaching staff required is determined by the school roll. If members of teaching staff are surplus they would be redeployed. With regards to kitchen staff, classroom assistants, janitorial staff, clerical staff etc, there are set procedures for dealing with surplus staff.

Transport

A parent asked about transportation for secondary education. Officers advised that there are clear guidelines set for school transport. If pupils live out with 3 miles from the secondary school then transport is provided, if between 1.5 and 3 miles from the school they are entitled to concessionary transport at a reduced cost. If pupils reside within 1.5 miles from the school they are not entitled to transport.

Catchment Area

A grandparent asked if there are any plans for other catchment areas to be amended. Officers advised that Grange Academy and Kilmarnock Academy catchment areas only will be looked at in this consultation.

Proposals

A parent asked if there is a preferred site for the new school build and would it be built by the Council. Officers advised that there are financial and non financial considerations to be taken into account. Officers also advised that the detail in the proposal document shows a scoring system which is used to identify the best site. He further advised that the score for the best site was for the land behind Bellfield Community Centre. He noted that there are tremendous opportunities for a build on this site. Officers further advised that the Council has Capital funding set aside to be allocated to this project. He further advised that the traditional procurement route would be taken and that the contract would be put out for tender to contractors, which would mean that the building would be owned by the Council.

A parent asked that if the new school were to be built on the site adjacent to the community centre, would the centre be built into same building as the school and the present community centre knocked down. Officers advised that the community centre building belongs to the Leisure Trust. They further advised that the football site would be replaced, and the proximity to housing would be considered. He noted that community use of the new build would also be important.

A parent asked what if we don't want to merge. Officers advised that if proposals are not accepted then a whole set of new proposals would need to be considered. He further advised that there is capital funding allocated and set aside for a new build primary school and it is really important to embrace this opportunity.

Educational Benefit

Fiona Taylor, Senior Education Manager introduced herself to the meeting. She advised that she had previously been involved supporting schools and parents with school mergers and is well aware of concerns that parents and staff may have.

John Wilson, Senior Education Manager introduced himself and advised that he will do his best to support staff and parents to make sure that they have the very best experience. He advised that both head teachers are keen for the merger to go ahead and will do the best for parents and pupils.

Mrs Taylor advised that pupils enjoy getting involved in designing school uniforms and naming their new school, and will have a great sense of achievement in participating in these activities.

3.8 Public Meeting – Kilmarnock Academy – 26 February 2014

- (a) No members of the public or parents attended this meeting

4. RESPONSES FROM STAKEHOLDERS TO THE CONSULTATION EXERCISE INCLUDING THE REPORT BY EDUCATION SCOTLAND

4.1 Parent Councils

4.1.1 Bellfield Primary School Parent Council

No response to the consultation was received from the Bellfield Primary School Parent Council.

4.1.2 Kirkstyle Primary School Parent Council

- (a) No response to the consultation was received from the Kirkstyle Primary School Parent Council.

4.1.3 **Hillhead Primary School Parent Council**

- (a) No response to the consultation was received from the Hillhead Primary School Parent Council.

4.1.4 **Grange Academy School Parent Council**

- (a) No response to the consultation was received from the Grange Academy School Parent Council.

4.1.5 **Kilmarnock Academy Parent Council**

- (a) No response to the consultation was received from the Grange Academy School Parent Council.

4.1.6 **Parent Councils of Other Educational Establishments**

- (a) No further responses were received to the consultation from other Parent Councils.

4.2 **Parents**

4.2.1 **Parents of Pupils attending Bellfield Primary School**

- (a) There was one response received from a parent of a pupil attending Bellfield Primary School, this related to need to get the right Head Teacher in post to deal with possible incidence of bullying.

4.2.2 **Parents of Pupils attending Kirkstyle Primary School**

- (a) No response to the consultation was received from the parents of pupils attending Kirkstyle Primary School.

4.2.3 **Parents of Pupils attending Hillhead Primary School**

- (a) No response to the consultation was received from the parents of pupils attending Hillhead Primary School.

4.2.4 **Parents of Pupils attending Grange Academy**

- (a) No response to the consultation was received from the parents of pupils attending Grange Academy School.

4.2.5 **Parents of Pupils attending Kilmarnock Academy**

- (a) No response to the consultation was received from the parents of pupils attending Kilmarnock Academy School.

4.2.6 **Parents of Pupils attending other educational establishments**

- (a) Twenty responses were received from parents of pupils from Kilmaurs Primary School / Stewarton Academy. The respondents believe that the proposed merger of Bellfield and Kirkstyle Primary School as per paragraph 4.2 Hillhead Primary School (a) ***Hillhead Primary School services the populations of Altonhill , Knockinlaw, Longpark Communities and the new housing developments off Western Road, between Kilmaurs Road and the recycling Centre.*** The parents believe that this information is inaccurate because part of the housing development (Cardhu Gardens / Crescent) is in fact in the catchment for Kilmaurs Primary School / Stewarton Academy and the maps attached to this consultation are inaccurate. Residents living in the new housing development referred to in 4.2 that are in Kilmaurs School Catchment area are unaware of this proposal and therefore this consultation is illegal under the 2010 Consultation Act. Kilmaurs Primary School or Stewarton Academy and all the parents have not been notified of this consultation that affects its school catchment boundary.
- (b) The comments received from the parents of pupils from Kilmaurs Primary School / Stewarton Academy do not materially affect the consultation process as the map shows that the homes in Cardhu Gardens / Cardhu Crescent remain within the catchment area for Kilmaurs Primary School and Stewarton Academy and as such the consultation does not affect these households.

4.3 **Pupils**

4.3.1 **Pupils of Bellfield Primary School**

- (a) No response to the consultation was received from pupils of Bellfield Primary School.

4.3.2 **Pupils of Kirkstyle Primary School**

- (a) No response to the consultation was received from pupils of Kirkstyle Primary School.

4.3.3 **Pupils of Hillhead Primary School**

- (a) No response to the consultation was received from pupils of Hillhead Primary School.

4.3.4 **Pupils of Grange Academy**

- (a) No response to the consultation was received from pupils of Grange Academy.

4.3.5 **Pupils of Kilmarnock Academy**

- (a) No response to the consultation was received from pupils of Kilmarnock Academy.

4.3.6 Pupils attending other educational establishments

- (a) No response to the consultation was received from pupils attending other educational establishments.

4.4 Pupils of the Affected Schools – Independent Consultation

East Ayrshire Council's proposals for merger of Bellfield Primary School and Kirkstyle Primary School, Kilmarnock: Consultation with children and young people

Schools affected by the Proposal Document:

- **Bellfield Primary School**
- **Kirkstyle Primary School**
- **Grange Academy**
- **Kilmarnock Academy**
- **Hillhead Primary School**

Introduction

An explicit part of the process outlined in East Ayrshire Council's Proposal Document is that children and young people at all the affected schools will be consulted. In line with guidance published by the Scottish Commissioner for Children and Young People (SCCYP), East Ayrshire Council asked Common Ground Mediation, an independent organisation, to complete this piece of work.

Summary of Findings

Responses were collated from a total number of 143 children and young people (see below for breakdown per educational establishment):

Bellfield Primary School: 73

Kirkstyle Primary School 19

Grange Academy 27

Kilmarnock Academy 5

Hillhead Primary School 19

A questionnaire was devised in clear easy-to-understand language, with a number of questions about the Council's proposals (see Appendix 1 for example). The questionnaire was not used in every educational establishment; however the same questions formed the basis of discussions in each establishment.

54% of the total number of children and young people think that the proposal to build a new primary school for the start of the 2016/17 academic session is a good idea.

44% of the total number of children and young people think that the proposal to merge Bellfield Primary School and Kirkstyle Primary School is a good idea. 2

64% of the children and young people who voiced an opinion think that the ground adjacent to the Bellfield Community Centre is the best option for the site of the proposed new primary school.

43% of the total number of children and young people think that these proposals are a good idea.

East Ayrshire Council's Proposal Document also includes the further proposals:

- that the pupils attending the newly formed primary school arising from the merger of Bellfield Primary School with Kirkstyle Primary School will transfer to Kilmarnock Academy from the start of the academic session 2016/17; and
- that pupils from Hillhead Primary School who currently transfer to Kilmarnock Academy will transfer to Grange Academy from the start of academic session 2016/17.

4.5 **Parents of Future Pupils who will attend Affected Schools**

- (a) No response to the consultation was received from parents of future pupils will be attending the affected schools.

4.6 **Family members of children and young people attending the affected establishments**

- (a) No response to the consultation was received from family members of young people attending the affected establishments.

4.7 **Former Pupils of the affected schools**

- (a) No response to the consultation was received from former pupils attending the affected schools.

4.8 **Community Planning Partners**

- (a) Two responses were received from Community Planning Partners. NHS Ayrshire and Arran have no comment to make on the proposed merger, while East Ayrshire Community Planning Partnership support the merger but have no view on where the merged school should be located.

4.9 **Community Councils / Community Council Members**

- (a) No response to the consultation was received from Community Council / Community Council Members.

4.10 **Elected Representatives**

- (a) An elected member submitted a response against the consultation, indicating a belief that the consultation paper is flawed as it does not make clear that the proposal to rezone Hillhead pupils to Grange Academy for Secondary Education will impact on the current catchment area for Kilmaurs Primary and Stewarton Academy. The map attached on P46 of the consultation shows a change in the boundary of the Kilmaurs Primary School catchment area. This change would in effect make any further proposed consultation on Kilmaurs Primary and Stewarton Academy redundant. If residents of the current Kilmaurs Primary Catchment area are unaware of this, as it has been omitted from the consultation paper, it would be to the detriment of those residents.

- (b) Legal advice confirmed that the comments received from Councillor McGhee and the identified issue about changes to Kilmaurs Primary School / Stewarton Academy catchment area do not materially affect the consultation process and the Council's response to these comments is given in section 7.2

4.11 **Employees of East Ayrshire Council**

- (a) No response to the consultation was received from employees of East Ayrshire Council.

4.12 **Other Interested Individuals**

- (a) Six responses were received by individuals under this category, including 3 members of the public, South Ayrshire Council, Bellfield Youth Football Club and Puddleducks Nursery. Of the 6 comments received three agreed with the proposed merger at the Bellfield Primary School site.
- (b) South Ayrshire Council see no reason why the proposals set out in the consultation document should not be accepted;
- (c) Bellfield Youth Football Club - As a club local to the area they are keen to register their interest in the proposals and in the future usage of any of the leisure facilities at the new school. The club wish to record that their preferred option would be an 11 a side all weather pitch at either site and if this was to be an option at only one site i.e. adjacent to the existing community centre then that would be their preference. The club would be eager to get involved in any future discussions regarding the proposals and would be willing to explore all available options to fund such community facilities through grants available to clubs like theirs from various sources.
- (d) Puddleducks Nursery - Agree to the merger of Bellfield and Kirkstyle Primary Schools on the ground adjacent to Bellfield Community Centre. This would strengthen their already established relationships with Bellfield and Kirkstyle Primary Schools. Option 2c would allow the nursery to continue its outdoor learning opportunities. They feel that a new school building with updated facilities within this location opens up a wide range of learning opportunities and benefits for all children / young people, staff parents and members of the community. The proposal that nursery numbers are set to increase from 24 to 30 would be supported as this would be beneficial as in recent years the nursery has been oversubscribed. This would be welcomed by staff as it would be by the majority of families as they would get a place with their preferred nursery.

4.13 **Responses Submitted Through Social Media**

- (a) No responses to the consultation process were received through social media

4.14 **EDUCATION SCOTLAND REPORT**

- (a) The formal Education Scotland report on the Proposal Document and the submissions received during the consultation process was received by the Council on 25 April, 2014.
- (b) The full text of the Education Scotland report is set out below:

**Consultation proposal by East Ayrshire Council
Report by Education Scotland addressing educational aspects of the proposal by East Ayrshire Council to discontinue education provision at Bellfield and Kirkstyle Primary Schools with effect from June 2016, or as soon as possible thereafter, and transfer children attending these establishments to a new-build school establishment, with effect from August 2016, or as soon as possible thereafter. The council also proposes to associate Bellfield and Kirkstyle Primary Schools with Kilmarnock Academy and Hillhead Primary School with Grange Academy from August 2016.**

Context

This report from Education Scotland is required under the terms of the *Schools (Consultation) (Scotland) Act 2010*. It has been prepared by HM Inspectors in accordance with the terms of the Act. The purpose of this report is to provide an independent and impartial consideration of the council's consultation proposal. Section 2 of this report sets out the views expressed by consultees during the initial consultation process. Section 3 sets out HM Inspectors' consideration of the educational aspects of the proposal and the views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how it has reviewed the initial proposal, including a summary of points raised during the consultation and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. As the council is proposing to close a school, it will need to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining the opportunity for representations to be made to Ministers.

1. Introduction

1.1 East Ayrshire Council proposes to close Bellfield and Kirkstyle Primary Schools in June 2016, or as soon as possible thereafter. If the proposal is implemented, children will transfer from Bellfield and Kirkstyle Primary Schools to a new-build primary school establishment at the start of session 2016/2017, or as soon as possible thereafter. Children from Bellfield and Kirkstyle Primary Schools will transfer to Kilmarnock Academy at the start of session 2016/2017, then transfer to the Sutherland Drive 3 to 18 campus due to open in session 2017. For children who currently attend Bellfield Primary School and transfer to Grange Academy, this represents a change in their associated secondary school. The rezoning of children from Bellfield Primary School catchment for the start of session 2016/2017 will reduce the number of children transferring from P7 to Grange Academy. This change creates capacity for children who attend Hillhead Primary School, which is of a similar size, to transfer to Grange Academy. The council's proposal to change the associated secondary school for Hillhead Primary School to Grange Academy is in response to views expressed during the recent James Hamilton/Kilmarnock Academy consultation.

1.2 The report from Education Scotland is required under the terms of the *Schools (Consultation) (Scotland) Act 2010*. It has been prepared by HM Inspectors in accordance with the terms of the Act.

1.3 HM Inspectors undertook the following activities in considering the educational aspects of the proposal:

- attendance at the public meetings held on 18th, 19th, 20th and 26th February 2014 in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others;
- consideration of further information on all schools affected; and
- visits to the sites of Bellfield, Kirkstyle and Hillhead Primary Schools, Grange Academy and Kilmarnock Academy, including discussion with relevant consultees.

1.4 HM Inspectors considered:

- the likely effects of the proposal for children and young people of Bellfield, Kirkstyle and Hillhead Primary Schools, Grange Academy and Kilmarnock Academy; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- benefits which the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

2. Consultation process

2.1 East Ayrshire Council undertook the initial consultation on its proposals with reference to the *Schools (Consultation) (Scotland) Act 2010*. The consultation included five public meetings and an invitation for written submissions. The council received a total of 30 written responses to the proposal. East Ayrshire Council commissioned a consultant to seek the views of a sample of children at all five schools involved in the consultation.

2.2 Almost all parents of children attending Bellfield and Kirkstyle Primary Schools, who expressed a view to HM Inspectors, were positive about the proposal if the new primary school was built on the ground adjacent to Bellfield Community Centre. Parents felt this was the best option to bring both communities together. Although parents expressed concerns about traffic issues for all sites involved, they felt this would be more manageable at the site adjacent to Bellfield Community Centre.

2.3 Parents were very positive about the proposed improvements to the learning environment for their children. They felt the increased access to Information and Communication Technology (ICT) to support learning and better sports facilities were beneficial. A few stakeholders from Kirkstyle Primary School expressed slight concern that the location of the new-build limited the regular access children had to the sports facilities at Ayrshire Athletics Arena.

2.4 Concerns raised by most parents from Bellfield and Kirkstyle Primary Schools, who met with HM Inspectors, were linked to the travel arrangements for children attending Kilmarnock Academy's successor secondary at the new-build Sutherland Drive 3 to 18

campus. They accept the council has plans to ensure a safe route to school. However, they highlighted the most direct route was via the main A77. They felt a few young people who walk to school may use this route to reduce their travel time.

2.5 Parents of children from Bellfield Primary School, who met with HM Inspectors, were very concerned about the rezoning of their children from the Grange Academy catchment area to Kilmarnock Academy and the successor secondary school at the Sutherland Drive 3 to 18 campus. They are very pleased with the reputation and education Grange Academy provides and could see no benefit from the rezoning.

2.6 Collated responses of children's views provided by the council, show the majority of children from Bellfield Primary School are either unsure of, or do not think the rezoning of Bellfield Primary School children to Kilmarnock Academy and the successor school at the Sutherland Drive 3 to 18 campus is a good idea.

2.7 Staff and parents highlighted concerns about the timescales for the completion of the Kilmarnock Academy successor secondary school at the Sutherland Drive 3 to 18 campus. They felt if timescales for the Kilmarnock Academy successor school were not adhered to then some children may have additional disruption moving to the new primary school, then to Kilmarnock Academy, then to the Kilmarnock Academy successor secondary school at the new-build Sutherland Drive 3 to 18 campus over a short period of time. They also expressed slight concern for the disruption for the children in the P7 cohort in 2015/2016. They felt the proposal may cause some disruption for them moving from their primary school to Kilmarnock Academy and then moving to its successor secondary school at the Sutherland Drive 3 to 18 campus.

2.8 Children from Kirkstyle Primary School were positive about the new primary school. They would prefer it was built on the ground adjacent to the Bellfield Community Centre. A number of children felt the pupil council could have more involvement in gathering the views of children in each class. They expressed slight concern that the gathering of views by pupil council members was not consistent across the whole school and some children's opinions may not have been heard.

2.9 Staff at Bellfield and Kirkstyle Primary Schools are very positive about the proposal to build the new primary school and early childhood centre at the site adjacent to Bellfield Community Centre. They expressed concerns about the fabric of the building of both primary schools in their present condition. Support staff are positive about the proposal. However, they would welcome more information about timescales in relation to their jobs. They were unclear about the council's procedures to reallocate posts. Most felt there was a need for further discussion to alleviate uncertainty about their future employment.

2.10 Puddleducks Nursery is a partnership nursery situated in Bellfield Primary School. They are registered with the Care Inspectorate for 24 children. Staff at Puddleducks Nursery are positive about the proposal. They feel being included in the new primary as an early childhood centre will enable them to increase their roll.

2.11 Bluebell Playgroup and Bellfield After School Care have sole use of classrooms within Kirkstyle Primary School. They lease the premises through East Ayrshire Council and their services are managed independently. Both groups provide affordable childcare for children in the local community. Bluebell Playgroup is a voluntary organisation registered with the Care Inspectorate. They are registered for 20 children with approximately 45 children age two attending over the week. Playgroup staff expressed

concerns that their provision was not considered in the new proposal. They highlighted the playgroup has been in operation for over twenty years and they benefit from a dedicated room in Kirkstyle Primary School and access to the outdoor area. They were aware the provision for two year old children within the new early childhood centre is for a small group of vulnerable children. Bluebell Playgroup staff are positive about the proposals and with appropriate facilities, felt they could enhance further the planned early years provision outlined within the proposal. However, they expressed concern that the new-build primary school may not provide them with the same quality of accommodation.

2.12 Bellfield After School Care provides wraparound care for children attending Bellfield and Kirkstyle Primary Schools. They have 45 children registered and provide daily childcare before and after school for children at Bellfield and Kirkstyle Primary Schools. Staff at the After School Care are positive about the new-build primary school at the site adjacent to Bellfield Community Centre. They are confident if they are given appropriate facilities they can extend their provision to support parents at the neighbouring Shortlees Primary School who no longer have wraparound care for school children.

2.13 Most children from Riccarton Early Childhood Centre transfer either to Bellfield Primary School or Kirkstyle Primary School. Staff and parents who met with HM Inspectors were positive about the proposal to build the new primary school. Parents were concerned that changes to the associated secondary for children who attend Bellfield Primary School would cause additional travelling time to school. Staff from Riccarton Early Childhood Centre expressed no concerns about the proposal. They plan to continue to work closely with staff at the new school to support transitions.

2.14 Bellfield Youth Football Club (BYFC) has around 160 young people who use the football pitch at Bellfield Community Centre. Representatives from BYFC highlighted their concerns that their service would be temporarily unavailable if the new primary school was built on the ground adjacent to Bellfield Community Centre.

2.15 All parents from Hillhead Primary School, who met with HM Inspectors, felt the proposal to rezone Grange Academy catchment area to include P7 children transferring from Hillhead Primary School was a response to the travel issues they raised in the previous James Hamilton/Kilmarnock Academy consultation. They continue to express concerns about safe routes and financial issues from the rezoning. It is their understanding that there is no direct bus route for some young people to Grange Academy. They felt the increased cost from taking two buses is an added financial issue in particular for the most vulnerable families. They also felt the council using an online method for gathering views about the proposal was a barrier for some families to participate.

2.16 A few parents of children attending Kilmaurs Primary School expressed concern about the proposal. They believe the information contained in paragraph 4.2 of the proposal outlining the Hillhead Primary School catchment area is inaccurate. They do not feel the council has consulted with them properly in accordance with the *Schools (Consultation) (Scotland) Act 2010*.

3. Educational aspects of the proposal

3.1 East Ayrshire Council sets out clearly a number of educational benefits for children and young people should the proposal go ahead. This includes the council's commitment to making East Ayrshire a positive place to live by the creation of a modern

learning environment created for the needs of the 21st Century. For example, children who currently attend Bellfield and Kirkstyle Primary Schools do not benefit fully from learning using ICT due to the infrastructure of the buildings. Children will benefit from improvements in the access to ICT.

3.2 The new school with an early childhood centre will help children develop to their full potential. The increased complement of staff will benefit from the existing approaches to furthering professional learning such as teacher learning communities across the early years and primary school. This will provide an enhanced model for continuing professional development. They plan to achieve this through professionals working collaboratively to develop a shared understanding of standards and expectations.

3.3 The proposal to create a new school with early years provision will support the council's objective to provide 600 hours per annum of early learning and care. The proposal does not make direct reference to Bluebells Playgroup. It does, however, refer to Riccarton Pre-5 group. The voluntary playgroup, registered with the Care Inspectorate provides affordable childcare for 20 two-year-old children. It is a well-used service by a wide group of families. The council states there will be no significant deterioration of community access to council premises. There is a need for the council to ensure: continuity of learning for children attending Bluebells Playgroup; effective communication by the council with Bluebells Playgroup; and effective liaison with Riccarton Early Childhood Centre who have a well-established professional links with both Bellfield and Kirkstyle Primary Schools.

3.4 The consultation proposal suggests the increased pupil population from the creation of the new school will attract greater staffing and resource allocation. For example, the East Ayrshire Support Team (EAST) will be better placed to allocate their time to benefit children with additional support needs.

3.5 The proposal states the council's view on the benefits for each of the communities through the building of the new school. They are mindful of the impact on parents and children's levels of anxiety on bringing together two schools. To address this, the council has set out a number of planned measures. These include arrangements for supporting the care and welfare of children during the transition to the new school. The council will build on the experience and strengths from its previous modernisation projects. A few children consulted had concerns about coming to physical harm when the two school communities join. The council needs to ensure it addresses children's concerns as early as possible to ensure all children are supported effectively through this process.

3.6 The proposal will lead to improved access to sports facilities through purpose-built outdoor facilities. These will offer children enhanced opportunities to become involved in sport. Kirkstyle Primary School children presently access a state-of-the-art sport facility at Ayrshire Athletics Arena to enhance physical education. In developing detailed plans for the new school, the council will wish to ensure that children continue to benefit from appropriate access to the Ayrshire Athletics Arena.

3.7 The council has made a sound case for securing best value. They propose that reduced revenue costs will alleviate pressure on the Education Service budget. Support staff who spoke to HM Inspectors need to be kept fully informed how implementation of the proposal will directly affect them as individuals.

3.8 The proposal sets out the educational benefit from rezoning Kilmarnock Academy to include Bellfield Primary School catchment when the new primary school opens. It is

reasonable to expect there are benefits from an entire merged cohort transferring from the new primary school to the same secondary school. However, the council needs to provide reassurance to families if these arrangements lead to children from the same family attending different secondary schools.

3.9 The council needs to be clear how it will support transition arrangements for children to minimise disruption in their learning. This is particularly the case if the council does not meet the timescales for the completion of the buildings. If there are delays, some children may attend their existing primary school, the new-build primary school, Kilmarnock Academy and then its successor secondary school at the Sutherland Drive 3 to 18 campus in a very short period of time. The council also needs to clarify to parents if the rezoning of secondary schools will take place in August 2016 irrespective of the completion date of the new primary school.

3.10 The proposal takes account of the views expressed by parents during the recent James Hamilton/Kilmarnock Academy consultation. The council needs to continue to work with parents from Hillhead Primary School. In taking account of their concerns, there is a need for the council to clarify issues parents have raised with regard to safe routes to school, transport and travel arrangements.

3.11 The proposal does not set out clearly enough the involvement of community groups, including Bellfield After School Care, Bluebells Playgroup, Puddleducks Nursery and Bellfield Football Club. There is a need for the council to communicate effectively with community groups currently using the facilities to ensure continuity of learning.

3.12 A few parents of children who attend Kilmaurs Primary School expressed strong concern about the proposal. They do not feel they have been properly consulted in line with the council's duties under the *Schools (Consultation) (Scotland) Act 2010*. In its final consultation report, the council needs to ensure it has addressed these concerns.

4. Summary

4.1 The proposal for East Ayrshire Council to close Bellfield and Kirkstyle Primary Schools and build a new primary school has some clear educational benefits. Overall, children, parents and staff are very positive about the proposal, particularly if the new school is built on the ground adjacent to Bellfield Community Centre. The council needs to ensure transition arrangements support children effectively and alleviate the concerns of a few children about the two school communities joining together.

4.2 There is a need to ensure timely completion of building works and effective transition arrangements to minimise disruption for children transferring to the new secondary school at Kilmarnock Academy and its successor at the Sutherland Drive 3 to 18 campus.

4.3 In taking forward the proposal, the council needs to ensure staff, children and parents are clear about timescales and the impact the proposal has on them as individuals. To date a number of support staff are not clear on timescales and implications for them as employees within the council.

4.4 Although there are minimal transport arrangements necessary arising from this proposal, there are a number of areas not yet addressed. Parents have a number of reasonable concerns. In its final consultation report, the council needs to address fully traffic management, transport and travel arrangements.

5 THE COUNCIL'S RESPONSE TO ISSUES RAISED IN THE CONSULTATION

5.1 During the consultation period there were a number of comments submitted, either verbally at the public meetings or within the written submissions. The Council's response to these is set out in the following paragraphs.

5.2 Issues Being Raised in Consultation Forms

Issue	Number
The consultation document suggests that rezoning the housing development as at appendix 4.2 and appendix 6 from Kilmaurs PS to Hillhead PS, would take certain properties out of Kilmaurs PS / Stewarton Academy catchment area and that this therefore invalidates the consultation. The consultation is therefore flawed as parents from Kilmaurs PS and Grange Academy were not included in the consultation.	25
Noise / Litter Issues	1
Traffic Congestion and Road Safety Issues	1
Parking Around schools Issues	1
Head Teacher Issues	1
Would like a11 a-side football pitch on the land adjacent to the Bellfield Community Centre	1
Would like to include Riccarton Nursery in the proposals to give a 3-18 campus	1
Total	31

5.3 Issue

The consultation document suggests that rezoning the housing development from Kilmaurs PS to Hillhead PS, would take certain properties out of Kilmaurs PS / Stewarton Academy catchment area and that this therefore invalidates the consultation. The consultation is therefore flawed as parents from Kilmaurs PS and Grange Academy were not included in the consultation.

Position

East Ayrshire Council's position, confirmed by the legal services team, is very clear: the consultation process is valid and is not flawed in any way. The issue raised by a number of parents of pupils who attend Kilmaurs Primary School raised concerns that the catchment area for Kilmaurs Primary School (and consequently Stewarton Academy) would be altered under

these proposals. This is not the case and there is no mention in the document of any change to catchment boundary lines.

Action

Officers responded to individual queries about this specific issue, re-assuring those concerned that there was mention of change to catchment areas and no intention to change current catchment boundaries. Therefore there was no flaw in the document or in the process. Officers undertook to further re-assure those concerned by seeking legal confirmation of the correctness of this opinion and to further support this argument through provision of appropriate maps and meetings with individuals. Officers also wrote to some individuals in Cardhu Crescent explaining the circumstances to them and to confirm to them that the assurances provided by Officers previously about continuity of entitlement for children to attend Kilmaurs Primary School was not affected. The letter from the Acting Head of facilities is attached to this document as Appendix 1. A message from the Executive Director, clarifying the position and re-assuring parents was posted on the Council website during the consultation period and is attached as Appendix 2.

5.4 **Issue**

Noise / Litter Issues

Position

East Ayrshire Council would want to promote community relations and continue to promote responsible citizenship in schools and takes both of these issues seriously.

Action

Under the management of proposals it would be the role of project board to ensure that the positioning of the new build on any of the sites was as much as possible in harmony with existing residents and users and in so doing could address concerns about noise by ensuring that play areas were appropriately positioned to ameliorate noise issues.

The new management teams when appointed would undertake to plan for the reputation of the new school in its community through looking at building local community links by undertaking positive relationship activities with local residents and to undertake Green Flag activities such as litter patrols in the area to ensure a positive and sustained start to the new school. Concerns about noise are understandable since the new school would effectively be twice the size of existing schools.

5.5 **Issue(s)**

Traffic congestion and road safety issues, parking around schools

Position

East Ayrshire Council is encouraging as many parents to walk with pupils to school as possible and therefore traffic congestion and road safety are issues which are increasingly important and taken very seriously by East Ayrshire Council.

Action

A full traffic impact assessment will be carried out as and when a decision is made about the merger and the consequent choice of site and as such the design and layout of the school will maximise safety and reduce congestion as far as possible.

5.6 **Issue**

Quality of Head Teacher.

Position

East Ayrshire Council has tried and tested procedures for appointing staff including Head Teacher posts which have parent representatives included in the interview panel.

Action

Officers will ensure that recruitment procedures are followed and that the process is transparent and fair. Parents will be included in the letting and interview process and will be able to ask questions on specific issues which will allow them to be re-assured about any candidate's qualities or views on specific subjects such as good behaviour and anti-bullying activities.

5.7 **Issue**

Would like a 11 a-side football pitch on the land adjacent to the Bellfield Community Centre.

Position

East Ayrshire Council will ensure that the highest quality learning areas are provided inside the school and in the grounds, including sports facilities.

Action

Officers were aware of the availability of other football facilities in the nearby area so there would be no disruption for local teams in accessing a football field. Additionally the new build will have a suitable outdoor sports area for a primary school.

5.8 **Issue**

Would like to include Riccarton Early Childhood Centre in the proposals to give a 3-18 campus.

Position

The position of Riccarton Early Childhood Centre was not considered as part of these proposals. There is a current partner provider in Bellfield Primary School and it is the intention to continue that partnership into the new school. Should there be a desire to amend the status of Riccarton Early Childhood Centre there would need to be a full, separate consultation process to address the required changes.

Action

East Ayrshire Council will consider the position of Riccarton Early Childhood Centre in future school estate rationalisation discussions

RESPONSE TO THE EDUCATION SCOTLAND REPORT

- 5.9 The overwhelming response to the proposals has been recognised by Education Scotland as being positive and welcomed and in particular the choice of site has been seen to be approved by parents “Almost all parents of children attending Bellfield and Kirkstyle Primary Schools, who expressed a view to HM Inspectors, were positive about the proposal if the new primary school was built on the ground adjacent to Bellfield Community Centre. Parents felt this was the best option to bring both communities together”. This support for the authority’s position is reflected in the written and oral comments received.
- 5.10 In similarly positive vein Education Scotland acknowledges that “Parents were very positive about the proposed improvements to the learning environment for their children.” The predominantly constructive comments reflect the generally optimistic mood of the public meetings where parents from both schools attended each other’s nominated meetings. Also in para 2.2 mention was made of IT issues and access to sports facilities for pupils. These would be covered in the management of proposals and additionally when the Head Teacher is appointed these operational issues will be addressed.
- 5.11 In para 2.4 travel arrangements were raised as being a concern of parents. The council has made parents aware at every opportunity that the new school will have a travel plan in place and work will begin on travel and traffic issues when the joint parent council and new pupil councils are in place. It is normal for this type of interim decision-making to be undertaken in this order.
- 5.12 The concerns of parents regarding the change of destination secondary school was raised in para 2.5. Parents will be made aware throughout the process that the high standards shown by Grange over the years will be replicated in the new academy. The senior staff of all the establishments involved will be expected to share their vision with the learning community

and will work with parents and pupils to establish values and expectations to match parental aspiration.

- 5.13 In para 2.6 the matter of children's views on the re-zoning were raised. It will be important for officers and school staff to undertake to promote the educational benefits to pupils, in an appropriate manner in order to ensure that they have a clear idea of what is ahead for them. It is understood that the management of proposals will address this type of issue but officers have noted the particular concerns.
- 5.14 All merger proposals such as this one have set processes in place to support progress and meeting targets. Included will be a specific transition plan to ensure that the normal type of planning for P7 to S1 is enhanced to provide early and definitive information for pupils and parents including further meetings and consultation to address the type of situation which parents are concerned about. A plan is currently in draft form to address these concerns. It is important to note that pupils will feel the benefit of having had a year together as a cohort when subsequently transferring to the new academy with the opportunity to meet with other prospective S1 pupils throughout the course of that year.
- 5.15 Paragraphs 2.8 to 2.10 include very positive comments from a range of staff and affirm the council's belief in the benefits of these proposals. For example, "Staff at Bellfield and Kirkstyle Primary Schools are very positive about the proposal to build the new primary school, with early learning and childcare also provided, at the site adjacent to Bellfield Community Centre." Similarly in 2.11/2.12 of the report staff Bluebell Playgroup and Bellfield ASC staff confirm their support for the proposals and re-state their desire to remain a partner with the school. The council is happy to support this and will undertake further consultation after Cabinet has made its decision. In paragraph 2.13 parents of pre school pupils were indicating a concern about additional travel time to school. Early Learning and Childcare provision in East Ayrshire is not delivered within the context of catchment areas. Transport is only provided to children with additional support needs if assessed and appropriate.
- 5.16 Officers were able to reassure all concerned that there were alternative playing facilities available close by for representatives of Bellfield Youth Football Club and that new facilities in the merged school would be available to them for let. East Ayrshire Council will work with the club representatives to ensure continuity for them.
- 5.17 Hillhead parents are noted in 2.15 as acknowledging the council's awareness of previous concerns related to the James Hamilton/ Kilmarnock Academy consultation regarding travel and transport. It is also the case that mention must be made of the council's efforts to give all stakeholders every opportunity to contribute to the consultation process. Parents would have been aware that comments could be made orally, electronically or in writing. Officers note though that this concern has been raised and will re-double efforts in future communications in this and other consultations.

- 5.18 A concern was raised by an elected member and a number of parents from pupils who attend Kilmaurs Primary School regarding a very specific issue related to the proposed change in destination for Hillhead pupils. A claim was made that the consultation process was invalid because a catchment boundary line would be changed without the relevant people concerned being consulted. At no point in the document is there a reference to any proposed change of the catchment area for Hillhead. Only the destination school for P7 pupils. Officers from education and facilities management have been in contact with individual parents to reassure them that there is no change to the boundary as a result of this consultation proposal. The initial letters to parents/individuals who had submitted similar claims were followed up by a detailed letter from the Executive Director of Education and Social Services indicating that legal advice had been sought and confirming that the council's processes were not at fault and that the process remained valid and was not in question. Education Scotland were aware of this but did not acknowledge it in their report.
- 5.19 In the educational benefits section of the report Education Scotland acknowledges the benefits for pupils in 2.1 and in 2.2 confirms the positives benefits by saying "The new school with an early childhood centre will help children develop to their full potential. The increased complement of staff will benefit from the existing approaches to furthering professional learning such as teacher learning communities across the early years and primary school. This will provide an enhanced model for continuing professional development." This is further supported throughout the report.
- 5.20 In paragraph 3.3 the report highlights concerns about maintaining links with partner organisations such as Bluebell playgroup and Bellfield ASC. In a previous section of the report however it is important to point out that staff from these organisations are very positive about the opportunities ahead. Ongoing consultation and communication are part of the post decision-making period and one which the council acknowledges is vital. The council is aware of the significance of the contribution these organisations make and has already clearly stated in writing to the groups that our support and desire to continue to be partners remains in place.
- 5.21 In paragraphs 3.4 to 3.7 a range of positive and supportive comments make the case for the council including "The council has made a sound case for securing best value." Staffing, resources, community cohesion and access to sports facilities amongst other things are all recognised for the benefit provided by the proposals. Concerns by individuals about their positions will be further reassured by the offer of visits by HR staff to establishments to explain the process in detail and the implications of any decisions made.
- 5.22 In paragraphs 3.8 and 3.9 Education Scotland highlight issues raised by parents about keeping siblings together at transition time. This will be supported fully by officers when implementing the transition arrangements particularly around re zoning. The transition plan, referred to earlier, which has been drafted by the executive director has already begun to address some of these issue and will be taken forward.

- 5.23 Should the decision be made to proceed with the proposals then East Ayrshire Council will implement a management of proposals strategy which will cover such issues as raised by Hillhead parents and noted in 3.10. In paragraphs 3.11 and 3.12 Education Scotland reiterates previously raised issues around communication with partner organisations and the parents who had concerns regarding putative catchment changes.
- 5.24 In its summary Education Scotland notes again requests for specific communication and organisation issues which are dealt with through formal structures such as project boards, for managing the timeline of the new build and transition plans to address specific aspects of change which cannot be dealt with at this point.
- 5.25 Education Scotland confirms ultimately that it support East Ayrshire Councils proposals when it says, "Overall, children, parents and staff are very positive about the proposal, particularly if the new school is built on the ground adjacent to Bellfield Community Centre." Officers conclude that it is agreed the proposals and the process are both sound.

6. ALLEGED OMISSIONS OF RELEVANT INFORMATION AND ALLEGED INACCURACIES CONTAINED WITHIN THE PROPOSAL DOCUMENT

- 6.1 Following the public meetings of 18, 19 and 20 February 2014, officers reviewed the likely capital cost of the new build school which took the Scottish Futures Trust (SFT) metrics for space and cost per square metre and the requirements for a new Early Childhood Centre that met Care Inspectorate standards. Following this review, it was found that the net present value (NPV) cost for a new build would be approximately £100,000 higher than those reported in the Proposal Document.
- 6.2 All stakeholders were advised of this revision of the net present value costs by letter on 27 February 2014. A copy of the correspondence and the revised Appendices 8(A-C) were placed on the Council's website for review. It is the belief of officers that this alteration in NPV costs does not represent a material error and it does not change the overall ratings of the four options, with option 2C still achieving the highest score. Officers therefore concluded that it was not necessary to extend the consultation period and that advising stakeholders by letter was sufficient.

7. REVIEW OF THE PREFERRED OPTION

- 7.1 The Proposal Document expressed the preferred Option of officers, which was to create a new primary school from the merger of Bellfield Primary School and Kirkstyle Primary School, with provision for Early Learning, alongside alterations to the catchment areas of Grange Academy and Kilmarnock Academy. The consultation exercise asked for responses to four questions:

Were respondents in favour of the primary schools merging?
Where should the new primary school be located?

Merger Proposal

	Number	%
In favour of a merger	4	13%
Not in favour of the merger	0	0%
No Comment	26	87%
Total	30	100%

Preferred Site

	Number	%
Bellfield Site	3	10%
Kirkstyle Site	0	0%
Whatriggs Road Site (on land adjacent to the Community centre)	0	0%
Other Site	0	0%
No Comment	27	90%
Total	30	100%

7.2 Were respondents in favour of the primary schools merging?

The number of respondents in favour of a merger was thirteen per cent, which did not reflect the overwhelmingly positive tone at the public meetings. There was, consequently no opposition to the proposals and eighty seven per cent not commenting.

7.3 Where should the new primary school be located?

Again only a small number committed to a response with 10% indicating in favour of the Bellfield site, zero % for the Kirkstyle site and 90 % not commenting.

8. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

8.1 Having received Education Scotland's report on 25 April, 2014, Section 9(1) of the Schools (Consultation) (Scotland) Act 2010, requires the Council to review the relevant proposal (Option 2c), having had regard (in particular) to the written representations that have been received by it during the consultation period; oral representations made to it at the public meetings held on 18 February 2014, 19 February 2014, 20 February 2014 and 26 February 2014 and Education Scotland's report. In terms of Section 10(2) (e) of the said Schools (Consultation) (Scotland) Act 2010, the Consultation Report requires to contain a statement explaining how the Council complied with its duty under the above Section 9(1) of the Act.

8.2 On 1 May, 2014 Council Officers convened a special meeting for the purposes of reviewing the relevant proposal (Option 2C) having had regard to the written representation received by the Council during the public consultation period; the verbal representations made to it at the said public meetings, and

Education Scotland's report, all of which is summarised in sections 3 to 5 above. When reviewing the proposal (Option 2C) against the written and verbal responses as well as the terms of the Education Scotland report, the Council had regard to the terms of Section 12 of the Act and the factors that required to be considered, in particular:

- (a) whether there was any viable alternative to the closure proposal
- (b) what the likely effect may be on the local community on consequence of the proposal (if implemented); and
- (c) what the likely effect caused by the different travel arrangements for pupils, staff and any other users of the school facilities that may be required in consequence of the proposal (if implemented), including any environmental impact.

8.3 In complying with section 13(3) (b) of the 2010 Act and having carried out the review mentioned above, Council officers concluded that their attitude to Option 2C had not substantially changed and that Option 2C should be implemented. The detailed reasons for recommending Option 2C, with the creation of a new primary school on the land adjacent to the Bellfield Community Centre on Whattriggs Road, Kilmarnock, are more fully set out in Section 7 of this report.

9. IMPLEMENTATION ARRANGEMENTS

9.1 The following paragraphs details the arrangements that will be made, should the Council decide to implement the merger of the two primary schools, creating a new build primary school on the Whattriggs Road site.

9.2 Design Specification

- (a) To ensure the successful completion of the build by August 2016 will require early completion of the design specification. The Council is committed to following the good practice achieved in its *Building Learning Communities* project and seek input from pupils, staff, parents and the wider communities. It is through such involvement that staff, young people and parents engage with the concept of the new school and assume a sense of ownership and this assists in the development of the new schools' ethos.

9.3 School Management

(a) **Primary School**

The education authority will work in partnership with the two management teams of Bellfield Primary School and Kirkstyle Primary School to prepare the groundwork for a merged primary school. It is anticipated at this stage that a new management team will be in post prior to the proposed school merge in August 2016.

(b) **Early Childhood Centre**

Early Learning and Childcare is operated by Puddleducks Nursery from premises within Bellfield Primary School. This is a procured service by the

Council. Regardless of the provider the Council is committed to providing early learning and childcare in the new school.

9.4 **Parent Councils**

- (a) Section 16 of the Scottish Schools (Parental Involvement) Act 2006, sets out the parameters within which a Combined Parent Council can be established for the two new educational establishments. Officers will work with the existing Parent Councils to create a joint Parent Council for the Primary Schools. It is expected that discussions on this proposal would commence in early 2015.

9.5 **Staff**

- (a) The Council is committed to ensuring staff are informed and involved in planning activities. Following the standards set during the *Building Learning Communities* project effective communications will be maintained throughout the process. This will commence with input into the design brief and the opportunity to influence the building design.
- (b) The Council is aware that staff will be concerned about future employment opportunities and is committed to working closely with Human Resources and Trade Unions to ensure that relevant information is provided at the earliest opportunity.

9.6 **Aligning Curricula**

- (a) It is envisaged that the primary schools' curricula will be aligned for the start of the 2015/16 academic session. This will require the involvement of the senior management teams in both primary schools and senior education authority officers.

9.7 **Involvement of Pupils**

- (a) Central authority staff, in conjunction with school staff, will facilitate joint working with pupils to create Pupil Councils for the new schools. As intimated previously, pupils of all affected schools will be consulted on the design of the new school and will be kept informed of progress, including site visits to view the creation of their new schools.

9.8 **Identity of the New Schools**

- (a) All of the comments within paragraphs 9.2 to 9.7 are intended to create new identities for the merged school. Further activities such as names, school badges and uniforms for the two establishments will be undertaken at the appropriate time prior to the schools coming together. Details of when these activities will occur will be discussed with the Parent Councils, staff and pupils and progress will be reported to Cabinet.

10. CATCHMENT AREAS

- 10.1 If Cabinet accept the merger proposal for the primary school, its implementation will result in the delineated area of the new primary school being the combined delineated areas of Bellfield Primary School and Kirkstyle Primary School
- 10.2 Likewise, should the Council agree to implement the proposed changes to the catchment areas of Grange Academy and Kilmarnock Academy, the delineated area of the new primary school will be zoned to that of Kilmarnock Academy and the delineated area of Hillhead Primary School be re-zoned to that of Grange Academy.

11. PROCEDURES FOR MINISTERIAL CALL- IN

- 11.1 Since this proposal is to merge Bellfield Primary School with Kirkstyle Primary School and create a new primary educational establishment, section 10(4) of the Schools (Consultation) (Scotland) Act 2010 will apply. At this stage, it is anticipated that Cabinet will be asked to make a final decision on the proposed merger of the two primary schools on 18 June, 2014. If Cabinet agree to the said proposal, the Scottish Ministers must be notified of this decision. They then have a 6 week period commencing on the date of Cabinet's decision to consider whether they will issue a notice to the Council to call-in the Cabinet document. In taking the decision whether to issue a call in notice, the Scottish Ministers are required by the Act "to take account of any relevant representations made to them (by any person) within the first three weeks of that six week period." In effect, this means that anyone seeking to have the Council decision called in would need to contact the Scottish Ministers in writing, within three weeks of the Cabinet decision supporting the closure of the school, setting out relevant reasons why the decision should be called in by them.
- 11.2 Anyone wishing to contact the Scottish Ministers during the three week period referred to above should do so by e-mail to:

schoolclosure@scotland.gsi.gov.uk

or in writing to:

School Infrastructure Unit
 Scottish Government
 Areas 2-A South
 Victoria Quay
 Edinburgh
 EH6 6QQ

- 11.3 Should Cabinet agree to the recommendations, detailed in section 19 of this report, and implement the merger proposal and create a new primary school and the amendments to the delineated areas of Grange Academy and Kilmarnock Academy, at its meeting of 18 June, 2014, the Council in order

that its position is not prejudiced in complying with section 15 of the 2010 Act will notify Scottish Ministers of its decision. This final decision will include consideration of comments from the Council's internal Governance and Scrutiny Committee meeting of 11 June 2014.

12. CORPORATE MANAGEMENT TEAM ROLE IN THE CONSULTATION PROCESS

- 12.1 The proposal to merge Bellfield Primary School with Kirkstyle Primary School to create a new educational establishment that will be located on ground adjacent to the Bellfield Community Centre on Whatriggs road, Kilmarnock have been discussed fully and regularly at the highest level of Officer Management of the Council. This included reviews of the Proposal Document prior to its consideration by Cabinet on 5 February 2014, and consideration of the Consultation Report prior to its publication. The outcome of this involvement, in part, is a set of recommendations by the Executive Director of Educational and Social Services supported and endorsed by the Corporate Management Team.

13. THE COUNCIL'S APPROACH TO CONSULTATION

- 13.1 The foregoing subsections of sections 6 and 7 (above) detail the Council's considerations of all issues as originally defined in the Proposal Document and importantly, all of those, both educational and non-educational, raised through the detailed consultation responses and the public meetings. The Council allocated time beyond the statutory minimum (42 calendar days, to include a minimum of 30 school days) consultation period for response.
- 13.2 Of the **30** responses received, all issues raised have been addressed in sections 3 to 5 of this report. Cabinet will therefore have before it, in this paper, full and detailed arguments for and against the recommend proposal by officers (Option 2C).

14. RISK MANAGEMENT

- 14.1 Any reduction in the property portfolio will reduce the risk to which the Council is exposed in terms of issues such as infrastructure failure, vandalism and threats to security. Any property that is vacated, however, is likely to be exposed to an increased level of risk requiring additional security measures until a decision is taken as to its future use.
- 14.2 By implementing the closure proposal, officers will ensure the quality of educational experience for the young people attending, or due to attend, these four educational establishments is maintained or improved.

15. LEGAL ISSUES

- 15.1 By virtue of the Schools (Consultation) (Scotland) Act 2010, which consultation forms the subject matter of this report. It is a legal requirement that the Council shall not reach any formal decision without:

- having reviewed the merger proposal and the creation of a new primary school (Option 2C) having regard in particular to:
 - (a) Relevant written representations received from any person during the consultation period;
 - (b) Oral representation made to it by any person at the public meetings held on 18 February 2014, 19 February 2014, 20 February 2014 and 26 February 2014; and
 - (c) The Education Scotland report;
 - Preparing this Consultation Report; and
 - Waiting until a period of 3 weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.
- 15.2 If East Ayrshire Council's Cabinet is minded to agree to the merger of the merger of the two primary schools and the creation of a new primary school, recommendation (Option 2C), it should be noted that no steps can be taken to implement this decision during the period of time where the decision is being scrutinised by Scottish Ministers. Following a final decision by Cabinet (which is anticipated to be **18 June** 2014) to proceed with the merger, the matter must be referred to the Scottish Ministers who will take a period of up to 6 weeks to review the decision making processes and determine whether or not they will call in the decision to implement the closure proposal.
- 15.3 As provided for in section 1 of the 1980 Act, it is the duty of the Council to ensure adequate and efficient provision of school education within East Ayrshire. Such education to be directed towards the development of the personality, talents and mental and physical abilities of children or young persons to their fullest potential (Standards in Scotland's Schools Etc. Act 2000 section 2). That said, as with all Council duties, the Council has a duty to make arrangements to secure best value and in securing best value the Council is required to maintain an appropriate balance between, inter alia, the quality of its performance of its functions and the cost to the authority of that performance (Local Government in Scotland Act 2003 section 1). In coming to any decision, members should balance the foregoing duties.
- 15.4 Article 2 of the first protocol to the European Convention on Human Rights, incorporated into domestic law by the Human Rights Act 1998 provides that:
- "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions"*
- 15.5 The principle in the second sentence is accepted into UK law only so far as it is compatible with the provisions of efficient instruction and training, and the avoidance of unreasonable public expenditure. The right to education is a general right and the relevant provisions of the 1980 Act and the Standards in Scotland's Schools etc (Scotland) Act 2000 go beyond what is required by the

provision in the first protocol. Accordingly, provided the Council complies with the duties referred to in paragraphs 15.1 to 15.4, a successful Human Rights challenge to a properly considered decision will be minimised.

15.6 **Title Implications**

- (a) There are no subsisting title conditions restricting the use of the sites of Bellfield Primary School or Kirkstyle Primary School. Should the merger proposal be accepted and implemented, with the two sites being declared surplus to requirements, the Council could dispose of these on the open market.

16. **CONCLUSION**

- 16.1 Having carefully reviewed the primary schools merger proposal, with the creation of a new primary establishment located on ground adjacent to Bellfield Community Centre (Option 2C) and having had regard to:

- (a) Relevant written representations received by the Council from any person or groups during the consultation period;
- (b) Oral representation made to it by any person at the public meetings held on 18 February 2014, 19 February 2014, 20 February 2014 and 26 February 2014; and
- (c) The contents of the Education Scotland report

It is therefore concluded that the decision to proceed with the consultation on the closure proposal remains valid.

17. **RECOMMENDATIONS**

- 17.1 It is therefore recommended that cabinet approve that:

- Education provision at Bellfield Primary School be discontinued with effect from the end of the 2015/16 academic session in June 2016, or as soon as possible thereafter;
- Education provision at Kirkstyle Primary School be discontinued with effect from the end of the 2015/16 academic session in June 2016, or as soon as possible thereafter;
- That the young people attending these establishments transfer to a new build school establishment, with effect from the start of the 2016/17 academic session in August 2016, or as soon as possible thereafter, to be sited on:
 - Ground adjacent to the Bellfield Community Centre site on Whattriggs Road, Kilmarnock; or

Further:

- That the pupils attending the newly formed primary school arising from the merger of Bellfield Primary School with Kirkstyle Primary School will transfer to Kilmarnock Academy from the start of the academic session 2016/17; and

- That pupils from Hillhead Primary School who currently transfer to Kilmarnock Academy will transfer to Grange Academy from the start of academic session 2016/17;
- That this report is referred to Governance and Scrutiny Committee for consideration;
- Otherwise note the contents of this report.

Graham Short
Executive Director of Educational and Social Services

GRS/
2 May 2014

LIST OF ATTACHED PAPERS

- i) Proposal Document issued 14 February 2014

BACKGROUND DOCUMENTS

- i) List of respondents

Members wishing further information should contact Graham Short, Executive Director of Educational and Social Services, Telephone (01563) 576017 or Alan Ward, Acting Head of Service: Schools, telephone (01563) 576126.

PROPOSAL DOCUMENT

An electronic version of the Proposal Document can be found at the link below:

<http://www.east-ayrshire.gov.uk/Resources/PDF/S/schools/Proposed%20merger%20of%20Bellfield%20Primary%20School%20and%20Kirkstyle%20Primary%20School%20consultation.pdf>

Department of Educational and Social Services

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Our Ref: AK/JW

31 January 2014

Dear Parent / Guardian

As you will be aware an issue has arisen in relation to the catchment boundaries between Kilmaurs Primary and Hillhead Primary following an enquiry regarding school transport.

It has been identified that a small number of families, of which you are one, have children attending Kilmaurs Primary school although your address is within the Hillhead catchment area. It is also clear from discussion and information from the school that you have not submitted a placing request for the school and up until now have assumed your place has been based on your address being within the catchment to Kilmaurs.

This anomaly appears to date back to the time when the houses within your estate were built and I can only assume the location of the houses and the catchment boundary was misinterpreted. I have attached 2 maps. The first shows the catchment area adopted by East Ayrshire Council from Strathclyde Region, which would predate 1996. The second map is a larger scale map showing the area affected and the current location of houses within the Cardhu streets.

I would confirm there has been no change in the boundary lines for the Kilmaurs Primary School catchment in the life of East Ayrshire Council. Therefore, the information provided at the time of registration was incorrect.

I do however understand this coming to light now has caused some distress and worry in relation to the impact this will have on your children's place within the current education establishment, future placing decisions and potential access to school transport.

The Council does have the power to alter school catchment areas in terms of the Schools (Consultation) (Scotland) Act 2010. This Act sets out a clear process that ensures that there is effective communication and consideration of all stakeholders' views, including your own, when there are proposed changes. Accordingly, given the current catchment areas appear to be at odds with the natural community

boundary of the area I would propose to take steps to make a formal proposal to the Council in due course to rectify this position.

In the meantime, I would confirm that until the formal process has been completed, children currently attending Kilmaurs Primary and Stewarton Academy (session 2013-14) will be treated like any other child within the catchment area of Kilmaurs Primary school and Stewarton Academy. This will include the opportunity to access free school transport.

I would however confirm that children not currently attending the schools will require to be registered in line with the current catchment boundaries and will be treated as placing requests. Although places cannot be guaranteed where siblings are already attending the school preference would normally be given. In the event of such placing requests being granted I would also confirm that this will allow access to school transport under the privilege seat policy and where available would be at a cost of £1.20 per day.

I hope you find this an appropriate course of action and would ask you to confirm to the Transport section if you wish to take up the offer of school transport. At the point additional proposals are brought forward, further communication will be issued.

However, should you wish to discuss this matter further, I would be happy to arrange a meeting at a mutually convenient time.

I trust that the foregoing adequately explains matters meantime.

Yours sincerely

ANDREW KENNEDY
Acting Head of Facilities Management

APPENDIX 2

The Council has been conducting a consultation mainly in relation to the proposal to merge Bellfield and Kirkstyle Primary Schools, but which also proposes that children attending Hillhead Primary School should at a point in the future transfer to Grange Academy rather than Kilmarnock Academy as at present. For clarity, there is no proposal to change the current catchment area of Hillhead Primary School, neither is there any proposal to change the catchment area of Kilmaurs Primary School. Children's right to attend either of these schools is therefore also unchanged by this proposal.

It has been pointed out that paragraph 4.2a of the proposal document in giving a general description of the Hillhead catchment area does not specifically identify that some houses in Cardhu Gardens are within the catchment area of Kilmaurs Primary School. The Council does recognise that part of Cardhu Gardens does lie within the Kilmaurs catchment area, and there is no proposal to change this position in this document. For that reason, having considered the matter, and concluded that this is not a material issue given the purpose of the proposal document, there is no requirement to either amend the proposal document nor extend the consultation period. Comments on this issue received as part of the consultation process will be considered in the final report that will go to Cabinet.