

**HIGHLAND COUNCIL**

**CARE AND LEARNING SERVICE**

REVIEW OF THE PROPOSAL TO DISCONTINUE PROVISION OF EDUCATION AT ACHFARY PRIMARY SCHOOL, REASSIGNING ITS CATCHMENT AREA TO THAT OF KINLOCHBERVIE PRIMARY SCHOOL.

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| This report has been prepared following a review of the proposal:   * To discontinue education provision at Achfary Primary School, re-assigning its catchment area to that of Kinlochbervie Primary School   Having had regard (in particular) to:   * Relevant written representations received by the Council (from any person) during the consultation period. * Oral representations made to it (by any persons) at the public meeting held at Achfary Primary School and Village Hall on 26th April 2016. * The report from Education Scotland.   This document has been issued by the Highland Council under the  requirements of the Schools (Consultation) (Scotland) Act 2010, as amended. |

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26th April 2016

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**1.0 Background**

* 1. The Education, Children and Adult Services Committee (ECAS), at its meeting on 17 March 2016, agreed that a statutory consultation be undertaken on the proposal to discontinue the provision of education at Achfary Primary School, re-assigning its catchment area to that of Kinlochbervie Primary School. The Proposal Paper also suggested an alternative option of re-assigning the Achfary catchment to that of Scourie Primary School.
  2. **Appendix 1** is the original Proposal Paper and provides full details of the above proposal. The appendicesto the original Proposal Paper are also attached.
  3. Achfary Primary School has been “mothballed” since the end of session 2011-12, and current population figures within the school catchment indicate a maximum school roll of 2 by 2019-20. A roll of this size impedes the successful delivery of the curriculum and hampers social interaction opportunities for children.
  4. Since July 2012 pupils from the Achfary Primary catchment have attended either Kinlochbervie Primary, 15 miles from Achfary Primary, or Scourie Primary, 13.6 miles from Achfary Primary. These arrangements have been of benefit to the pupils at all 3 schools.
  5. During last session there was 1 child within the P1-7 age in the Achfary catchment, who attended Kinlochbervie Primary.
  6. The school has a planning capacity of 18. The notional school roll of 2 by 2019-20 would therefore represent 11% use of capacity.

1.7 Achfary Primary School is designated as a rural school under the terms of the Schools (Consultation) (Scotland) Act 2010. In that context, the Council has given special regard to:

* any viable alternative to the closure proposal; alternatives were considered at Sections 3-6 of the Proposal Paper **(Appendix 1)** and have been reconsidered again in the light of responses received to consultation – see Sections 5 and 9 below.
* the likely effect on the local community in consequence of the proposal (if implemented), with reference in particular to (a) the sustainability of the community, (b) the availability of the school’s premises and its other facilities for use by the community. The effect on the local community was considered at Section 14 of the Proposal Paper **(Appendix 1)** and is further considered at Section 7 below, taking into account representations received during consultation.
* the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented) with reference in particular to;
* the effect caused by such travelling arrangements including (in particular), (i) that on the school’s pupils and staff and any other users of the school’s facilities, (ii) any environmental impact; effects on school transport were considered at Section 12 of the Proposal Paper. **(Appendix 1)**.

1. **Consultation process**

2.1 The formal consultation period ran from Monday 11 April 2016 to Tuesday 24 May 2016. Written representations on the proposal were sought from interested parties as defined within the Schools (Consultation) (Scotland) Act 2010, as amended.

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

(i) Parents of pupils in the catchment area of Achfary Primary School, and parents of pupils attending Kinlochbervie and Scourie Primary Schools, including parents of pre-school pupils;

(ii) All pupils attending Kinlochbervie and Scourie Primary schools.

(iii) Members of the UK and Scottish Parliaments for the area affected by the proposal;

(iv) The Parent Councils of Kinlochbervie and Scourie Primary Schools.

(v) Staff of Kinlochbervie and Scourie Primary Schools.

(vi) Trade union representatives;

(vii) Kinlochbervie Community Council, and Scourie Community Council;

(viii) Education Scotland;

(ix) Highland Youth Convenor.

(x) The Care and Learning Alliance

(xi) The Duke of Westminster Settlement Trust (local landowner)

(xii) Members of the Highland Community Planning Partnership

2.3 The proposal document was also advertised on the Highland Council website.

2.4 A public meeting was held in Achfary on the 26 April 2016. The meeting was advertised in advance on the Highland Council website and Facebook page, and in the *Northern Times*. The minute of the meeting is at **Appendix 2.**

1. **Review of proposals following the consultation period**

3.1 Following receipt of written representations received by Highland Council and consideration of oral representations made at the public meeting, officials reviewed the proposals.

3.2 The feedback from the consultation was considered by a range of Council officials. This ensured that the Council met the requirements of the 2010 Act.

3.3 The outcome of this review process is reflected in the response, conclusion and recommendations outlined below.

**4.0 Responses received**

4.1 Teaching staff at Kinlochbervie and Scourie Schools sought the views of pupils (including any living within the Achfary catchment area) based on question set out in an age adapted questionnaire. A summary of the pupil responses is at **Appendix 3.**

4.2 A list of others who responded in writing during the public consultation is also at **Appendix 3**, along with copies of these responses

**5.0 Issues raised during the consultation period**

5.1 Three written responses were received in response to the consultation exercise. One of these was an 82-name petition from the Scourie area, supporting the closure of Achfary Primary but suggesting that the catchment be re-assigned to Scourie Primary rather than Kinlochbervie.

5.2 One of the other two written responses also supported the closure of Achfary whilst arguing for the catchment to be re-assigned to Scourie. The remaining response did not comment directly on the closure proposal, but again argued that in the event that Achfary closed, the catchment should be reassigned to Scourie rather Kinlochbervie.

5.3 The staff of Scourie and Kinlochbervie Primaries advise that the majority of their pupils support the closure of Achfary (see summaries at Appendix 3). Two of the pupils at Scourie thought that Achfary should continue to be mothballed.

5.4 Seven of the nine Scourie pupils thought that the Achfary catchment should be re-zoned to the Scourie catchment. The pupils at Kinlochbervie felt that children from Achfary should have the choice of going to Kinlochbervie or Scourie.

5.5 As can be seen from **Appendix 2,** no person who attended the public meeting spoke at the meeting to oppose the proposed closure. On the contrary there was overwhelming support for the closure of Achfary School. There was again debate about the reassignment of the Achfary catchment, and all of those who spoke at the meeting were in favour of the Achfary catchment being re-assigned to Scourie.

5.6 The general community support for the closure of Achfary is based on the very

low numbers of children in the catchment.

5.7 The argument put forward by pupils who supported keeping the school mothballed is summarised below together with the response from the Council.

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| **Issue 1**  Whilst there are not enough pupils to re-open Achfary at the moment, the village might get more families/children in the future. |

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| **Response 1**  In drawing up its original proposals, the Council calculated estimates of the  future roll, taking into account the number of pupils currently within the  catchment, the local birth rate, and potential housebuilding. As set out in  Section 4 of the Proposal Paper, projections indicate that if Achfary Primary  were re-opened, it would be as a single teacher school with a very small roll. |

5.8 The arguments put forward by the Scourie pupils, as to why pupils from Achfary should attend their school, are summarised below, with the Council’s responses:

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| **Issue 2**  Scourie needs more pupils. There are hardly any pupils in Scourie School. Scourie has less pupils than Kinlochbervie. |

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| **Response 2**  Highland Council agrees that Scourie Primary could benefit from gaining more  pupils. However, the decision in this case must be based on the educational  benefit to the pupils currently at Achfary, rather than the potential benefit to  Scourie School. |

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| **Issue 3**  Scourie has big classrooms, a canteen a big football pitch and a play area. There are lots of nice people at Scourie and the school is very safe. Scourie is a school with great teachers. |

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| **Response 3**  Highland Council is clear that there would be educational benefits for the  Achfary pupils in attending either Scourie and Kinlochbervie Primary Schools. |

5.9 The summarised arguments put forward by those pupils who supported reassigning the Achfary catchment to Kinlochbervie, were as follows:

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| **Issue 4**  You can make more friends at Kinlochbervie and it’s a nice school. So is Scourie but it’s a small school, only 7 will be there soon. There are more classes and play areas at Kinlochbervie. |

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| **Response 4**  See response 3. |

5.10 The main arguments advanced by other respondents who favoured the reassignment of the Achfary catchment to Scourie are summarised below, together with the Council’s response to each. The points noted cover those made at the public meeting as well as in writing.

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| **Issue 5**  Achfary is slightly closer to Scourie than to Kinlochbervie, and historically has  linked more to Scourie. The transport route for schoolchildren is shorter.  There are more family links between the communities of Achfary and Scourie. |

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| **Response 5**  The Proposal paper acknowledged that Achfary is closer to Scourie than it is  to Kinlochbervie. We note the strong view of the community of Scourie,  regarding family links between Scourie and Achfary. |

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| **Issue 6**  There are proposed developments at Scourie that will have a positive impact  on the future school roll at Scourie. It is important though to maintain the  viability of Scourie School in the intervening period, and re-assigning the  Achfary catchment to Scourie could help with that.  If Kinlochbervie was chosen to receive the Achfary catchment, there would be  fears locally about the future of Scourie Primary.  Although everyone is in agreement with the closure of Achfary, moving the  Achfary catchment to Kinlochbervie feels like a nail in the coffin for Scourie  Primary. Kinlochbervie should not be favoured over Scourie, or Durness for  that matter. There is concern locally that the Council wants to create a single  school in Kinlochbervie for the entire area. That would mean children from  the other catchments having excessively long journeys to school, all the way  from Kylesku in the south to Eriboll in the north. Unapool School was closed  15 or so years ago and with Achfary going too, the area will have lost 2  primary schools out of 5 in the last couple of decades. |

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| **Response 6**  As noted at Response 2, the decision here must be based on maximising  educational benefit to the pupils currently at Achfary, rather than any potential  benefit to Scourie School.  Highland Council has no plans for further school mergers in the area, and the  roll projections, locations and buildings issues in the other schools are not the  same as at Achfary. Whilst no-one can say what may happen in future, under  current legislation all school closure proposals are subject to the requirements  of the Schools (Consultation) (Scotland) Act 2010, with the associated right of  call-in by Scottish Ministers, and the potential of referral to the independent  School Closures Review Panel. |

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| **Issue 7**  Since Achfary was mothballed three years ago, any child living in the Achfary catchment have had Highland Council paid transport to Scourie, whereas, parents have had to fund their own transport to Kinlochbervie, so why the change of plan?  When Achfary was mothballed the single pupil in the catchment was told their catchment would henceforth be Scourie, so why there was there now doubt about the reassignment of the catchment? The then Head Master at Scourie was also told that he was in charge at Achfary. Kinlochbervie Primary does not have bigger numbers or better classrooms than Scourie. It is not better in any way. Both Kinlochbervie and Scourie are good schools. |

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| **Response 7**  As previously mentioned, Highland Council is confident there would be  educational benefits for the Achfary pupils in attending either Scourie and  Kinlochbervie Primary Schools.  The arrangement made for school transport following the mothballing of  Achfary was an informal one. As Achfary Primary is not closed, it still has a  catchment. Nevertheless, it is acknowledged that in 2012 the Council  considered Scourie to be the more natural alternative school for pupils from  Achfary. |

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| **Issue 8**  Scourie nursery's roll has increased to seven children this session, showing that the number of children in Scourie primary will be growing. |

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| **Response 8**  The increased number of nursery age children in Scourie, and the projected  rising roll, were noted in the Proposal Paper. |

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| **Issue 9**  Achfary Estate is linked with Kylestrome Estate and so keeping the children of these families in the same school would allow the children to mix with each other in and out of school helping to build a strong community bond.  Achfary, Scourie and Kylestrome already function as a strong working community. |

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| **Response 9**  Highland Council agrees that there are strong employment and community  links between Scourie and Achfary. |

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| **Issue 10**  In the winter period the road to Scourie is better. If pupils from Achfary had to travel to Kinlochbervie, this could lead to poorer school attendance and affect grades. |

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| **Response 10**  The B801 raod to Kinlochbervie has the same gritting priority, as far as  Kinlochbervie, as the A838. However, it is accepted that the road from  Achfary to Scourie is shorter and has many fewer steep gradients. |

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| **Issue 11**  The school is in the process of undergoing Highland Council reviews and due to this, have been working closely with inspectors to improve the school and all aspects of learning and development. |

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| **Response 11**  See response 3. |

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| **Issue 12**  Scourie school currently offers children a number of extra activities - violin lessons, chanter lessons, afterschool gardening club, craft club and chess club, there is also an outstanding school band which has won awards at music festivals on several occasions. |

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| **Response 12**  See response 3. |

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| **Issue 13**  As a community, Scourie can also offer children other activities including jujitsu, football club, table tennis and exercise class. |

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| **Response 13**  This is noted. Other activities are of course available in Kinlochbervie. |

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| **Issue 14**  Scourie community is in full support in keeping that village school as the catchment area for Achfary. |

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| **Response 14**  Highland Council agrees that the consultation exercise identified strong  support in Scourie for the Achfary catchment to be reallocated to Scourie  Primary. |

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| **Issue 15**  Why does the Proposal Paper make such an issue about the relative numbers at Scourie and Kinlochbervie? Until recently Scourie had larger numbers and that could happen again. It seems illogical to favour Kinlochbervie over Scourie on the basis of pupil roll. |

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| **Response 15**  At present there is a notable difference between the two school rolls.  However Education Scotland have noted that the Highland Council’s own  projections suggest the schools rolls of Scourie and Kinlochbervie will be  closer in future. Their detailed comments are considered further in Sections  6 and 10 below. |

5.11 It was also suggested that the Council should offer families in Achfary a choice of either Scourie or Kinlochbervie Primaries.

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| **Issue 16**  Parents from the Achfary catchment should be given the choice of sending  their children to either Scourie or Kinlochbervie. |

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| **Response 16**  Highland Council places all its communities within designated school catchments. Pupils enrol into the designated school for their home address, at both primary and secondary level. This system is necessary for the efficient planning of educational provision. If parents choose another school, then this must be by means of what we term a placing request. These are normally granted but can be refused where acceptance of the request would result in additional expenditure. Transport is not provided for children attending a school other than their catchment school.  Highland Council will apply the same principles to pupils from the Achfary,  Scourie, and Kinlochbervie catchments as to other schools in Highland. |

**6.0** **Summary of the issues raised by Education Scotland**

6.1 In line with legislative requirements, Education Scotland was invited to submit comments on the Council’s proposals. A copy of the report from Education Scotland is appended – **Appendix 4.**

6.2 In their report, Education Scotland recognise that the proposal offers the prospect of clear educational benefits to the children affected. The proposal will enable the few children from Achfary to learn with their peers and benefit from social interaction. They could access a more appropriate range of opportunities within the curriculum than would be the case at Achfary Primary School.

6.3 HM Inspectors further note that parents, children and staff who spoke with them in both Kinlochbervie Primary School and Scourie Primary School accepted the need to close Achfary Primary. Whilst regretting the loss of a local school, they saw merit in the educational benefits presented in The Highland Council’s consultation document. HM Inspectors comment that the Council has given appropriate consideration to reasonable alternatives to closure, and conclude that population forecasts for the area do not make the alternatives viable or cost effective.

6.4 HM Inspectors noted however that stakeholders in Scourie Primary School disagreed with The Highland Council’s proposal to reassign the Achfary catchment to Kinlochbervie Primary School. They were of the view that Achfary has more natural area links to Scourie including employment links. They were concerned about the area’s population decline and the falling school roll in Scourie, and felt that The Highland Council’s proposal could make it more difficult to attract families to the area and could therefore make Scourie Primary School more vulnerable in the future. Achfary Primary School is located within the Scourie and District Community Council area. Members who spoke with HM Inspectors felt strongly that Achfary should be zoned to Scourie Primary School.

6.5 HM Inspectors noted that the Highland Council’s case for re-assigning the catchment to Kinlochbervie is partly based on the fact that Kinlochbervie Primary School currently has 24 children on the roll, a larger roll than Scourie Primary School which has nine children, thus affording more opportunities for children to learn in age appropriate peer groups. HM Inspectors note however that the roll projection at Kinlochbervie is projected to fall whilst that at Scourie is projected to rise, and conclude that in the longer term, the educational benefits between assigning the Achfary Primary School catchment to either Kinlochbervie Primary School or Scourie Primary School are evenly balanced.

6.6 The Report from Education Scotland recommends that The Highland Council will need to consider the views provided by stakeholders at Scourie Primary School that Achfary Primary School catchment should be reassigned to Scourie Primary School.

6.7 The issues raised around the reassignment of catchment are addressed in Section 10 below.

**7.0 Effects on the Community**

7.1 Paragraphs 14.1 to 14.5 of the Proposal Paper **(Appendix 1)** sets out the Council’s assessment of the effects of closure on the local community. The assessment was not challenged during consultation. It was suggested during the public meeting that, if the building reverted to the Estate owners, there might be a prospect of increased community use. Although there were not many people in the community, they would like to use the building, and if the school were closed the Estate might consider upgrading it.

**8.0 Alleged omissions or inaccuracies**

8.1 Two alleged inaccuracies were raised in consultation, both at the public meeting (see Appendix 2). It is suggested that paragraph 10.2 of the Proposal Paper was incorrect in stating that only 3 children attended the pre-school nursery in Scourie when there were in fact 4. The figure of 3 was however correct at the time of drafting. Roll figures cannot ever be anything other than a snapshot at a particular point in time. Whilst Highland Council is happy to acknowledge that the nursery roll at Scourie had risen to 4 by the time of the public meeting, the Council does not accept there was an inaccuracy in the original paper. It should be noted that the Proposal Paper acknowledged that the nursery roll at Scourie was expected to increase to 7 August 2016.

8.2 It was suggested that paragraph 19.2 of the Proposal Paper was also inaccurate, in that it suggested funded school transport would be from Scourie to any other school. This was acknowledged as a typing error that should have referred to Achfary.

8.3 The Council has carefully considered the impact of this inaccuracy on the Proposal but is clear that it is nothing more than a typing error that does not represent a material consideration relevant to the Authority’s decision as to implementation of the proposal.

**9.0 Further Review of Alternatives to Closure**

9.1 Throughout the consultation the Council has had special regard to the provision for rural schools within Section 12 of the Schools (Consultation) (Scotland) Act 2010. In particular, the Council has had special regard to the following:

* any viable alternative to the closure proposal;

Alternatives to closure were reviewed at Section 3 of the original proposal paper **(Appendix 1).** The consultation exercise did not identify any new alternatives for consideration. Having reconsidered each of the alternatives identified at Section 3 of **Appendix 1**, the Highland Council has concluded that the alternatives to closure would not deliver the educational benefits of the proposal. This view has been endorsed by HM Inspectors. The detailed reasons for the Council’s view are set out in Section 11 of **Appendix 1**.

* the likely effect on the local community in consequence of the proposal (if implemented), with reference in particular to; (a) the sustainability of the community, (b) the availability of the school’s premises and its other facilities for use by the community;

The potential community impact of the proposal was considered at Section 14 of the Proposal and is further considered at Section 7 above.

* the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented) with reference in particular to (a) the effect caused by such travelling arrangements including (in particular), (i) that on the school’s pupils and staff and any other users of the school’s facilities, (ii) any environmental impact, (b) the travelling arrangements are those to and from the school of (and for) the school’s pupils and staff and any other users of the school’s facilities.

The impact of the proposal on travel arrangements was considered at Section 12 and 19 of the original proposal paper. Since Achfary School has been mothballed since 2012, implementation of the proposal would not require the introduction of any different travelling arrangements for pupils or staff.

**10.0 Further Review of Catchment Issues**

10.1 The Council has carefully considered the arguments put forward in favour of re-assigning the Achfary catchment to that of Scourie Primary School. The issue is covered above at Responses 2-15.

10.2 Whilst the original proposal recommended re-assigning the Achfary catchment area to that of Kinlochbervie Primary School, the Proposal Paper also suggested an alternative option of re-assigning the Achfary catchment to that of Scourie Primary School. The Proposal Paper stated Highland Council’s opinion that both Scourie and Kinlochbervie Primaries offer educational advantages in comparison with a re-opened Achfary Primary, and specifically sought the views of the local community on the best way to re-assign the catchment area of Achfary Primary School.

10.3 Taking into account the very strong views expressed by the parents and community of Scourie; the strong community links demonstrated between the two communities; the fact that Achfary is part of the Scourie and District Community Council area; and Education Scotland’s conclusion that the educational benefits between assigning the Achfary Primary School catchment to either Kinlochbervie Primary School or Scourie Primary School are evenly balanced; Highland Council is persuaded that it would be more appropriate to transfer the Achfary School catchment to the Scourie Primary School catchment, in the event Achfary Primary School is closed.

**11.0 Procedure for Call-in by the Scottish Ministers**

11.1 As set out in The Schools (Consultation) (Scotland) Act 2010, Highland Council is required to notify the Scottish Ministers of its decision and provide them with a copy of the Proposal Paper and Consultation Report. The Scottish Ministers have an eight-week period from the date of that final decision on 15 December 2016 to decide if they will call-in the proposal. Within the first three weeks of that eight-week period, the Scottish Ministers will take account of any relevant representations made to them by any person. Therefore, anyone who wishes to make representations to the Scottish Ministers can do so until 5 January 2017. The Scottish Ministers will have until 9 February 2017 to take a decision on the call-in of the Closure Proposal.

11.2 Anyone wishing to make a representation to the Scottish Ministers requesting them to call-in a local authority decision to close a school is asked to email [schoolclosures@gov.scot](mailto:schoolclosures@gov.scot) or to write to **School Infrastructure Unit, Learning Directorate, The Scottish Government, Area 2A South, Victoria Quay, Edinburgh EH6 6QQ by 7 January 2015.**

11.3 Until the outcome of the eight week call-in process has been notified to Highland Council, it will not proceed to implement the Proposal. If the Scottish Ministers call-in the proposal, it will be referred to a School Closure Review Panel.

**12.0 Legal issues**

12.1 Throughout this statutory consultation Highland Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010, as amended.

12.2 As provided for in section 1 of the Education (Scotland) Act 1980, it is the duty of the Council to ensure adequate and efficient provision of school education within Highland, 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). As with all Council duties, the Council also 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 2002, section 1). Each of the above, and all other legislative requirements, have been taken into account in the preparation of this Report.

**13. Financial Implications**

13.1 Advice on the financial implications of the proposal was issued with the Proposal Paper and can be found at **Appendix 1K.**

**14.0 Equality Impact Assessment**

14.1 An Equality Impact Assessment was issued with the proposal paper and can be found at **Appendix 1L.**

**15.0 Conclusion**

15.1 The consultation process has complied fully with legislative requirements and has provided an opportunity for all parties to identify key issues of concern. These issues have been fully considered and the Council’s response detailed in sections 5 – 10 above.

15.2 Education Scotland staff visited Scourie and Kinlochbervie Primary Schools to speak to parents, pupils and staff. They also had the opportunity to review in detail the proposal document and all written responses.

15.3 The Director of Care and Learning, on reviewing all of the submissions, the note of the meeting, and the Education Scotland report; and having had special regard to alternatives to closure, to the community impact and to the impact of travelling arrangements; concludes that the proposal to close Achfary Primary School offers educational benefits and should be implemented.

15.4 In respect of the re-assignment of the Achfary catchment following closure, the Director of Care and Learning has taken note of the responses to the public consultation, the views expressed at the public meeting; and the Report by Education Scotland, and has concluded that the Council should adopt the alternative option identified in the Proposal Paper; to re-assign the Achfary catchment to the Scourie Primary School catchment, rather than the original recommendation to re-assign the catchment to that of Kinlochbervie Primary School.

**16 Recommendation**

16.1 It is therefore recommended that Highland Council approves the proposal to discontinue education provision at Achfary Primary School; re-assigning its catchment area to that of Scourie Primary School.

**Bill Alexander**

**Director of Care and Learning**

**26 September 2016**