

**HIGHLAND COUNCIL**

**CARE AND LEARNING SERVICE**

REVIEW OF THE PROPOSAL TO DISCONTINUE PROVISION OF EDUCATION AT THE BLACK ISLE EDUCATION CENTRE.

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| This report has been prepared following a review of the proposal:* To discontinue education provision at The Black Isle Education Centre

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 the Centre on 29 June 2016.
* The report from Education Scotland.

This document has been issued by the Highland Council under therequirements of the Schools (Consultation) (Scotland) Act 2010, as amended. |

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**1.0 Background**

* 1. Highland Council’s Education, Children and Adult Services Committee (ECAS), at its meeting on 18 May 2016, agreed that a statutory consultation be undertaken on the proposal to discontinue the provision of education at Black Isle Education Centre (BIEC).
	2. **Appendix 1** is the original consultative paper and provides full details of the above proposal. **Appendices A - H** are the appendices to the original proposal.
	3. Currently the Centre is designated as a special school for a very small number of pupils with Social, Educational and Behavioural Needs (SEBN). In recent years, as SEBN support has increased around mainstream schools, the BIEC has been changing its approach to supporting pupils, decreasing the number of pupils formally enrolled whilst continuing to support pupils on a more flexible basis. There are presently no young people enrolled as pupils at the Black Isle Education Centre, and the last pupil to be enrolled left at Christmas 2015. Those pupils who are still attending the Centre do so on a flexible part-time basis. The Centre has not operated as a school since these arrangements came into effect.
	4. There is recognition that many of the buildings on the site are in a very poor condition. The current accommodation at the BIEC scores very poorly for accessibility. There are no disabled ramps; pupil toilets are located upstairs in the main building; there are no lifts; and external paths are very uneven. In general the Centre’s accommodation does not meet modern expectations for the provision of education to young people with high levels of SEBN.

1.5 The Black Isle Education Centre is designated as a rural school under the terms of the Schools (Consultation) (Scotland) Act 2010. In that context, the Council has had special regard to:

* any viable alternative to the closure proposal; alternatives were considered at Section 3 and Appendix A of the Proposal Paper and have been reconsidered again in the light of responses received to consultation – see Sections 6 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 8 of the Proposal Paper **(Appendix 1)** and is further considered at Sections 8 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 9 of the Proposal Paper, **(Appendix 1)** and reconsidered again in the light of responses received to consultation – see Sections 6 and 9 below.

1. **Consultation process**

2.1 The formal consultation period ran from Monday 30 May 2016 to Wednesday 24 August 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:

1. Parents of pupils currently receiving a service from the Black Isle Education Centre;
2. Any pupils currently receiving a service from the Black Isle Education Centre.
3. Members of Parliament and Members of Scottish Parliament for the area affected by the proposal;
4. Staff of the Black Isle Education Centre.
5. Trade union representatives;
6. Fortrose and Rosemarkie Community Council;
7. Education Scotland;
8. Highland Youth Convenor.
9. 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 the Centre on the 29 June 2016. The meeting was advertised in advance on the Highland Council website and Facebook page, and in the *Ross-Shire Journal*. 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. In summary, the Director of Care and Learning believes that the Black Isle Education Centre should cease to operate as a registered school, as has in effect been the case since January 2016, but that the specialised support offered by the Centre should continue as part of the overall range of supports provided to pupils with SEBN, and be offered from a new location. The Council has identified the former Killen Primary School, located a few miles from the BIEC, as a suitable location as it has previously been used as a base for Children 1st, providing counselling and support to vulnerable children and young people. The building at Killen would be converted to provide 2 classrooms plus a craft room, a life skills kitchen and a number of offices and small rooms for 1-1 therapeutic support. An extension would be built to create a store for outdoor equipment such as kayaks and mountain bikes. The new location at Killen would augment the other supports currently provided within the South and Mid Areas and offer flexible part-time support to pupils, who will remain on the role of their local mainstream school.

**4.0 Responses received**

4.1 A list of those who responded in writing during the public consultation is at Appendix 3. There were 5 written responses. Two of these came from parents or grandparents of young people currently attending the Centre. At the time of consultation 14 young people were receiving a service from the BIEC and currently 16 do so. Copies of the written responses can also be found at Appendix 3.

4.2 One respondent supported the closure proposal. One further response, from the Community Council, supported the suggestion that the Centre should close as a school but expressed the view that it should continue as an Outreach Centre providing part-time support to pupils with SEBN. The other 3 responses all opposed the proposal.

4.3 A total of 14 questions were asked at the Public Meeting. These, and the responses made to them, can be found within the note at Appendix 2.

**5.0 Consultation with Education Scotland**

5.1 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.**

**6.0 Issues raised during the consultation period**

6.1 The main points made in support of the Council’s proposal were:

* The young people who attend the Centre could surely be supported in a mainstream school.
* The buildings are in need of attention but the cost of this facility must be huge. Money could be better spent elsewhere.

6.2 The arguments set out by the Community Council, in support of altering the Centre’s status as a school, are set out on the first page of their consultation response (Appendix 3d).

6.3 The main arguments put forward by those opposed to the proposal are summarised below, together with the responses from the Council. Where different responses raise similar issues these have been “grouped” for the purposes of the response.

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| **Issue 1** This centre is being closed to save money. The venue has not been maintained in order to save money. Few children have been referred to the facility in recent years in order to avoid costs, and in order to defend the arguments for the closure of the facility. Any plant will die if it is not watered.  |

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| **Response 1**It is inaccurate to claim that children have not been referred to the Centre in recent years in order to avoid costs. There is a well-established protocol for referring young people to the Centre, and there are 16 pupils currently receiving part-time support. As a school, the Centre could only enrol a maximum of 12 pupils. The numbers of young people receiving support at any one time fluctuates according to the level of identified needs and not because of financial considerations. |

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| **Issue 2**It remains the case that a few special children in each cohort fail to thrive in a traditional school setting. They may be diagnosed with a range of conditions from behavioural disorders, attachment disorders, anxiety, autistic spectrum disorders, oppositional defiance disorders or sensory processing disorders. Or, they may not be diagnosed with any disorder at all but instead remain a mystery to the professionals they encounter, but one thing is certain: They are NOT thriving in a traditional school. For these few, a centre like this could be a wonderful resource and an opportunity to learn. For the families of these children, it could represent hope. It is a lie to say that all children can succeed in a traditional school environment with the right support. Some cannot. Mainstream schools cannot provide specialised services or the specialist input many young people with social, behavioural and emotional needs (SEB) require. They are not geared up for that. SEBD pupils needing to partially access alternative educational provision will benefit more if this is **off site.** Struggling pupils are more likely to remain within the mainstream and succeed if ‘time away’ is literally that. For so many ‘holding it together’ for a full school week proves too much of a challenge. Yes, a mainstream school can provide ‘chill out’ time but will staff in a busy school be available to make this time constructive, stimulating and educationally rewarding? Transferring all support for pupils from BIEC to schools would prove short sighted and more likely to have a detrimental impact on other pupils’ potential to learn. There could be a domino effect. The reality might be that the staff hours required to manage greater numbers of challenging pupils day-to-day in mainstream make this option less cost effective in the medium to long term. Also (and most importantly), there’s the issue of the pupils’ potential to access an education. Which model is going to best facilitate that? The proposal to close the school talks about the young people being accommodated within their local school with support?? Why do you think they are not there in the first place? - it didn't work!!  There is no plan to continue the provision as it is just now only to ‘include’ the children in their local mainstream school.  There must be serious reservations about (trying) to force children back into that kind of setting, which has already failed them. There must be a plan put in place to continue this valuable service before any changes are made to the current provision.Parents of young people attending the Centre have found their children do well at the Centre whilst struggling to maintain even part-time provision at mainstream schools.It seems nonsensical to break up this team whose approach seems to work for young people who have experienced years of being excluded from mainstream schools. Staff at mainstream schools are not equipped to deal with the different approaches and relationships required in these special cases.The BIEC provides an invaluable service, as a result of its skilled staff who understand the needs of pupils and have the time to address the children’s needs. If the service at BIEC is to change then the amount of activities, specialised staff and their ability to be adaptable to each young person needs to be preserved perhaps in another more suitable location.  But there is definitely a need for this service.The ‘model’ that has evolved at BIEC of part-time, flexible support for SEBD pupils is worth continuing and developing. Any benefits of the ‘flexible’ approach could be eroded without a centre of operations. A sense of ‘place’ is very important to the pupils who will need to access outreach provision. Building trusting relationships with staff and other pupils and feeling part of a less stressful but still structured learning community is more likely to deliver positive outcomes in the longer term. For those working with challenging children team work is vital. Staff are less likely to develop mutually respectful and supportive working relationships if there is no base from which to operate. A centre of excellence has the potential to build up dedicated expertise and a bank of specialist knowledge that can better help challenging pupils **and** inform best practice across Highland and beyond.Quoting Council guidelines, *“Getting it right for every child”* CORE MESSAGE:“*Everyone has a responsibility to do the right thing for each child and we must all work towards a unified approach, with less bureaucracy and more freedom to get on and respond to children. This will mean earlier help and the child getting the right help at the right time packaged for their particular needs.”* |

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| **Response 2**Having reviewed the responses, and the report from Education Scotland, Highland Council considers that its original proposal to close the Black Isle Education Centre as a school does offer educational benefits and should be implemented. The Council agrees with the comment above, that *“The ‘model’* *that has evolved at BIEC of part-time, flexible support for SEBD pupils is* *worth continuing and developing.”*  In light of this, the Council proposes to amend its original proposal insofar as it relates to the alternative provision to be offered for young people with SEBN. The ASN Review, undertaken by Highland Council in 2014 recommended a review of SEBN support and provision and a range of training courses and support for the development of nurture provision in mainstream schools has been progressed since then. As outlined at paragraph 3.3 above, the Council proposes to further enhance the available range of provision and adapt the old school building at Killen which will offer flexible part-time provision to young people who might previously have attended the Black Isle Education Centre. The new provision at Killen would not have the status of a school but would operate as a base for a service providing both on site and outreach specialist support on a part-time basis to young people who would remain on the roll of their designated school. The emphasis would be on the promotion of life skills, resilience and social skills, with some curricular support for the Broad General Education. Further comments on the advantages of the Killen site are set out at Response 3 below. |

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| **Issue 3**The location of this venue is very special. It is peaceful, it has many natural resources such as beaches and woodland that offer opportunities for forest school and beach school approaches. These sensory experiences can form the basis of healthy functioning. It is also commutable. The Black Isle has many gardening and community allotment projects and a tradition of growing that the community could share with the children. Some children from local schools are benefitting from this type of experience. The Black Isle has a rich diversity of the arts. This richness in the expressive arts can be a powerful medium for beginning the process of positive and meaningful communication and connection. The Black Isle has a horse riding centre for the disabled facility which could be accessed from the education centre. There are many businesses that could provide community-based training and work experience. The education centre could have new life breathed into it and it could become an example of excellence and of community centred education for a broader group of children who fail to thrive in a school setting. It is a lie to say the area would be unaffected by loss of this provision. The Black Isle would lose the opportunity to share its rich resources with those most in need of them. It is accepted that there are major accommodation issues at the BIEC site. The physical buildings fall well short of modern expectations. However, the location/setting is ideal. For example, the site presents huge scope for outdoor learning and outdoor activity (e.g. cycling, kayaking, woodland activities, bike maintenance). There was investment in upgrading facilities not too long ago as well. The overall environment is relaxing, quiet and not ‘clinical’. If this flexible ‘model’ is to become the gold standard and support many more pupils than is currently possible then investment in infrastructure is bound to be needed wherever it’s located. That’s unavoidable.This is a resource that is required within the area and serves to provide a style of education to a number of children which is not available elsewhere. The centre provides education based on outdoor pursuits, and traditional education, which has shown benefit to the pupils.The location of BIEC at a distance from population centres is true of many Highland schools. A large number of schools are kept open with far fewer pupils accessing the education provided than currently access services at the BIEC. In the context of rural Highland, the BIEC site isn’t that badly located. The Black Isle is within 40 minutes of a number of Ross-shire and Inverness schools (primary and secondary.) The centre is already accessed by pupils from a wide catchment. High transport costs are again a feature of education provision right across Highland. It is not unusual for pupils to be transported many miles to school. |

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| **Response 3** Whilst the Centre’s current location has many advantages, the buildings are in a dilapidated condition. As set out in Response 2, the Council proposes to discontinue provision at the Black Isle Education Centre and further support pupils within their own mainstream schools, with a range of supports that will include a service that will be based at the former Killen Primary School.Work is currently underway at the former schoolhouse in Killen, to convert it into residential care accommodation for 2 young people. The proposed use of the former school would provide on-site education for these young people and would fit well with their residential care. The site is located about 4.5 miles from the current Black Isle Education Centre, and is also in a rural location. It therefore retains many of the advantages of the current location in terms of the peaceful rural setting and access to outdoor activities and activities not readily available in a mainstream school setting.As outlined at paragraph 3.3 above, the proposed conversion of the former Killen Primary School offers the prospect of purpose built accommodation that would represent a considerable improvement on the current provision. The new accommodation would provide space for both small group and individual teaching and support and also space for the development of life skills and craft work, on an easily maintained site. The size and construction of the buildings make it cheaper to run and would involve less travel for pupils than at present, even if the travel difference is only marginal. The Council is also currently providing a range of training and support to mainstream schools and is working specifically with staff at Culbokie Primary School and Dingwall Academy, in order to provide more enhanced training and support for working with pupils with SEBN. Both these schools are housed within modern buildings with excellent facilities for supporting young people with additional needs, and could provide an extra resource for young people attending the part-time provision at Killen if required. The schools are 5 and 11 miles from Killen, respectively. |

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| **Issue 4**Whilst the costs of running this service are huge at the moment, with a bit of proper planning these could be reduced significantly. |

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| **Response 4**The closure proposal is not being advanced on financial grounds. Staffing is by far the largest element of the cost of operating the Centre and this would not change under the revised proposal being put forward in this Report. Energy costs are also a significant part of the costs of the current Centre. The rambling and dilapidated nature of the buildings clearly contributes to higher energy bills. Although some savings could be made, these would be in peripheral areas. The staffing and building issues at the Centre militate against the Council’s ability to make significant savings at the present site. |

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| **Issue 5**Few parents are aware of the existence of the Black Isle Education Centre and the Centre could potentially provide support to many more young people than use it at present. The fact that there is only a limited roll at the school is not an excuse for its closure, as the existence of the school has never been well publicised and there are other children out there who would benefit from this resource. |

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| **Response 5**As mentioned at Response 1, there is a protocol for referring young people to the Centre. A copy can be found at Appendix 5. The BIEC has also prepared a draft Model of Engagement which outlines how the Centre works with partners to develop the best possible outcome for each young person referred. This includes the review of placements. A copy is at Appendix 6. |

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| **Issue 6**The site was originally gifted by the Salvesen family for the provision of educating under-privileged children. This legacy should continue.  |

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| **Response 6**The site was gifted to the Council by the Salvesen family but there is nothing in the Title restricting the use of the site. |

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| **Issue 7**One feature of many young people at the Centre is that they struggle with change, and yet they often have a history of being passed from pillar to post. The proposed integration of the Centre into mainstream schools would be a backward step. |

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| **Response 7**The Council agrees that the management of the proposed change will be a vital part of the process. The strategic plan would be to maintain the placement a young person has in their home school and support this where possible and/or augment their education through additional support from the SEBN service. The service will remain an additional service and would support, but not be integrated into, mainstream schools.Council officials met with the young people attending the Centre on 20 January and will continue to keep staff, young people and parents informed of developments. |

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| **Issue 8**In the main report there are references to savings on transport, property costs etc., however the statement makes no reference to cost of provision of this service. |

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| **Response 8**As advised at Response 4, the closure proposal is not being advanced on financial grounds. However, a revised financial analysis, illustrating the effect of the move to Killen, is at Appendix 7. |

6.4 The response from Fortrose and Rosemarkie Community Council (Response 4) also contained a request for clarity, referring to a meeting of the Community Council in December 2015m attended by Council officials who advised that the objective was to recommend closure of the Black Isle Education Centre (BIEC) **as a school**, but that the Centre would continue to operate as an Outreach facility providing part-time support to pupils. This was not the same as the proposal set out in formal consultation.

6.5 Highland Council officials attended the community council meeting in December 2015 as part of informal consultation. The discussion was as described by the community council and at that point in the process reflected the Council’s plans. The proposal developed following further consideration of the suitability of the current site. As set out above, the Council’s current intention is to withdraw the provision of education from the Black Isle Education Centre and create new provision at Killen to augment other specialist supports for pupils with SEBN.

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

7.1 In their report, Education Scotland recognised that the Council’s Proposal Paper set out a clear rationale for undertaking the consultation, including reference to national guidance and Council policy in its Additional Support Needs Review, published in 2014. They also noted that there were potential benefits in respect of reduced travel time, and that the Centre is not used by the local community. There is therefore no impact on current or future local community use from the Council’s proposal. However, Education Scotland also concluded that the educational benefits statement in the proposal was not sufficiently detailed or specific on how provision will be improved as a result of its proposal. The potential benefits to young people using the service and the wider benefits to Highland schools were not stated in sufficient detail or clarity in the Council’s Proposal Paper.

7.2 HM Inspectors noted that the Head Teacher at the Black Isle Education Centre supported the proposal. Staff at the Centre who spoke with HM Inspectors supported the general principle of moving from a school based provision to an outreach service model. At the time they were unclear on specific details such as to where this off-site support might be located or what the specific role, if any, individual members of staff might have as a result of the proposal.

7.3 Education Scotland commented that the young people who met with HM Inspectors spoke highly of their experience of the Centre. They valued the environment and the individual support provided by staff. They enjoyed the outdoor learning activities such as mountain biking and kayaking, and the use of the extensive woodland area. Some young people had gained sufficient skills in mountain biking to take part in national competitive events. Young people were not well informed on the details of the proposal and some felt anxious and unsettled by the potential changes.

7.4 It was further noted that parents who spoke with HM Inspectors did not feel sufficiently well informed of or involved in the details of the consultation. Almost all who met with HM Inspectors felt strongly that the support provided by the Black Isle Education Centre was instrumental in keeping the most vulnerable young people in an educational setting. Parents valued the support provided and were concerned about the lack of detail on future provision. Head Teachers from those schools most distant from the Black Isle could see advantages in locating provision more locally but were of the view that there was a pressing need for the continuation of the service and that provision could not simply be replaced in a mainstream setting. They felt they should have more opportunity to be involved in discussion on the shape of future provision.

7.5 Education Scotland concluded that the Council will need to provide more specific detail in its Final Report. The Final Report should clarify the specific nature of the service proposed, including, the roles of staff, the level of resource and the proposed location of the service. A clear plan is required in advance of a decision to discontinue provision. HM inspectors concluded that the Council will need to ensure it engages more effectively with stakeholders in taking forward its proposal and that staff, parents and young people have a voice in shaping developments.

7.6 The Council has drawn up revised plans for the service to be offered to replace that currently provided by the Black Isle Education Centre. Details of these proposals are set out at Response 2 above, and Section 10 below.

7.7 Council officials also met with staff, parents and young people attending the Centre on 20 January 2017, as part of a process of improved engagement with stakeholders. Parents and staff who attended indicated they were pleased with the amended proposals set out by the Council in respect of alternative specialist provision, including the service being based at Killen, and were willing to support the proposal on this basis. Those young people who attended generally favoured retaining the Centre in its current location. One pupil suggested the Centre be split into two new locations, one in or near Invergordon and the other in or around Inverness. This suggestion was made to address the fact that the BIEC currently supports young people from as far north as Tain and from as far east at Nairn, and would therefore make the Service more accessible.

7.8 Whilst a reasonable suggestion in itself, the Council does not currently have suitable premises for the purpose, and a split into two locations would also mean a dispersal of the current staff.

**8.0 Effects on the Community**

8.1 Paragraph 8.1 of the Proposal Paper advised that the local community does not make use of the building, and that no impact was expected in terms of future community use. This view was supported by Education Scotland, although HM Inspectors also noted that the Council’s Proposal Paper contains no details about the future use of the site, should the Centre be closed.

8.2 Some of the responses to consultation raised a wider concern about the loss of the facility to the Black Isle (see summary at Response 3 above), highlighting for example the potential impact on local businesses if the facility were closed.

8.3 The concerns about the wider impact on the Black Isle are addressed in the Review of the Proposal at Section 10 below.

8.4 The Community Empowerment Act 2015 introduced a right for community bodies to make requests for ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or deemed surplus to requirements by the owning body. However, should no Council or community use be identified for the building, our intention would be to dispose of it on the open market.

**9.0 Alleged omissions or inaccuracies**

9.1 Issue 8, and the associated Response 8, above, address an alleged omission in the financial information provided.

9.2 The alleged omission related to the costs of running the alternative service set out in the Proposal Paper, under which the young people who attended the Centre would have been educated in the local schools. While this proposal in part continues to be pursued, the Council also proposes to support this through additional provision based at Killen in the Black Isle. A revised Financial Template with the costs of the option is at Appendix 7.

9.3 In the light of the change to the original proposal, the Council has concluded that the impact of this alleged inaccuracy does not represent a material consideration relevant to the Authority’s decision as to implementation of the revised proposal.

**10.0 Further Review of Alternatives to Closure**

10.1 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.

 The majority of written responses to the consultation exercise argued against the proposal to cater for the needs of the young people within a mainstream school setting. These respondents were unconvinced that a mainstream setting was suitable for the young people current attending the Centre. The arguments advanced are summarised at Issue 2 above.

 The majority of written responses to consultation also argued in favour of retaining some form of educational provision at the Black Isle Education Centre itself. Whilst there was an acceptance that the quality of accommodation at the Centre was poor, there was a view that the site had many advantages and could benefit from investment by the Council.

 The Report by Education Scotland highlighted that there could be potential benefits to discontinuing the provision of education at the Black Isle Education Centre. The Centre already operates an outreach service following recent changes to its approach to supporting young people. This supports inclusion and maintains young people’s relationships with their mainstream school. Some of the buildings on the site are not in use and all are in a poor condition. There is the potential to improve the provision in more suitable accommodation.

 However, Education Scotland also highlighted that the original proposal was lacking in detail in respect of the alternative provision offered to replace the Black Isle Education Centre. Education Scotland commented that a clear plan is required in advance of a decision to discontinue provision, and that the Council will need to clarify the specific nature of the service proposed, including, the roles of staff, the level of resource and the proposed location of the service.

 Having reconsidered each of the alternatives to closing the current Centre, the Highland Council has concluded that the alternatives to closure would not deliver the educational benefits of the proposal. The Council therefore continues to be of the view that the proposal to discontinue the provision of education at the Black Isle Education Centre, within the strategic plan for SEBN in the area as outlined in 3.3 above, provides the best educational benefit for children and young people.

 The Council has come to this view having taken account of national guidance around best practice in the provision of services to young people with SEBN, and the findings of the Council’s own Review of Additional Support Needs provision. Further details are at paragraphs 5.1. 5.2 and 6.1 of the Proposal Paper at Appendix 1.

 As a school, BIEC can only ever provide a service to a limited number of pupils (max 10-12) and has been limited in the flexibility of the support that could be given.  Policy and practice has moved on and sending SEBN pupils to a wholly separate facility is no longer seen as the most appropriate method of dealing with their needs.  In addition, the poor quality of accommodation at the BIEC will increasingly place limitations on what can be provided at the Centre.

 In terms of the alternative provision to be made, the Council has taken account of the views summarised at Issues 2 and 3 above, and the view of Education Scotland, and proposes to create new flexible part-time provision at the former Killen Primary School, to replace the current outreach provision at the BIEC. The new provision would provide a feasible and achievable solution to the long standing accommodation issues at the current Centre and would fit well with the range of SEBN supports being provided currently and those proposed for the future.

 With one exception, all of the current staff of the Centre would transfer to the new provision, which would operate in the same way as the BIEC currently does. The exception would be the current catering staff. Whilst it is envisaged the new Centre would contain a life skills kitchen, it would not have a catering requirement. The Council’s Redeployment and Redundancy Policy would apply.

* 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 8 of the Proposal Paper and is further considered at Section 8 above. The school’s premises are not currently available for use by the community. The revised proposal includes the provision of an alternative flexible support base located within the Black Isle. Closure of the current Centre would not be expected to have any impact on the sustainability of the local community.

* 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 nature of admissions and referrals to the Centre means that the transport arrangements alter on a more or less continuous basis. Under the proposal to create part-time provision in a new Centre in Killen, the provision of suitable transport for pupils will continue. As Killen is only a few miles from the current location in Raddery, in practical terms there will be a negligible impact on transport arrangements.

 **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 9 March 2017 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 up until midnight on 29 March 2017. The Scottish Ministers will have until midnight on 3 May 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 schoolclosure@gov.scot or to write to **School Infrastructure Unit, Learning Directorate, The Scottish Government, Area 2A South, Victoria Quay, Edinburgh EH6 6QQ by midnight on 29 March 2017.**

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). 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.

**13.0 Financial Implications**

13.1 Advice on the financial implications of the original proposal was issued as an Appendix to the Proposal Paper. The costs of implementing the revised proposal are reflected in a revised Financial Analysis which is at **Appendix 5.**

**14.0 Equality Impact Assessment**

14.1 An Equality Impact Assessment was issued with the proposal paper and can be found at **Appendix G** to the Proposal Paper.

**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 6, 7, 8, 9 and 10 above.

15.2 Education Scotland staff visited the Black Isle Education Centre to speak to parents, pupils and staff. They further visited a number of other schools, from which some pupils attended the Centre on a part-time basis. Education Scotland also had the opportunity to review in detail the proposal document, all written responses, and the note of the public meeting.

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 discontinue the provision of education at the Black Isle Education Centre offers educational benefits and should be implemented, but that the original proposal should be modified in respect of the alternative provision offered. The reasons for this conclusion are set out at Section 6-10 above.

**16.0 Recommendation**

16.1 It is therefore recommended that Highland Council proceeds with the course of action n set out at Paragraph 15.3 above.

**Bill Alexander**

**Director of Care and Learning**

**07 February 2017**