

The Highland Council
Education, Children and Adult Services Committee
1 March 2017

Agenda Item	8.
Report No	ECAS 16/17

Statutory Consultation – Closure of the Black Isle Education Centre

Report by Director of Care and Learning

Summary

Following conclusion of the statutory consultation process, this report and accompanying information sets out a recommendation to discontinue the provision of education at the Black Isle Education Centre, replacing the service offered at the Centre with new part-time provision for pupils, based at the former Killen Primary School building.

1. Background

- 1.1 On 18 May 2016 this Committee agreed to commence a statutory consultation, per the requirements of the Schools (Consultation) (Scotland) Act 2010, to discontinue the provision of education at the Black Isle Education Centre. The Proposal Paper approved by Committee suggested that the future provision for the young people attending the Centre would be on an inclusive basis, with support provided in their mainstream schools through the application of approved strategies.
- 1.2 Having reviewed the consultation responses, the Council proposes that the Black Isle Education Centre should cease to operate as a registered school, as has in effect been the case since January 2016. The specialised support offered by the Centre should continue as part of the overall range of supports provided to pupils with SEBN, with a base at the former Killen Primary School.
- 1.3 The final proposal for decision, following conclusion of the statutory consultation process, is circulated separately in Booklet B.
- 1.4 The legislation requires that any proposal for decision must be published at least 3 weeks in advance of the meeting at which any decision may be made, to allow time for further representations. The Consultation Report was published on 7 February 2017. Representations will be tabled at the Committee meeting. As of the date of printing, no further representations had been received. Any representations received prior to the Committee meeting will be tabled on the day for Members' attention.

2. The Proposal

- 2.1 The proposal for decision, the original proposal issued for consultation, and relevant appendices for consideration by the Committee are circulated separately in Booklet B. They provide details of all consultation comments received, the report from Education Scotland, and the Council's response to comments arising from the consultation.

- 2.2 There were a total of 5 written responses received from parents and other stakeholders during the consultation period. Two of these came from parents or grandparents of young people currently attending the Centre. 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 in its current location, providing part-time support to pupils with SEBN. The other 3 responses all opposed the proposal.
- 2.3 In their report, Education Scotland recognised that the Council's Proposal Paper set out a clear rationale for undertaking the consultation. 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. Education Scotland also noted that neither parents nor young people attending the Centre felt sufficiently well informed about or involved in the detail of the proposal issued for consultation.
- 2.4 Education Scotland concluded that the Council needed to provide more specific detail in its Final Report, which 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.
- 2.5 In response, 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 paragraph 1.2 above, and paragraph 3.3 and Section 10 of the Final Report for decision (see booklet).
- 2.6 The proposal within the booklets sets out the rationale for the recommendation, and relevant supporting information, which includes:
- The educational benefits of the proposal;
 - The current school buildings condition and suitability scores;
 - The community impact of the proposal;
 - The school transport and travel time implications of the proposal;
 - The financial implications of the proposal.

3. Next Steps

- 3.1 Following consideration by the Committee, if the recommendation is agreed the following timeline will be followed as required by the legislation.
- The recommendation of the Committee will be considered by the full Highland Council.
 - If ratified by full Council, the Council must, within 6 working days of the Committee decision, advise Scottish Ministers of the decision it has reached, provide them with the proposal paper and consultation report, and publish a notice stating that Ministers have been advised and the process through which representations may be made to Ministers regarding call-in of the proposal.

- From the date of the Council decision, there is a period of 3 weeks in which representations to Scottish Ministers regarding call-in of the proposal can be made by any interested party.
- Scottish Ministers then have a further up to 5 weeks in which to decide whether or not they will issue a call-in notice.

4. Implications

- 4.1 **Resources** – are as detailed within **Appendix 7** to the Final Report.
- 4.2 **Legal** – the statutory consultation has been taken forward as per the requirements of the Schools (Consultation) (Scotland) Act 2010.
- 4.3 **Equalities** – are as detailed within **Appendix G** of the Proposal Paper.
- 4.4 **Climate Change/Carbon Clever** – the Proposal is not expected to have any significant impact on carbon emissions.
- 4.5 **Risk** – the main risks associated with the recommendation relate to the potential for call-in by Scottish Ministers. Officials have sought to mitigate the risk through review and evaluation to ensure that procedurally the requirements of the Act and statutory consultation process have been met.
- 4.6 **Gaelic** – None.
- 4.7 **Rural** – The Black Isle Education Centre is a rural school as defined by Scottish Government, and consideration has been given to the requirements relating to rural schools within the Schools (Consultation) (Scotland) Act 2010.

5. Recommendation

Members are asked to consider the proposal set out within the Consultation Report and associated appendices and, having given consideration to further representations received, agree to recommend to the Council:

- That the Council discontinue education provision at the Black Isle Education Centre, with a replacement service providing specialist support to pupils, based at the former Killen Primary School.

Designation: Director of Care and Learning

Date: 20 February 2017

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