



MINUTES

A&B - Public

**Special Education and Families Committee
Council Chamber, Town Hall, Lerwick
Monday 10 February 2014 at 10.00am**

Present:

Councillors:

P Campbell	G Cleaver
B Fox	F Robertson
G Robinson	D Sandison
G Smith	M Stout
V Wishart	

Religious Representatives:

T Macintyre	R MacKay
M Tregonning	

Also:

M Bell	S Coutts
T Smith	

Apologies:

A Manson

In Attendance:

H Budge, Director of Children's Services
K Duerden, Executive Manager – Ferry Operations
A Edwards, Executive Manager – Quality Improvement
R Sinclair, Executive Manager – Capital Programme
S Thompson, Executive Manager - Schools
A Cogle, Team Leader - Administration
C Anderson, Senior Communications Officer
T Coutts, Project Manager
K Johnston, Solicitor
E Park, Transport Strategy Officer
J Porter, Community Work Officer
J Thomason, Management Accountant
L Geddes, Committee Officer

Chairperson

Ms Wishart, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

Proposed Closure of Bressay Primary School and Nursery Class - Decision

The Committee considered a report by the Director of Children's Services (Report No: CS-02-14-F), which presented the Consultation Report on the proposed closure of Bressay Primary School and Nursery Class.

The Director of Children's Services summarised the main terms of the report, advising that she had a responsibility to ensure that the Council provided a high-quality education for every child of school age across Shetland in order to enable them to reach their full potential. She also had a duty to deliver a service which met the criteria for Best Value in terms of efficiency, effectiveness, economy and equal opportunity. The Council was able to demonstrate that it delivered a good quality service overall, as evidenced through good attainment and achievement results and Education Scotland inspections. In June 2010, the Council had agreed a key policy change for the Schools Service with regard to the primary school estate. Primary schools in Shetland were operating at less than half capacity, with only 47% of the available places being used. Bressay Primary School had not been considered as part of the Blueprint for Education. However in the summer of 2013, it had become clear that there had been an increasing number of placing requests to other schools, and a meeting had taken place in June 2013 with officials and parents to discuss the falling school roll. Out of the 16 pupils who could attend Bressay Primary School in August 2013, only four attended, and the remaining 75% were being educated at schools elsewhere in Shetland. There were also four children eligible to attend pre-school education in Bressay, but none had chosen to attend.

The proposals in the report attempted to address issues of equality of provision for all pupils in Shetland and presented a more efficient model of delivery. The educational wellbeing, health and safety of pupils remained the prime consideration. The process which had to be followed was laid down in legislation and was detailed in the report, and it had been confirmed that Children's Services had complied with the requirements of the Schools Consultation (Scotland) Act 2010. She went on to outline the analysis of the responses received from the Consultation Report, and highlighted the educational benefits illustrated in the report.

She acknowledged that it was a difficult situation for all concerned, and thanked pupils, staff, parents and others who had responded to the proposals through the consultation process. The issues and concerns raised had been carefully considered, and she was of the view that all the issues and concerns raised could be addressed. With regard to the financial implications, savings of £74,693 per annum had been identified, and this would add to the overall savings target and make an ongoing annual contribution to the savings target without impacting on service quality. This figure had not been included in the budget predictions as it was not part of the Blueprint for Education, however it would help achieve a more efficient and sustainable service within the current policy framework.

The Director of Children's Services, the Solicitor, the Transport Strategy Officer, the Executive Manager – Quality Improvement, the Executive Manager – Ferry Operations, the Community Development Officer and the Management Accountant then responded to questions from Members, and Members noted the following:

- It was proposed to use two eight-seater taxis to transport the children to school. The ferry that they would use – the 8.30am sailing – was the most heavily-subscribed in terms of vehicles, although no problems were anticipated with

passenger capacity. There was currently no booking or priority system in place, but this was something that could be explored at the request of Members. It should also be possible to add an extra sailing into the timetable, if this was required.

- Using the Bressay Hall as a pick-up point, it had been estimated that the maximum travel time would be 35 minutes in total. The distance of the furthest house from the pick-up point was 1.4 miles. The legislation that governed school transport was the Education (Scotland) Act 1980, and this gave local authorities some discretion as to the provision of school transport. The Council did not have to provide door-to-door collections and could designate pick-up points. Walking distances were set out in the Council's School Transport Policy, and these were currently two miles for pupils under the age of eight and three miles for those over. Locally this was extended so that transport was provided in winter to all those further than 1.5 miles away from a school. The legislation did not take ferry crossings into consideration separately, but it was the Council's own policy that ferry crossings should be considered as part of the overall calculation of travel times.
- The additional transport costs estimated were based on vehicle and ferry fare costs, but did not include the cost of an additional sailing. Information regarding the cost of an additional sailing was not to hand but as fuel costs only would apply, it was anticipated to be in the range of £15.
- In terms of weather disruption, the Bressay ferry was very reliable and in 2013 there was only one occasion where there would have been disruption to school pupils. If there was any suggestion of disruption, there were mechanisms in place to advise passengers. Existing procedures were in place in Lerwick schools to deal with this, and worked very well.
- Information was not to hand as to the actual number and days of pre-school sessions attended in Lerwick by Bressay children. However the Council had no obligation to provide transport for pre-school children, and catchment areas did not apply for pre-school settings so parents could choose where to send their children.
- The principle of 'mothballing' a school was not set out in legislation, but should only be used when a school roll had fallen to zero. In Bressay the school roll has not fallen to zero, so if the Council 'mothballed' the school and sent the children who could attend Bressay Primary School to another school, this would effectively end their education at Bressay Primary School without going through the statutory consultation process. This would leave the Council at considerable risk of legal challenge. The Scottish Government was also very clear that 'mothballing' would be considered as 'closure by stealth' if a school was 'mothballed' when the school roll had not fallen to zero.
- The decision required today related to the discontinuation of education provided in the Bressay Primary School. The issue relating to the use of the school building would be the subject of future reports and a future decision for the Council. Once a school building was no longer required for the provision of education and deemed surplus to requirements, the building would transfer to Capital Projects. The Schools (Consultation) (Scotland) Act 2010 does not state that the Council had to decide what happens to the school building to enable a decision to be taken on a closure proposal, but it does state that the Council has

to consider the impact on the community of taking the building out of Council ownership. In the past, the Council had carried out consultations with communities as to the future use of school buildings. In Bressay, the community predominantly uses the Community Hall rather than the school, so the impact of removing the school would be considered as minimal in this respect.

- The estimated property costs of retaining the school building were in the region of £11,600. This included repairs and maintenance, rates, insurance and energy costs.
- If a decision was made today to discontinue education provision in Bressay, any future establishment of a school in Bressay due to population changes would also have to be the subject of statutory consultation.
- The Bressay Community Development Association had recently been set up, and had agreed a constitution around securing a sustainable future for the island. A number of different areas were being considered and an action plan was currently being developed which included a number of short, medium and long-term plans. A range of things were being considered, including increasing the population and exploiting tourism opportunities.

During the discussion that followed, Members commented that there was the possibility that there would be a fixed link to Bressay in the future, and that work was being carried out to regenerate Bressay. As a result the population may increase, meaning that a school would be required in the future. Therefore it was necessary for the Council to bear in mind the unique situation that had arisen in Bressay at this particular moment in time, and the possibility that it may reverse in the future. Whilst it could be demonstrated that the proposals were in the best educational interests of the children at the moment, this situation could change in the future and the possibility of reopening the school at some point, should it be required, would have to be borne in mind. It was pointed out that it was currently Council policy that there should be primary schools on all the islands, but that the proposals in the report did not constitute a change of policy.

Some discussion also took place regarding retention of the school building, and it was suggested that the concerns expressed by Members should be clearly stated to the Council when it was considering the future of the building.

Ms Wishart moved that the Committee approve the recommendations in the report, and Mr G Smith seconded.

Decision:

The Education and Families Committee **RECOMMENDED** that the Council resolve that:

- Education provision at Bressay Primary School be discontinued with effect from 4 July 2014, or as soon as possible thereafter;
- The pupils of Bressay Primary School continue their education at Bell's Brae Primary School from 18 August 2014, or as soon as possible; and
- The catchment area for Bell's Brae Primary School be altered to include the current catchment area for Bressay Primary School;

- Pre-school education provision at Bressay Primary School Nursery Class be discontinued with effect from 04 July 2014, or as soon as possible thereafter;
- Pre-school education provision for eligible children in Bressay continues in accordance with the Shetland Islands Council Admissions Policy.

In addition, the Committee noted that:

- the Scottish Ministers have a six week period from the date of that final decision to decide if they will call-in the Proposal so no action can be taken regarding implementation;
- the Director of Children's Services will work with pupils, parents and staff at Bressay Primary School and Bell's Brae Primary School to develop a transition plan that would ensure an effective transition for pupils to Bell's Brae Primary School;
- the Director of Children's Services will ensure all staff will be properly consulted about their future, as will relevant trade unions. The individual wishes of each member of staff will be taken into consideration within the context of appropriate human resource policies and agreements.

The meeting concluded at 10.50am.

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Chair