

MINUTES

AB – Public

**Special Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Thursday 9 June 2016 at 2.00pm**

Present:

M Bell	M Burgess
P Campbell	A Cooper
S Coutts	A Duncan
B Fox	R Henderson
A Manson	G Robinson
D Sandison	C Smith
G Smith	M Stout
A Westlake	J Wills
A Wishart	V Wishart

Apologies

G Cleaver	F Robertson
D Ratter	T Smith

In Attendance (Officers):

H Budge, Director of Children's Services
J Belford, Executive Manager - Finance
A Edwards, Executive Manager – Quality Improvement
S Thompson, Executive Manager – Schools
C Anderson, Senior Communications Officer
L Geddes, Committee Officer

Chair:

Mr Bell, Convener of the Council, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interest

None

37/16 Schools (Consultation) (Scotland) Act 2010 – Consultation Report – Whalsay School

The Council considered a report by the Director of Children's Services (CS-11-16-F) which presented the Consultation Report prepared as part of the statutory consultation exercise undertaken by Children's Services under the Schools (Consultation) (Scotland) Act 2010.

The Director of Children's Services summarised the main terms of the report, highlighting that the proposal, along with the identical proposal for Mid Yell Junior High School (JHS) Secondary Department, were the first two formal statutory consultations which resulted from the amended Strategy for Secondary Education agreed by Shetland Islands Council on 2 July 2014. The statutory consultation period for this proposal ran from 19 September 2014 to 12 December 2014, and the

presentation of this Consultation Report completed the statutory process for Whalsay School Secondary Department.

Her recommendation, as set out in the Consultation Report, was that no part of either closure proposal for Whalsay School Secondary Department be implemented. This recommendation had been reached following on from the end of the statutory consultation period, when Shetland Islands Council had agreed, on 18 February 2015, to suspend the statutory consultation process with respect to this proposal and the identical one for Mid Yell JHS Secondary Department. This followed the decision taken by Shetland Islands Council on 5 November 2014 not to close North Roe Primary School and Urafirth Primary School and Nursery Class, and a decision not to proceed with the outstanding statutory consultations on closure proposals arising from the Refresh of the Blueprint for Education. At that time, there was an acknowledgement that this Council had no further appetite for school closures.

However concerns were then raised about this decision from the Scottish Rural Schools Network and the affected communities that this action had the effect of not affording Whalsay School and Mid Yell JHS Secondary Department the five-year period of protection from further closure proposals, as the Consultation Reports had not been published and a formal decision taken on them. As a result of these concerns, and following advice received from Senior Counsel on 27 May 2015, Shetland Islands Council further agreed that Children's Services should complete the statutory consultation process by publishing the consultation reports for the two schools. Once published, Consultation Reports must be presented to a Council for a decision and, importantly, Shetland Islands Council also agreed on 27 May 2015 that the recommendations in these reports should be that there will be no change to the current education provision at Whalsay School and Mid Yell JHS. Therefore that was her recommendation for Whalsay School Secondary Department.

She concluded by thanking officers across the Council for their contribution to the Consultation Reports, in particular, the Executive Manager – Quality Improvement who had worked for months on the reports.

Responding to queries, she confirmed that presentation of the reports today was the conclusion of a statutory process which required a formal decision of the Council. By 2021, Children's Services was required to find £5million of savings, and these would have to be sought within Children's Services. This would be challenging and would require close examination of how services could be reduced without considering the schools estate until 2017, as this was Council policy. Every effort would be made to try and preserve the quality of education delivered in Shetland. However it would be necessary to take account of national changes that were being proposed - such as providing funding directly to schools - and the Council's Medium-Term Financial Plan. The Scottish Government's main objective at the moment was closing the attainment gap, but it would be helpful if the Council could continue to highlight the situation it found itself in whenever the opportunity arose with the Scottish Government.

Ms Wishart, Chair of the Education and Families Committee, advised that the Committee had earlier agreed to approve the recommendations in the report. She had also earlier highlighted that there had been a series of attacks on the integrity of professionals working in Children's Services during the consultation period. These allegations were inaccurate and had been rebutted in the Consultation reports, and this was clear to anyone who read them. She went on to say that her

experience of working with staff in Children's Services had confirmed her belief that they were professional, honest and diligent, and any suggestion to the contrary required to be rebutted quite firmly. Staff worked hard to provide a high standard of education for all Shetland's children in difficult circumstances. It was quite in order for the public to disagree with proposals and with councillors, but it was not in order to denigrate the people who had to put forward the proposals. She went on to move that the Committee approve recommendations 2.1(a) and (b) in the report.

In seconding the motion, Mr G Smith advised that he wished to be associated with Ms Wishart's remarks. He went on to say that he had earlier highlighted that there were considerable challenges ahead for education in Shetland, and there would be significant challenges in terms of delivering the education agenda that the Scottish Government wished to see delivered. There were a number of positive developments regarding the delivery of education in future, but there were some proposals that may create difficulties locally. All of this was set against a background of decreasing budgets for all council services and a policy which presumed against school closures, and there was not enough money to do what the community wished the Council to do. He had therefore suggested that the Council seek an urgent meeting with the Cabinet Secretary – Education and Skills, John Swinney, Cabinet Secretary – Finance and the Constitution, Derek Mackay, and Humza Yousaf, Minister for Transport and the Islands, regarding the realities of delivering the education agenda in rural island communities where there were small school rolls. Shetland did not want to end up in a situation where attainment levels fell to levels which would qualify for attainment funding, but it was important that there was funding to cover the cost of delivering education to the high quality all pupils were entitled to.

The Council agreed.

(Dr Wills left the meeting during the following discussion)

During the discussion that followed, Members concurred with Ms Wishart's remarks regarding the attacks on the integrity of staff, and frustration was expressed that criticism should fall on the staff who had been tasked with carrying out the Council's instructions.

It was commented that the proposals would give a period of security and stability for the communities. However the Council was going to have to consider carefully the challenges ahead in light of Scottish Government proposals in relation to education. It was therefore important that the Council did seek an urgent meeting with the Scottish Government, and it was further suggested that the Council should also engage with other rural areas to help get the message through to the Scottish Government. The Council was a member of the Northern Alliance, which was a group of councils who would have a louder 'voice', and there was also a role for the MSP to play in putting forward Shetland's case. It was noted that the Council had already achieved a lot through "Our Islands Our Future" and that this would also increase the scope for constructive dialogue.

Decision:

The Council **RESOLVED** that:

a) In relation to Proposal A – to discontinue Secondary 4 education at Whalsay School

- A stage of education at Whalsay School Secondary Department, namely Secondary 4 **will not** be discontinued with effect from 1 July 2016, or as soon as possible thereafter;
- The Secondary 4 pupils of Whalsay School Secondary Department **will not** continue their education at Anderson High School from 17 August 2016, or as soon as possible thereafter, when the Anderson High School new build is ready to receive pupils; and
- The catchment area for Anderson High School for Secondary 4 pupils **will not** be altered to include the current catchment area for Whalsay School Secondary Department Secondary 4 pupils.

b) In relation to Proposal B – to discontinue Secondary 1, Secondary 2, Secondary 3 and Secondary 4 education at Whalsay School

- Stages of education at Whalsay School Secondary Department, namely Secondary 1, Secondary 2, Secondary 3 and Secondary 4 **will not** be discontinued with effect from 1 July 2016, or as soon as possible thereafter;
- Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils of Whalsay School Secondary Department **will not** continue their education at Anderson High School from 17 August 2016, or as soon as possible thereafter, when the Anderson High School new build is ready to receive pupils; and
- The catchment area for Anderson High School for Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils **will not** be altered to include the current catchment area for Whalsay School Secondary Department Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils.

38/16

Schools (Consultation) (Scotland) Act 2010 – Consultation Report – Mid Yell Junior High School

The Council considered a report by the Director of Children's Services (CS-12-16-F) which presented the Consultation Report prepared as part of the statutory consultation exercise undertaken by Children's Services under the Schools (Consultation) (Scotland) Act 2010.

The Director of Children's Services summarised the main terms of the report, highlighting that the proposal, along with the identical proposal for Whalsay School Secondary Department, were the first two formal statutory consultations which resulted from the amended Strategy for Secondary Education agreed by Shetland Islands Council on 2 July 2014. The statutory consultation period for this proposal ran from 19 September 2014 to 12 December 2014, and the presentation of this Consultation Report completed the statutory process for Mid Yell JHS Secondary Department.

Her recommendation, as set out in the Consultation Report, was that no part of either closure proposal for Mid Yell JHS Secondary Department be implemented. This recommendation had been reached following on from the end of the statutory consultation period, when Shetland Islands Council had agreed, on 18 February 2015, to suspend the statutory consultation process with respect to this proposal and the identical one for Whalsay School Secondary Department. This followed the decision taken by Shetland Islands Council on 5 November 2014 not to close North

Roe Primary School and Urafirth Primary School and Nursery Class, and a decision not to proceed with the outstanding statutory consultations on closure proposals arising from the Refresh of the Blueprint for Education. At that time, there was an acknowledgement that this Council had no further appetite for school closures.

However concerns were then raised about this decision from the Scottish Rural Schools Network and the affected communities that this action had the effect of not affording Mid Yell JHS Secondary Department and Whalsay School the five-year period of protection from further closure proposals, as the Consultation Reports had not been published and a formal decision taken on them. As a result of these concerns, and following advice received from Senior Counsel on 27 May 2015, Shetland Islands Council further agreed that Children's Services should complete the statutory consultation process by publishing the consultation reports for the two schools. Once published, Consultation Reports must be presented to a Council for a decision and, importantly, Shetland Islands Council also agreed on 27 May 2015 that the recommendations in these reports should be that there will be no change to the current education provision at Mid Yell JHS and Whalsay School. Therefore that was her recommendation for Mid Yell JHS Secondary Department.

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

The Convener added his thanks to all staff who had been involved in the process.

Decision:

The Council **RESOLVED** that:

a) In relation to Proposal A – to discontinue Secondary 4 education at Mid Yell Junior High School

- A stage of education at Mid Yell Junior High School Secondary Department, namely Secondary 4 **will not** be discontinued with effect from 1 July 2016, or as soon as possible thereafter;
- The Secondary 4 pupils of Mid Yell Junior High School Secondary Department **will not** continue their education at Anderson High School from 17 August 2016, or as soon as possible thereafter, when the Anderson High School new build is ready to receive pupils; and
- The catchment area for Anderson High School for Secondary 4 pupils **will not** be altered to include the current catchment area for Mid Yell Junior High School Secondary Department Secondary 4 pupils.

b) In relation to Proposal B – to discontinue Secondary 1, Secondary 2, Secondary 3 and Secondary 4 education at Mid Yell Junior High School

- Stages of education at Mid Yell Junior High School Secondary Department, namely Secondary 1, Secondary 2, Secondary 3 and Secondary 4 **will not** be discontinued with effect from 1 July 2016, or as soon as possible thereafter;
- Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils of Mid Yell Junior High School Secondary Department **will not** continue their education at Anderson High School from 17 August 2016, or as soon as possible

thereafter, when the Anderson High School new build is ready to receive pupils; and

- The catchment area for Anderson High School for Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils **will not** be altered to include the current catchment area for Mid Yell Junior High School Secondary Department Secondary 1, Secondary 2, Secondary 3 and Secondary 4 pupils.

The meeting concluded at 2.30pm.