
Report To:	Education & Lifelong Learning Committee	Date:	25 January 2011
Report By:	Corporate Director Education & Communities	Report No:	EDUC/07/11/KM
Contact Officer:	Kenneth McNamara	Contact No:	01475 712817
Subject:	The Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010		

1.0 PURPOSE

- 1.1 To provide members with details of the change to the Primary 1 class size maxima brought about by The Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010 and the effect on placing requests.

2.0 SUMMARY

- 2.1 This report summarises the background to the legislative change and the implications for the council.
- 2.2 The new Regulation amends the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 to introduce a maximum class size for Primary 1 class pupils to twenty-five with effect from the start of the academic year for 2011/2012. The Executive Note accompanying the Regulation states that the "Government's intention in making these Regulations is that the class size limit of twenty-five should be seen as a 'ceiling' and should not preclude local authorities from pursuing local class size policies that would result in smaller classes than set in Regulations". The class size maxima for primary 2 & 3 remains unchanged at thirty pupils.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Committee:
- (a) Note that the primary 1 class size maxima of twenty-five pupils, adopted by the council from August 2007, will be the statutory maximum from August 2011.
 - (b) Note the implications for placing requests.

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Corporate Director Education & Communities

4.0 BACKGROUND

- 4.1 The Cabinet Secretary for Education and Lifelong Learning, in March 2010, launched a consultation exercise on proposed legislation to limit primary 1 classes to a maximum of twenty-five pupils. The Regulations are intended to put local authorities on a sounder footing when taking decisions on placing requests, and in their efforts to balance the rights of parents to choose their child's school.
- 4.2 The Education (Lower Primary Class Sizes) Regulations 1999 introduced a statutory maximum of thirty pupils for primary 1 classes. The Regulations also covered primary 2 and primary 3 classes and were implemented on a staged approach. The Scottish Executive had a policy of reducing primary 1 classes to a maximum of twenty-five which was introduced administratively by way of Circular 1/2007 published in April 2007. The statutory maximum class size remained at thirty.
- 4.3 In March 2007 the Head of Education submitted a paper to this committee specifically referencing the Scottish Executive circular 1/2007. The Head of Education was seeking committee approval to introduce a class size maximum of twenty-five pupils. The request for a lower class size maximum was approved.
- 4.4 Following judicial reviews of East Lothian Council and South Lanarkshire Council placing request decisions it became apparent that some local authorities were experiencing difficulty, as a result of placing requests, in ensuring that no primary 1 classes exceeded twenty-five pupils, and would have similar difficulties in reducing the class size maxima further.
- 4.5 In response to the difficulties being experienced, the Cabinet Secretary for Education & Lifelong Learning announced that Regulations would be laid before parliament in September to introduce a statutory maximum of twenty-five pupils for Primary 1 classes.
- 4.6 The new Regulation amends the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 to introduce a maximum class size for Primary 1 class pupils to twenty-five with effect from the start of the academic year for 2011/2012. The Executive Note accompanying the Regulation states that the "Government's intention in making these Regulations is that the class size limit of twenty-five should be seen as a 'ceiling' and should not preclude local authorities from pursuing local class size policies that would result in smaller classes than set in Regulations". The class size maxima for primary 2 & 3 remains unchanged at thirty pupils.

5.0 CURRENT ARRANGEMENTS

- 5.1 With the exception of the current academic session the council has not exceeded the primary 1 class size maxima set by committee in 2007. This year placing requests were received for Gourrock Primary school that, given the legislation as it stood, meant that more than thirty pupils would have to be accommodated in one class. The new Regulations will enable the council to refuse placing requests should a similar situation arise in any primary.
- 5.2 The proposal within the Concordat is that local authorities work towards reducing class sizes to eighteen for Primary 1 to primary 3, including any composite classes for these stages.
- 5.3 In February of this year the Policy & Resources Committee approved funding for five additional teachers to facilitate a class size maximum of eighteen pupils in the lower stages for the current academic session.
- 5.4 Thirty-nine straight primary 1 classes have been formed in the current academic session. The authority average is twenty pupils per class with seventeen classes having eighteen or fewer pupils. There are three composite classes accommodating primary 1/2 pupils.

- 5.5 Twenty-nine straight primary 2 classes have been formed in the current academic session. The authority average is twenty-four pupils per class with four classes having eighteen or fewer pupils. There are five composite classes accommodating primary 2/3 pupils.
- 5.6 Twenty-five straight primary 3 classes have been formed in the current academic session. The authority average is twenty-four pupils per class with one having eighteen pupils. There are six composite classes accommodating primary 3/4 pupils

6.0 CONCLUSION

- 6.1 Given the council's previous decision to adopt a primary 1 class size maximum of twenty-five from August 2007. The Regulations will have no effect on current staffing arrangements.
- 6.2 The lower maxima provide a more robust defence of the council's position should there be a need to refuse a placing request, because to do so would exceed the regulated maximum. Prior to the introduction of the Regulations the council would have been unable to use this defence even although committee had approved a maximum of twenty-five.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The committee approved a class size maximum of twenty-five for P1 in 2007 and as a result of this decision here are no financial implications as a result of the new legislative requirement.

8.0 HUMAN RESOURCE IMPLICATIONS

- 8.1 No additional teachers will have to be employed to meet the requirements of the Regulations.