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<b>Report To:</b>	<b>Education and Communities Committee</b>	<b>Date:</b>	<b>17 January 2016</b>
<b>Report By:</b>	<b>Wilma Bain Corporate Director Education, Communities and Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/04/17/RB</b>
<b>Contact Officer:</b>	<b>Ruth Binks</b>	<b>Contact No:</b>	<b>(01475) 712824</b>
<b>Subject:</b>	<b>Outcome of the Consultation on the Relocation of Glenbrae Children's Centre and Kelly St. Children's Centre</b>		

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## 1.0 PURPOSE

- 1.1 This report provides the Education and Communities Committee with information on the outcome of the public consultation on the proposed relocation of Glenbrae Children's Centre and Kelly St. Children's Centre.

## 2.0 SUMMARY

- 2.1 As part of the school estates strategy Inverclyde Council is planning to relocate two Early Years' services.
- 2.2 It is proposed that Glenbrae Children's Centre is relocated into Inverclyde Council's property on Aberfoyle Road which currently houses Property Services.
- 2.3 It is proposed that Kelly St. Children's Centre be expanded and relocated into a new building on a site on a portion of the former Greenock Academy site.
- 2.4 Inverclyde Council undertook statutory consultations on proposals to relocate both educational establishments.
- 2.5 The consultation process ran from May to October 2016 and the proposed final outcome documents are attached to this paper as Appendix 1 and Appendix 2.

## 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee:
- Agree the content of the outcome reports of the public consultation on the proposed relocation of Glenbrae Children's Centre and Kelly St. Children's Centre.
  - Approve the decision to relocate Glenbrae Children's Centre and Kelly St. Children's Centre.

**Wilma Bain**  
**Corporate Director**  
**Education, Communities & Organisational Development**

## 4.0 BACKGROUND

- 4.1 As part of the school estates strategy Inverclyde Council is planning to relocate two Early Years' services:
1. Glenbrae Children's Centre to be relocated to refurbished accommodation within the same geographical area.
  2. Kelly St. Children's Centre to be relocated to a new build on a portion of the former Greenock Academy site and any issues affecting the ground conditions of that site will be fully resolved as part of this proposal. The Centre will also be expanded to include provision for children aged 2 – 3 years.
- 4.2 The current buildings have significant issues in terms of condition and suitability and in the case of Kelly Street there is no physical capacity to extend the provision within the current building / site. These issues were highlighted in the report on the acceleration of the School Estate Management Plan and Early Years' Estate proposals submitted to the January 2016 Committee.
- 4.3 Where a Council brings forward proposals to close or relocate an educational establishment there is a requirement to carry out a public consultation within the statutory framework defined by the Schools (Consultation) (Scotland) Act 2010.

## 5.0 CURRENT POSITION

- 5.1 There are 5 phases to the consultation process that are relevant to this proposal. The Authority:
1. prepares a proposal paper which must include an educational benefit statement.
  2. publishes the proposal paper, advertises the fact and notifies Education Scotland and relevant consultees.
  3. consults on the proposal – for a minimum of six weeks including 30 school days.
  4. prepares and publishes a consultation report.
  5. publishes its final decision.
- 5.2 The proposed consultation reports are attached to this paper as Appendix 1 and Appendix 2 and if agreed will be published on the Council website for three weeks before the decision is taken.

## 6.0 IMPLICATIONS

### Finance

#### 6.1 Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
<b>Glenbrae Children's Centre</b>					
Capital	Education	2016/19	£1,137	n/a	
<b>New West End of Greenock Early Years Facility (Kelly Street / St Mary's)</b>					
Capital	Education	2016/19	£3,105	n/a	Includes site cost

## Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

### Legal

6.2 The process has been carried out with due regard to the legislation.

### Human Resources

6.3 There are no HR implications, although discussion will take place with employees about the relocation of after school provision at Glenbrae.

### Equalities

6.4 Has an Equality Impact Assessment been carried out?

Yes An Equality Impact Assessment forms part of the outcome of the statutory of the statutory consultation document

No This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

### Repopulation

6.5 The regeneration works outlined in this report should contribute to retaining and increasing the population within the area.

## 7.0 CONSULTATIONS

7.1 Extensive consultation has taken place for this proposal.

## 8.0 CONCLUSIONS

8.1 The plan to relocate both centres have clear educational benefits and these are outlined in the outcome of the statutory consultation document.

## 9.0 BACKGROUND PAPERS

9.1 Consultation on the Relocation of Glenbrae Children's Centre and Kelly St. Children's Centre Paper taken to Education and Communities Committee on 03 May 2016

**Outcome of the Statutory Consultation on  
the proposal to relocate Glenbrae  
Children's Centre into refurbished  
premises at 1 Aberfoyle Road, Greenock**

*January 2017*

This report has been published by Inverclyde Council in response to the statutory consultation undertaken under the terms of the Schools (Consultation) (Scotland) Act 2010. This report will be presented to the

Education and Communities Committee of Inverclyde Council for consideration in *January 2017*.

If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone: (01475) 712853.

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## **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to advise all stakeholders on the outcome of the statutory consultation exercise undertaken in respect of the proposal to relocate Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock.

## **2.0 BACKGROUND ON THE CONSULTATION PROCESS**

- 2.1 A consultation proposal document was issued as a result of a decision taken by the Education and Communities Committee on *3<sup>rd</sup> May 2016* to consult on the proposal to relocate Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock.
- 2.2 Notice of the proposal and publication of the proposal document was placed in the Greenock Telegraph to engage with the general community.
- 2.3 A copy of the proposal document was made available from *23 May 2016* to statutory and other consultees as listed in Appendix 1.
- 2.4 The consultation document was available from a variety of sources including the centre, local schools and online.
- 2.5 The consultation, in terms of the Schools Consultation (Scotland) Act 2010 was carried out over the period *23 May to 23 August 2016* during which time all interested parties were invited to submit written representations. A copy of the full consultation document is attached to this report (Appendix 2) and a copy of the consultation response form (Appendix 3).
- 2.6 As part of the consultation process there was also a public meetings held on 07 June 2016 in All Saint's Primary School.
- 2.7 As required, Education Scotland was provided with a summary of all relevant written responses and oral representations made during the consultation period.
- 2.8 Inverclyde Council received a copy of Education Scotland's report on *23 September 2016*. A summary of this report is included in section 5 of this report and a copy of the full report is included in Appendix 4.
- 2.9 Following the consultation period it is the Council's duty to review the proposal taking account of the feedback received from stakeholders during the consultation period which includes written responses and oral representations made during the public meetings. The content of Education Scotland's report should also be taken into consideration.
- 2.10 It should be noted that this consultation outcome report is published at least 3 weeks before it is formally considered by the Education and Communities Committee on *17 January 2017*.

## **3.0 SUMMARY OF WRITTEN RESPONSES**

- 3.1 The total number of written responses received on the official consultation response

form was 57 and the views of children were also sought. Below is a summary of the responses to the question: Do you agree with the proposal to relocate Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock?

3.2 31 written responses were received:

<b>Respondent</b>	<b>Number of responses</b>	<b>Agree with proposal</b>	<b>Disagree with proposal</b>	<b>No preference</b>
Member of the public	3	3	0	0
Parent / carer	4 (1 joint response - parent and staff)	4	0	0
Staff	23 (1 joint response - parent and staff)	13	0	10
Other	1 (Trade Union - EIS)	1	0	0
<b>TOTALS</b>	<b>31</b>	<b>21</b>		<b>10</b>

3.2.1 A summary of the written representations from Members of the Public:

- All members of the public who responded agreed with the proposal. They recognised the value of the centre within the community and valued the space which will be provided for quality care.

3.2.2 A summary of the written representations from Parents / Carers:

- All parent / carers who responded agreed with the proposal. Positive comments were received on the new facilities, modern environment, more space, parking and location. One parent of an out-of-school child stated that it makes more sense for the provision to be located in the school.

3.2.3 A summary of the written representations from staff members:

- 13 staff members agreed with the proposal. 10 staff members have no preference. Positive comments were received on new facilities, improved environment, improved storage space, improved staff facilities, close to existing location, not having to be decanted, additional meeting rooms. 4 staff members indicated that the existing building is not fit for purpose.
- 17 staff members expressed concern about the Out Of School Care being located within All Saints Primary School. This included the possibility of a split within the staff team; separate drop-off / pick up for parents; allocation of accommodation within All Saints Primary school. 1 members of staff questioned access to specialist resources e.g. IT suite and 1 staff member commented that access to specialist resources would be beneficial.
- 5 staff members noted that the proposed accommodation is close to a busy road(s).
- 1 member of staff noted that there was no pram storage within the proposed accommodation.
- 2 members of staff proposed that a new build should be constructed on the



existing site.

- 8 members of staff commented on the limited outdoor play areas. 2 members of staff commented on limited space within the 0 -2 year old playroom.

3.2.4 1 written representation was received from the local association secretary of the Educational Institute of Scotland. This response agreed with the proposal and noted that the new accommodation will provide a better learning environment and improved facilities for everyone.

#### 4.0 SUMMARY OF ORAL RESPONSES FROM PUBLIC MEETINGS

4.1 A public meeting was held on 07 June 2016. In attendance at the meeting were:-

Officers	Ruth Binks	Head of Education, Education Services
	Gavin Murray	Senior Architect, School Estates Team
	Joyce Patrick	Head of Centre, Glenbrae Children's Centre
	Linda Wilkie	Quality Improvement Officer, Education Service
	Lesley Steele	Clerical Assistant, Education Services
Members of the public	1	
Parent / carers	5	
Staff	1	
Other	1 Elected Member	

4.2 The format for the public meeting was:

- Introduction / welcome Ruth Binks
- Explanation of consultation process Ruth Binks
- Details of relocation Linda Wilkie
- Property Information Gavin Murray
- Question and Answer Session

4.3 A copy of the PowerPoint presentation used at the public meeting is available as Appendix 5.

4.4 4 questions were asked at the public meeting. These related to DDA, outdoor space, timescale and out-of-school care accommodation. Details of the questions and responses are available as Appendix 6.

#### 5.0 SUMMARY OF RESPONSE BY EDUCATION SCOTLAND

5.1 Education Scotland summarised that the proposal has a number of potential educational benefits for learners, leading to improvements in the quality of learning

environments. A modern adapted building will improve the environment for learning and better support the full delivery of Curriculum for Excellence in accommodation which is accessible and inclusive to all learners. It will also support best value for residents across Inverclyde Council. In taking forward its proposal, the council will need to work closely with staff, parents and children from Glenbrae Children's Centre and All Saints Primary School to provide clarity regarding the out of school care provision.

5.2 The full report from Education Scotland can be found in Appendix 4.

### 5.3 Council response to report by Education Scotland

Education Scotland stated that although Head Teachers of both establishments are very positive about working together, staff from both establishments have concerns regarding the current lack of detail in relation to the out of school care provision being relocated from Glenbrae to All Saints Primary School. A series of meetings will be held with stakeholders to ensure a smooth transition to All Saints Primary School for after school care. This will ensure that roles and remits are understood and appropriate resources are allocated.

Education Scotland stated that stakeholders are also keen for clarity regarding timescales for the full proposal to take place. In taking forward its proposal, the council will need to work closely with staff, parents and children from Glenbrae Children's Centre and All Saints Primary School to provide clarity regarding the out of school care provision and timescales for the full proposal to be implemented. The School Estates Management Team and Education Services will ensure that stakeholders and elected members are kept informed. A report will be taken to the Education and Communities Committee outlining timescales for the project and regular information meetings will be held with stakeholders.

Education Scotland stated that parents at Glenbrae Children's Centre who met with HM Inspectors are anxious about aspects of safe routes to the nursery; in particular some road crossings near the new building. The proposal indicates that the new accommodation will provide improved parking and arrangements for drop off. In taking forward the proposal, the council should work closely with stakeholders regarding safe routes to nursery. The Road Safety team will work with Education Services to advise of any dangers or hazards on the route. As pupils will not be expected to be walking to the centre unaccompanied, the routes will not be assessed under the Safe Walking Routes to School guidelines.

## **6.0 REVIEW OF PROPOSALS BY EDUCATION SERVICES (INVERCLYDE COUNCIL)**

6.1 Education Services Senior Management Team has considered the original proposal and reflected upon all the responses received.

6.2 It is recommended that the Education and Communities Committee adopts the proposal to relocate Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock.

## **7.0 CORRECTIONS OF INACCURACIES OR OMISSIONS IN THE CONSULTATION DOCUMENT**

- 7.1 It was noted, after the consultation period had closed, that there is conflicting information in section 4.3 of the consultative document. The document states 'that the capacity for early learning and childcare within the relocated centre will remain at current levels'. This is correct however the document further states that there will be 15 x 2 -3 year places; this should have stated 20 x 2 -3 year places. This did not impact on the consultation process.

## **8.0 RESOURCE, RISK AND POLICY IMPLEMENTATION**

### **8.1 Resource implications**

If the proposal is approved, staff resource will be required to implement the changes and communicate the changes with parents/carers.

Further communications will be made with parents, carers and the surrounding community through the School Estate Management Programme Plan. This will include consultation on design, the planning process and the transfer arrangements for the new Children's Centre.

### **8.2 Risk implications**

All proposals are subject to appropriate planning approval.

### **8.3 Policy Implications**

There are no policy implications from this report.

## **9.0 EQUALITIES CONSIDERATIONS**

- 9.1 In making this proposal an equalities impact assessment has been carried out and is provided as Appendix 7.

Consultees

The following individuals / groups will be consulted:

- Parents / Carers within the establishment;
- Parents / Carers of children who are likely to attend the establishment within 2 years;
- Staff
- Trade Unions

A notice to advise of the consultation arrangements will be placed in the press and on the Council's website. An email address will be set up to enable interested parties to respond to the proposals. The proposal document will be available on the Council website. Hard copies will be made available in Glenbrae Children's Centre, local Primary Schools, Community venues and Inverclyde Council Customer Service Centre.

Length of Consultation Period

An advertisement will be placed in the local newspaper on 23.05.16. The consultation process will end on 23.08.16. This is a consultation period in excess of six weeks and including thirty school days as required by statute.

Date	Action
23.05.16	Start of Public Consultation period (Advert). Publication of proposal paper
07.06.16	Public Meeting at 7pm in All Saints Primary School
23.08.16	End of Public Consultation period
09.09.16	Summary of Consultation Information to HMIE / Education Scotland
October 2016	Publish consultation report
November 2016	Report to Committee
November 2016	Publish final decision

Public Meeting

A public meeting will be held as detailed below:

<b>Venue</b>	All Saints Primary School
<b>Date</b>	07.06.16
<b>Time</b>	19.00 hours

Officers from the Council will explain the proposal and offer an opportunity to attendees to ask any questions, state their views and / or raise points of clarification.



**THIS IS A FORMAL CONSULTATIVE DOCUMENT**

*PROPOSAL:*

**RELOCATE GLENBRAE CHILDREN'S CENTRE  
TO REFURBISHED PREMISES AT  
ABERFOYLE ROAD, GREENOCK, PA15 3DE.**

**REPORT BY THE CORPORATE DIRECTOR EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT**

This document has been issued by Inverclyde Council for consultation under the Schools  
(Consultation) (Scotland) Act 2010

May 2016

## **1.0 SCHOOL ESTATES VISION / MANAGEMENT PLAN**

- 1.1 Inverclyde Council sets out its vision for improving its school estate in the 'School Estate Management Plan'.
- 1.2 Education is at the heart of the Council's vision for the future. The Council seeks to provide education services of the highest quality to meet the needs of the community.
- 1.3 All establishments should be of a standard that promotes the raising of educational achievement; promote social inclusion, provide efficient and effective space to deliver a modern curriculum; provide a secure and welcoming environment for learning and be flexible and adaptable to evolving needs.

## **2.0 PURPOSE**

- 2.1 This proposal paper is being published in accordance with the requirement of the Schools (Consultation) (Scotland) Act 2010 as amended. The proposal contained in the document seeks to relocate Glenbrae Children's Centre to refurbished accommodation on Aberfoyle Road, Greenock.

## **3.0 THE PROPOSAL**

- 3.1 The proposal is to relocate Glenbrae Children's Centre from its existing site on Glenbrae Road, Greenock to refurbished accommodation at 1 Aberfoyle Road, Greenock PA15 3DE. A map showing the locations is available in Appendix 1.
- 3.2 Given the cost of refurbishing existing premises which are becoming unfit for purpose and the potentially disruptive nature of decant, particularly with early years facilities, an option to convert and refurbish the accommodation at Aberfoyle Road has been investigated and is the preferred solution.
- 3.3 The relocation is proposed to take effect on the completion of the refurbishment, expected to be late 2017

## **4.0 BACKGROUND**

- 4.1 Glenbrae Children's Centre is located in the east end of Greenock. It caters for children aged 0 – 5 years within its nursery provision and children aged 5 – 12 years within its out of school provision. A range of family support services are provided within the Centre and in the community.
- 4.2 The Centre provides high-quality services, including early learning and childcare, family support services and family learning activities, which are valued within the local community.
- 4.3 The capacity for early learning and childcare within the relocated centre will remain at current levels:
  - 9 x 0- 2 year places
  - 15 x 2 -3 year places
  - 30 x 3 – 5 year places
  - 24 x 5 – 12 year places
- 4.4 Glenbrae Children's Centre was constructed in 1970. The building has significant issues in terms of condition and suitability. The condition of the building has been assessed in accordance with Scottish Government Guidelines and is considered to be very low B rating (B = performing adequately but showing minor deterioration and C = showing major defects and / or not operating adequately). There are some major elements such as the external walls, roof and heating which require replacement in the near future. Historically the building has suffered from

flooding due to the topography of the site and existing floor levels in relation to the surrounding area.

- 4.5 The suitability of the present accommodation has also been assessed using the Scottish Government guidelines. It has been given a C rating for suitability indicating that it is poor and showing major problems and / or not operating optimally. (i.e. building and grounds impede the delivery of activities that are needed for children and communities in the establishment). The key issues with regard to suitability are the internal layout and circulation with some areas poorly proportioned.
- 4.6 Despite the poor condition and unsuitability of the building, staff work hard to deliver high-quality early learning and childcare. In 2014, the Centre received very positive feedback following a joint inspection by Her Majesty's Inspectorate of Education (HMIE) and the Care Inspectorate. In particular, inspectors noted:-
- The inclusive and nurturing environment that shows great care and respect for all children and parents.
  - Confident, happy and settled children who are making effective progress in their learning.
  - The leadership of the head of centre in empowering staff and developing a highly effective team.
  - Staff's commitment to self-evaluation and continuing professional development to improve the work of the nursery.
  - The work with partners to secure quality outcomes for children.

## **5.0 EDUCATIONAL BENEFIT STATEMENT FOR THE PROPOSAL**

- 5.1 The Educational Benefit Statement has been prepared having regard to the Guidance published by Scottish Government in association with the Schools (Consultation) (Scotland) Act, 2010 which are available at the following websites:

[www.scotland.gov.uk/Resource/Doc/91982/0097130.doc](http://www.scotland.gov.uk/Resource/Doc/91982/0097130.doc) (Appendix 2 paper version only) / (online version follow link)

[www.oqps.gov.uk/legislation/acts2010/en/aspem\\_201000002\\_en.pdf](http://www.oqps.gov.uk/legislation/acts2010/en/aspem_201000002_en.pdf)

- 5.2 This Educational Benefit Statement sets out Inverclyde Council's assessment of the likely benefits of the proposal on children and other users of the service. It details likely effects of the proposal, plans to minimise any adverse effects and the benefits of the proposal.

The overall vision for the relocated Glenbrae Children's Centre is that it will provide a modern early learning and childcare facility which will enhance the learning experiences and outcomes for children.

### **5.3 Children currently attending**

Glenbrae Children's Centre provides very good early learning and care for children; however the current building presents a dated educational environment and has significant issues in terms of condition and suitability. The move to the new accommodation will give children access to a modern environment which will better meet their needs and support the delivery of Curriculum for Excellence. The current building is also not fully accessible (DDA compliant) for children and parents with mobility issues.

### **5.4 Other users of the establishment**

Glenbrae Children's Centre has excellent relationships with parents / carers and the wider community. A range of family support services are delivered either in house or in local community venues. These services will continue in the new accommodation.

As a result of this proposal, the provision of Out of School Care will be located within All Saints

Primary School. This will enable easier transport arrangements for children and will provide access to a wider range of age appropriate play spaces such as outdoors, gym, computer suite. The service will remain under the management and leadership of Glenbrae Children's Centre. This model will be closely monitored to minimise or avoid any adverse effects of the campus arrangement

#### 5.5 Children who are likely to become users within 2 years area

This proposal will ensure that future users will have access to a facility which best supports their learning needs.

#### 5.6 Other schools/ establishment in our area

There will be no impact on other early year's establishments. The out-of-school provision will make use of accommodation within All Saints Primary School outwith the school day which will ensure there is no adverse impact on the school.

#### 5.7 Our assessment of any other likely effects of the proposal

Our assessment has identified positive impacts on all users. Staff would benefit from improved facilities, e.g. car parking, staff room. Children would benefit from modern accommodation and dedicated outdoor learning space.

#### 5.8 How we intend to minimise or avoid any adverse effects that may arise from the proposal

Inverclyde Council has a good history of working with staff, parents and children to identify and address issues arising from school estate developments. Quality Improvement Officers will closely monitor the quality of care and education during the transition period. The relocation will be carefully planned to minimise disruption.

#### 5.9 The benefits which we believe would result from implementation of the proposal

This proposal supports Inverclyde Council's vision for modernising its school estate. The proposal also ensures that:

- Glenbrae Children's Centre remains in a location central to its catchment area.
- Children will benefit for a significantly improved learning environment that meets the needs of learners in the 21<sup>st</sup> century.
- The building fabric will be upgraded to modern building standards and building services fully replaced to provide the optimal internal inclusive environment to support the delivery of high quality educational experiences.
- Each discrete age range will have access to appropriate outdoor learning facilities.
- The building will be fully accessible / DDA compliant.

#### 5.10 Transport

The present transport arrangements will remain; however parking and disembarkation arrangements will be improved.

#### 5.11 Staffing implications

There are no implications for staffing arising from this proposal. The staffing and management structure will stay the same.

### **6.0 FINANCIAL IMPLICATIONS**

#### 6.1 Revenue Funding

There will be no change to revenue funding.



## 6.2 Capital Funding

Inverclyde Council's School Estates Management Plan and Educational Capital Programme includes funding for the Glenbrae Children's Centre project.

## 7.0 EQUALITY STATEMENT

7.1 An equality impact assessment will be undertaken as part of the consultation exercise to assess if the proposal discriminates against anyone on the basis of age, gender, religion, racial group, disability, sexual orientation. In carrying out the equality impact assessment we will take account of any equality issue raised as part of the consultation process. The equality impact assessment will be included in the consultation response document.

## 8.0 CONSULTATION PROCESS

8.1 The proposal requires Inverclyde Council's Education Services to carry out a public consultation within the statutory framework defined by the Schools (Consultation) (Scotland) Act 2010 as amended.

### 8.2 Consultees

The following individuals / groups will be consulted:

- Parents / Carers within the establishment;
- Parents / Carers of children who are likely to attend the establishment within 2 years;
- Staff
- Trade Unions

A notice to advise of the consultation arrangements will be placed in the press and on the Council's website. An email address will be set up to enable interested parties to respond to the proposals. The proposal document will be available on the Council website. Hard copies will be made available in Glenbrae Children's Centre, local Primary Schools, Community venues and Inverclyde Council Customer Service Centre.

### 8.3 Length of Consultation Period

An advertisement will be placed in the local newspaper on 23.05.16. The consultation process will end on 23.08.16. This is a consultation period in excess of six weeks and including thirty school days as required by statute.

<b>Date</b>	<b>Action</b>
23.05.16	Start of Public Consultation period (Advert). Publication of proposal paper
03.06.16	Public Meeting at 7pm in All Saints Primary School
23.08.16	End of Public Consultation period
09.09.16	Summary of Consultation Information to HMIE / Education Scotland (3 week period)
October 2016	Publish consultation report
November 2016	Report to Committee
November 2016	Publish final decision

### 8.4 Public Meeting

A public meeting will be held as detailed below:

<b>Venue</b>	All Saints Primary School
<b>Date</b>	03.06.16

<b>Time</b>	19.00 hours
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Officers from the Council will explain the proposal and offer an opportunity to attendees to ask any questions, state their views and / or raise points of clarification.

#### 8.5 Involvement of Education Scotland

Education Scotland will be informed of the consultation through the Area Lead Officer. A copy of the proposal paper and date of the public meeting have been forwarded to Education Scotland.

Following the consultation period Education Scotland will receive a copy of the relevant written representations or if Education Scotland agree a summary of them. Education Scotland will also receive a summary of any points made to the Council at the public meeting and a copy of any other relevant documentation.

Education Scotland will prepare a report on the educational aspects of the proposal no later than 3 weeks after the Council have sent them all representations and documentation mentioned above.

#### 8.6 Preparation of Consultation Document

Education Services will review the proposal taking into account responses to the consultation and oral representations made at the public meeting. Education Services will prepare a consultation response report for submission to the Education and Communities Committee. This consultation report will be published in electronic and printed formats and will be available on Inverclyde Council's website, Customer Service Centre, Inverclyde Council, Municipal Buildings, Greenock and at Glenbrae Children's Centre. All of those who received direct notification of the consultation would be sent a response document. All those who responded and provided contact details through the consultation process would also receive a copy of the document.

8.7 The report would include a record of the total number of written representations made during the consultation period, a summary of the written representations, a summary of the oral representations made at the public meeting and any other relevant information, including details of any alleged inaccuracies and how these have been handled.

#### 8.8 Note on corrections

If any inaccuracy or omission is discovered in the Proposal Document and / or during the consultation either by Education Services or any person, Education Services will determine if relevant information has been omitted or, if there has been an inaccuracy. Education Services will take appropriate action which may include the issue of a correction or the reissuing of the Proposal paper to the revision of the timescale for the consultation period as appropriate. In that event, relevant consultees and Education Scotland will be advised.

### 9.0 **APPENDICES**

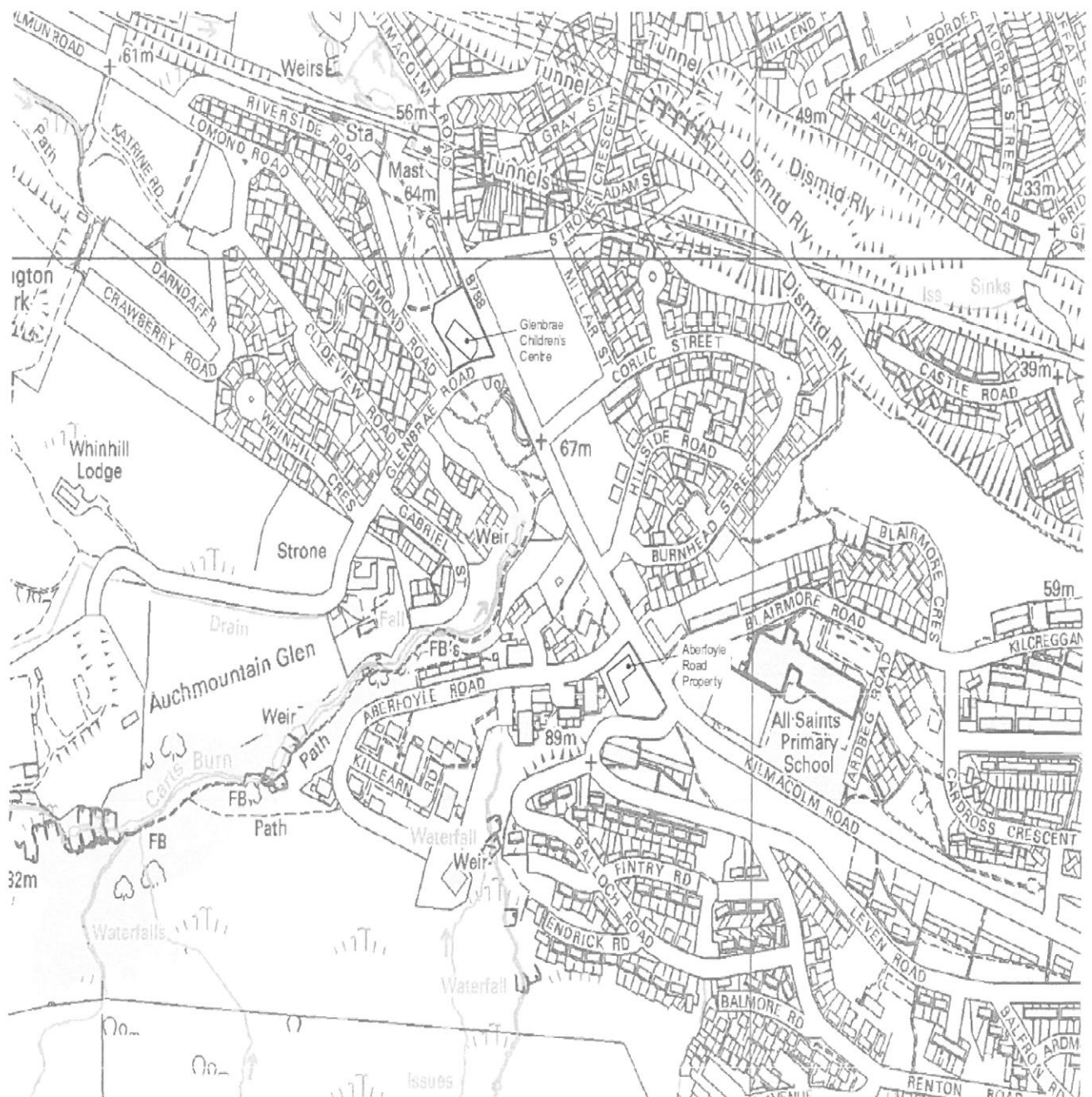
1. Map showing location of existing building and proposed building.
2. Paper version only – Schools (Consultation) (Scotland) Act 2010 Statutory Guidance / Online version link to document at 5.1.
3. Consultation response proforma.

Inverclyde Council  
Education Services  
Wallace Place  
GREENOCK  
PA15 1JB

# Inverclyde council

## PROPOSED RELOCATION FOR GLENBRAE CHILDREN'S CENTRE

Map showing location of existing building and proposed building



Inverclyde Council  
Education Services  
Wallace Place  
GREENOCK  
PA15 1JB



## PROPOSED RELOCATION FOR GLENBRAE CHILDREN'S CENTRE

### SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 STATUTORY GUIDANCE

#### SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 STATUTORY GUIDANCE

##### Introduction

This statutory guidance is issued under Section 19 of the Schools (Consultation) (Scotland) Act 2010 (hereinafter referred to as 'the Act'), which came into force on 6 January 2010, the day after Royal Assent was given. The guidance should be read in conjunction with the Act.

##### **Purpose of the Act**

The Act's principal purpose is to update and strengthen the statutory consultation practices and procedures that local authorities apply to their handling of all proposals for school closures and other major changes to schools. It aims to establish a new consultation process that is robust, open, transparent and fair, and seen to be so. In doing so it aims to ensure consistency of consultation arrangements across Scotland. The Act also introduces a presumption against the closure of rural schools by ensuring that a decision to consult on a rural school closure proposal is not made until the local authority has had regard to all viable alternatives and assessed the likely implications of closure. The Act also replaces the previous system for referring certain local authority decisions for Scottish Ministers' consent with a new system of call-in, but in school closure cases only.

##### **To whom is this guidance addressed - who should read it?**

Section 19 of the Act states that "...an education authority must have regard to any guidance issued by the Scottish Ministers for the purposes of or in connection with this Act". This guidance is therefore issued to local authorities and is intended to assist those who are involved in overseeing the consultation and decision making processes around proposed changes to their schools, as set out in the Act. It is intended to help ensure that full, fair and rigorous consultations are undertaken and does so by providing guidance and illustrative examples of the good practice which is expected to be the norm. It will also be helpful to read the Explanatory Notes that accompany the Act which are designed to help understanding of its detail – [www.oqps.gov.uk/legislation/acts/s-acts2010a](http://www.oqps.gov.uk/legislation/acts/s-acts2010a)

This guidance will also be of interest to parents and carers; school pupils and staff; members of the local community; and anyone else with an interest in how authorities undertake consultations on proposed changes to schools. It is important that they are

reassured that the consultation and decision making process and procedures are fairly, fully and rigorously carried out by the local authority.

The structure of this guidance follows the order of the provisions in the Act. The specific areas covered and the level of detail offered on those areas reflect the discussions and debate during the course of the passage of the Bill through the Scottish Parliament. The Scottish Government has been keen to respond to issues and areas of concern and interest as they have arisen during the consultations and the various stages of Parliamentary scrutiny. In preparing this guidance, we have taken into account the engagement and contribution of MSPs and other stakeholders.

### **The Educational Benefits Statement – Section 3 of the Act**

The Act reflects the Scottish Government's view that the educational benefits should be at the heart of any proposal to make a significant change to schools. Consequently, the Act specifies that the local authority must, for all consultations, prepare an educational benefits statement (EBS) and publish it within the proposal paper<sup>1</sup>. The Act requires authorities to consider both current and future pupils of the school, current and future users of its facilities and also to explain how the authority intends to minimise or avoid any adverse effects of the proposal. It must also include its reasons for reaching the views which it sets out regarding the educational benefits. Reasons should be supported by evidence to assist consultees in their understanding of the envisaged educational benefits.

#### **Effect on different school users**

The Act specifies that the authority must set out within the EBS its assessment of the effect of the proposal on a range of school users. The first such group is the pupils at the affected school or schools. It applies to all pupils, not just some. It will often be important for an authority to distinguish between different groups – for example those with additional support needs – and how a proposal may benefit/impact on them differently. An affected school would include a school proposed for closure either in its entirety, or in part (where for instance a stage of education or where all nursery provision was proposed to be discontinued). Where the proposal was to establish a new school, those schools whose rolls would be consequently reduced or changed as a direct result of the new school should be counted as affected schools. Proposals to change catchment areas normally also affect more than one school – and in some cases schools from across neighbouring authorities. In such cases authorities will want to consider carefully how any proposal might have a consequential effect on other schools.

The EBS must also set out the assessed impact on other users of the school's facilities, both currently and in the future. That may include for instance adult or community users, perhaps who attend school-based classes, or users of a school's theatre or hall or sport and recreation facilities. The authority must also consider and set out the impact of its proposals on children or young people who would have been likely (but for the proposal) to have become pupils of the school. In the case of a primary school that would generally affect children who would within two years be expected to attend, or in the case of a secondary school it would include children in associated primaries. However, authorities should consider the interests of any and all children or young people they know may come into this category.

Finally, the authority is required to set out its assessment of the likely effects of the proposal – its potential implications and consequences – on some or all of the pupils in other schools across the authority's area.

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<sup>1</sup> The proposal paper is covered in more detail in pages 4 and 5 of this guidance

In assessing the likely benefits and effects on users, authorities will want to take into consideration a range of factors which will vary from case to case and in scale, depending on the particular circumstances and the type of proposal being consulted on. In many circumstances, the affected groups will not necessarily share a common benefit from what is proposed. In these cases, it will be important that the EBS demonstrates clearly how the authority has identified and intends to balance these diverse interests. In order to make the EBS as clear and easily understood as possible, authorities will wish to emphasise and highlight the main beneficiaries of what is proposed and how they will benefit.

### **Factors which may be candidates for consideration**

Neither the Act nor this guidance are framed in a way that either lists or limits the range of factors that may be relevant in the case of a particular proposal, that an authority might take into consideration and/or articulate in the EBS. The Government, however, expects that, as a matter of course, the rationale and arguments offered in the EBS, indeed in the whole of the proposal paper, will be set within the context of an authority's range of statutory duties – which is addressed in more detail in the section below.

Also of relevance will be the way a proposal sits within the context of a range of national and local policies. *Curriculum for Excellence* sits at the heart of what both national and local government are looking to achieve in terms of raising levels of achievement and improving educational outcomes for all children and young people. It is intended to nurture successful, effective, confident and responsible young people, able to learn and utilise learning in a way that helps them reach their full potential and to respond to the increased variety and pace of change in today's and tomorrow's world.

In preparing the EBS, authorities will want to set out how a proposal will improve the quality of the curriculum and create positive environments for more effective learning and teaching better matched to the needs of learners. The EBS should focus on how the proposals will improve the depth, breadth, coherence, relevance, challenge and enjoyment provided by the curriculum. It should also demonstrate how opportunities for greater personalisation and choice in learning and improved progression will enhance children's experiences. This will include the use of information and communications technology (ICT) and arrangements for assessing and planning learners' progress. It will also be important to highlight the impact of the proposals on the overall ethos of the school, including the care and welfare of pupils and their personal and social development. A key aspect will be to ensure that the proposal improves equality of opportunity for all within an inclusive educational experience, in the widest sense, for pupils and achievement, and for interdisciplinary learning and beyond.

Other potentially relevant issues in connection with educational benefit in some cases may include the condition and suitability of the school buildings and facilities (and where a proposal would involve pupils moving from one school to another, the relative condition of both), changing patterns of demand for school places if there is a growing mismatch between supply and demand, and the travel and transport context and implications of a proposal if for instance they would impact differently on pupils' broader social experiences and opportunities to participate in and benefit from out-of-hours learning. Financial and budgetary considerations may also be relevant in situations where disparities in the costs of the delivery of education may have grown, to the detriment of the greater good, at least to the point where an authority considers that they require to be reviewed.

### **Other statutory obligations pertaining to education**

Local authorities have other education-related statutory duties which they require to fulfil and therefore need to consider when contemplating proposals to change the way in which

education is delivered. The EBS is the place for the authority to set out the relationship between a proposed change and these other education-related statutory duties – and how what is proposed fits with the continued fulfilment of these other obligations. The following list of statutory duties is illustrative rather than exhaustive:

Education (Scotland) Act 1980, section 1 of which requires authorities to secure for their area adequate and efficient provision of school education; and section 17 which deals with sufficient school accommodation.

Standards in Scotland's Schools etc Act 2000, section 3 of which requires authorities to endeavour to raise standards and secure improvement in the quality of school education provided in their schools.

Section 2 of this Act states that it is the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents and the mental and physical abilities of the children or young people to their fullest potential.

Education (Additional Support for Learning) (Scotland) Act 2004. This requires authorities to identify and provide support for any children with additional support needs and prepare co-ordinated support plans for those with the most extensive needs. This is a critically important group of pupils whose particular needs require special consideration.

### **'Personal' or 'attributable' information**

In the EBS, sensitive or personal information that could be linked to or attributed to individuals – for instance individual pupils – should be avoided, although it is recognised that this may be more difficult where very small numbers are involved. The objective should be to couch the text of the EBS in such a way as to avoid the identification of individuals and focus on the generic or on groups or categories of persons affected.

### **The Proposal Paper – Section 4 of the Act**

Whereas the EBS provides the local authority with the opportunity to set out the educational case for their proposal, the proposal paper itself is where the authority can and should set out all the other contextual and relevant evidence and information around and in support of the proposal. The EBS will be included within the published proposal paper, so that consultees can consider the whole case together.

Authorities are required to prepare a proposal paper to set out the detail of the relevant proposal or proposals. In order to minimise confusion, authorities should only consider grouping together more than one proposal in the paper where they are in some way interconnected. In considering what material to include in the proposal paper (in addition to the educational case set out in the EBS) an authority may wish to explain what has given rise to consideration of the matter being consulted on and why it has decided upon the particular proposal set out for consultees. If appropriate, it should also give details of other options considered but rejected (in the case of rural school closures this will have to be done as part of the process – see page 8 for more detail).

There may also be legislation - other than that directly relating to matters educational - that is relevant to the proposal and its context. These include:

Local Government in Scotland Act 2003, section 1 of which sets out what a local authority is expected to demonstrate in fulfilment of a series of obligations placed upon it. One such is the duty to secure best value by continuous improvement in performance of the authority's functions, while maintaining an appropriate balance between quality and cost

and having regard to economy, efficiency, effectiveness, equal opportunities and the achievement of sustainable development.

An authority may wish to demonstrate how a proposal helps to fulfil this duty and achieve best value by setting out clearly cost benefit analyses of the financial and budgetary factors and implications of the proposal. Aspects of this may already have been covered in the EBS but if there are cost issues which go beyond the purely educational, the proposal paper is where these should be set out, again, with full financial details and supporting evidence where these are significant factors in relation to the proposal.

Equal opportunity legislation – it will also be important in the proposal paper to set out how the proposal squares with and assists the authority in fulfilling its obligations under various statutes such as the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995. Preparing and publishing an Equality Impact Assessment in the proposal paper would be one way of fulfilling this.

### **Other factors**

As well as best value, financial costs and equality issues, and matters already covered in the EBS, the proposal paper is the place to focus on wider community and other issues, beyond the purely educational – both where they have relevance to the context, timing and detail of the particular proposal and also where community and other implications of what is proposed may have been identified and how the authority plans to address or handle those.

Many local authorities undertake Asset Management Plans on a corporate basis to ensure the most effective use of assets and control of both revenue and capital costs – the school estate is a major aspect of this planning process. Where such plans do exist the proposal paper would be an appropriate place to make reference to how the proposal under consideration fits into this wider authority planning.

### **Proposal Paper inaccuracies and omissions – Section 5 of the Act**

As the proposal paper must include the EBS, any such omission from or inaccuracy in that statement is also covered by this section of the Act. Omissions of relevant information or inaccuracies may be discovered by the authority itself or may be brought to its attention. In either case it is for the authority to consider whether or not relevant information has been omitted or the paper is inaccurate and if so, decide what appropriate and proportionate action to take.

Where the implications of the omission or inaccuracy are minor, with little or no impact on the ability of consultees to understand the proposal paper, an authority may decide to do nothing beyond fulfilling the requirement to inform whoever brought the matter to its attention of that decision. Where an authority judges the omission or inaccuracy to be more significant it may, as it considers appropriate, do one or more of the following. It may issue an erratum or corrected proposal paper and issue consultees (and HMIE) with a notice with the correct or omitted information. This issue of a corrected paper or erratum note may include extending the consultation period if this is considered warranted. It will also be good practice to publicise the corrected or additional information as widely as possible, for instance on the council's website.

### **Notice and Consultation Period – Section 6 of the Act**

An authority must notify the relevant consultees of the proposals and the consultation period cannot commence until this has been done. The authority must also set a consultation period of at least 6 weeks, to include 30 days of term time at any affected



school, not including school holidays or any other days when the school is not open to pupils. For example, a consultation period commencing say a week before the Easter holidays would run for 30 school days up until sometime in May. The 30 day period would be calculated as not including any Easter holidays, the early May bank holiday, if that is also a school holiday, and any intervening in-service days.

### **The Public Meeting – Section 7 of the Act**

A public meeting must be held (at which the authority is represented) during the consultation period and advance notice given of its date, time and location to the relevant consultees and to HMIE (if that information has not already been given in the notice issued just prior to the start of the consultation period advising consultees of the proposal).

Maximum advance notice of the details of the public meeting is desirable. If the details can be included in the initial notice of the proposal then there will be no need for the authority to have to issue a second notice at a later stage.

The Act leaves the details of the public meeting to authorities. As to timing, authorities will wish to balance the need to give interested parties enough time to read and digest the proposal paper, in order to inform discussion and questions at the meeting, with the need to allow sufficient time after the meeting to reflect and consider what representations and response to make to the consultation. Unless there are good reasons to do otherwise it would be appropriate to avoid holding the public meeting during the first week or so of the consultation period, but ensuring that it has taken place by around the halfway stage.

For the convenience of consultees and other interested parties the public meeting should take place outwith normal/office working hours and at a convenient location.

If an authority considers it appropriate to hold more than one public meeting, for example in response to a request for a subsequent meeting during normal/office working hours, the provisions of the Act and this guidance should apply to each one.

### **Her Majesty's Inspectorate of Education's involvement – Section 8 of the Act**

The Act provides for Her Majesty's Inspectorate of Education's (HMIE) involvement in the consultation process. This involvement will culminate in HMIE preparing and submitting to the authority a professional and independent report on the educational aspects of the proposal being consulted on. As this guidance is addressed to local authorities rather than to HMIE, it focuses on authorities' responsibilities in relation to this section of the Act.

An authority will wish to engage with HMIE before a consultation on a proposal is taken forward to ensure that practical arrangements are in place. For example, to ensure that papers and representations are sent to the appropriate person at HMIE. There will also need to be discussion as to how this shall be handled at the end of the consultation period. The 3 week period within which HMIE must prepare and submit their report (unless the authority and HMIE agree a longer period) does not commence until the representations have all been forwarded to HMIE.

The Parliament's Education, Lifelong Learning and Culture Committee discussed the question of HMIE's attendance at public meetings at some length. They assumed that HMIE would in most cases send a representative to the public meeting and the Scottish Government is of a similar view. However, the absence of an HMIE representative would not 'invalidate' the public meeting and the authority in any event must send HMIE a summary of the oral representations made. Where an HMIE representative does attend a public meeting it is important to emphasise to those present that he/she is doing so exclusively as an observer and cannot be asked to participate or offer any comment.

## **The Consultation Report – Sections 9 & 10 of the Act**

The Act requires the authority to review the proposal consulted on in light of the written and oral representations it has received and HMIE's report, and then prepare and publish a consultation report. Section 10 sets out what the consultation report must contain. It should provide the number of written representations received, a summary of the written and oral representations made and the authority's response to those representations, the full text of the HMIE report and finally a statement explaining how the authority has reviewed the proposal in light of the representations and HMIE report.

In addition, if omissions were identified from, or there were inaccuracies in the proposal paper, the consultation report must set out their details and the action taken and, if no action was taken, why.

In the case of closure proposals the consultation report must also explain the opportunity which people would have for making representations to the Scottish Ministers in the event that the Council decided to close a school. The report should make clear that they would have a period of 3 weeks after the Council decision was taken to bring to Ministers' attention any matter which they considered would justify the decision being called in under section 15(4) of the Act. This is explained more fully below under the section entitled 'Possible Call-in'.

## **Further Consideration – Section 11 of the Act**

The purpose of this provision within the Act is to ensure that a period of 3 weeks elapses between the authority's publication of the consultation report and the Council actually taking the decision on whether to implement the proposal(s). The intention is that interested parties should have time to see and digest the contents of the consultation report and also have time if they so wish to voice concerns and approach and lobby the councillors who will shortly be deciding on the proposal(s).

## **Special Provision for Rural Schools – Sections 12-14 of the Act**

These sections of the Act set out special safeguards for rural schools (rural schools will be defined in terms of a list which Ministers will issue and maintain, in accordance with section 14 of the Act). The Act requires authorities to have special regard to three factors before deciding to propose and consult on a rural school closure. These factors acknowledge and reflect the special importance of a school to the more fragile and vulnerable rural and remote communities of Scotland. Closure of a school in these communities almost inevitably means that pupils will have to travel elsewhere to be educated and there will be a significant loss of service provided locally.

The first factor which an authority must have special regard to is any viable alternative to the closure proposal. The intention here is to ensure that when an option to close is proposed, the decision to consult on that option is a last resort, only proposed after all the other viable alternatives have been considered. For example, consideration could focus on how the school roll might be increased; how recruitment to the teaching posts might be improved; whether other management options might be a possibility; and how the buildings might be more intensively used. These are just some illustrative examples of a wide range of alternatives to closure than an authority may have considered and even tried to implement.

The second factor focuses on the likely effect of the school's closure on the local community - whether that will affect the local community's viability and whether the asset of the school's buildings, facilities and grounds would still be accessible, or lost, to the

community. Many considerations are likely to be relevant in terms of community viability: whether closure would encourage families with school-age children to leave the community or discourage similar incomers; what impact closure might have on other services provided locally, for instance if the school is the only remaining public building in a community and a real hub of community life, used for other purposes such as public meetings, local events, fetes, surgeries, and other get-togethers.

The third factor focuses on the likely consequences of the closure on travel and transport arrangements of the school's pupils, staff and other users, and the effect on them (perhaps in terms of pupil health and wellbeing if they are less able to walk or cycle to school) as well as the overall environmental impact (for instance as a result of increased car usage). In some instances longer journeys to school may increase the likelihood of bad weather impacting on home to school travel.

Section 13 of the Act requires the authority, in consultations on rural closure proposals, explicitly to set out in the proposal paper how it gave special regard to these three factors, and in the consultation report how it again had regard to these factors in reviewing the proposal at the end of the consultation period, and any changes of attitude to the three factors which it had in that context.

### **Possible 'Call-In' of closure decisions by Ministers – Sections 15-17 of the Act**

Section 15 of the Act requires an authority to notify Scottish Ministers and send them copies of the proposal paper and consultation report (within 6 working days of taking the decision) if, following a consultation, it decides to implement a closure proposal. The requirement to notify Ministers does not apply to any other category of decision.

There is a three week period (commencing on the day the decision is made) during which anyone can make representations to Ministers requesting that they call in the Council's decision. Ministers have up to six weeks from the date of the decision to decide whether or not to call in a closure decision. If they do decide to call it in, they effectively remit the authority's decision to themselves i.e. Ministers will then decide whether or not to allow the closure to go ahead and if so, if there should be any conditions attached to their consent. This means that an authority may not proceed further with the implementation of a closure decision until that six-week period has elapsed, unless Ministers have earlier informed the authority that they do not intend to call in the decision.

The grounds on which Ministers may call in a decision are set out in section 17 of the Act. These are - where it appears to Ministers that the authority may have failed in a significant regard to comply with the requirements imposed on it under this Act or to take proper account of a material consideration relevant to the decision to implement the proposal. The Act does not further define what might or would constitute a 'material consideration' – any particular case will be considered on a case by case basis, if representations are received. This Ministerial power is intended as a safeguard, in closure cases, to help to ensure that the consultation and decision-making processes and procedures are fairly, fully, openly and transparently carried out. The following examples are however included by way of illustration of the sort of issues and scenarios that would constitute a material consideration relevant to an authority's decision to implement a proposal (these are by no means exclusive or exhaustive):

- a school closure proposal is consulted on so far in advance – for example 3 years – of its implementation date that it would not be possible to identify all of the pupils that would be affected.
- a consultation on a proposal to close a school that contains a special unit, which includes details of where pupils in the mainstream section of the school would move

to if the proposal is implemented, but contains no information about the pupils at the special unit.

- a consultation on a proposal to close a school, which contains details of one alternative school but no details on another school which could reasonably be considered as a suitable alternative, where evidence would suggest that it is a popular school that parents are already choosing to send their children to (instead of the school proposed for closure or the school formally proposed as the alternative).
- a consultation that fails to take account of the number of times when the road between the school proposed for closure and the alternative school would be shut due to bad weather (in an area where this was a known occurrence) – meaning that the pupils could not get to the new school.

Since the grounds for call-in focus entirely on the activities of the authority, much will depend on how the authority signals its response to material considerations raised in the proposal paper and commented on by consultees, or raised by consultees or by HMIE, how it reviews the proposal in light of all of the above and how it reaches and explains its overall conclusion and final decision on the proposal.

If Scottish Ministers do call in a closure decision the authority cannot proceed to implement the decision - either in full or in part - until Ministers have informed the authority of their own decision in the case. Ministers may refuse to consent to the decision's implementation or grant their consent to it, either unconditionally or subject to conditions. During the six week period when Ministers are deciding to call in a closure decision, and subsequently if they do call it in, authorities are required to provide Ministers with such information as they may reasonably require in relation to their consideration either of the call-in or consent decision.

### **Definitions – Section 21 of the Act**

This section of the Act also came into force on 6 January 2010, the day after Royal Assent. It provides appropriate definitions of terms in the Act.

In particular, the schools to which this Act refers are public schools as defined in section 135(1) of the Education (Scotland) Act 1980. This means any school under the management of an education authority and includes nursery schools which are under authority management i.e. are run by them.

The Act does not cover independent schools or nursery schools or nurseries which are managed and run independently i.e. by other than local authorities.

### **Relevant Proposals – Schedule 1**

This Schedule sets out all the categories of proposal to which this Act applies.

The provisions of sections 15-17 of the Act, relating to closure proposals, relate to all the categories of closure covered by paragraph 1 of the Schedule, not just to proposals for the closure of a whole school.

Authorities sometimes 'mothball' a school whose roll has either naturally fallen to zero or has done so as a result of placing requests made in respect of alternative schools. Authorities may take the view that mothballing the school is appropriate if there is a possibility of the school roll increasing again in the future, warranting the school's reopening. Mothballing, as temporary rather than permanent discontinuance, does not

require consultation in terms of the Act. If the authority, at a later date, decided to permanently close a mothballed school, such as to preclude its reopening if local demand for school places should rise again, the provisions of this Act would require to be complied with, before such a decision could be taken.

The reference in paragraph 10 of this Schedule to further education centres is only to such centres which are managed by local authorities. At the present time such centres exist only in Orkney and Shetland.

## **Relevant Consultees – Schedule 2**

This schedule identifies a core set of relevant consultees who should be consulted in connection with every type of proposal set out in Schedule 1. These are the Parent Council, parents of pupils attending an affected school as well as the pupils themselves, parents of pupils likely to attend an affected school, staff at an affected school, any trade union which appears to the education authority to be representative of those staff, and any other users whom the authority considers relevant. The Schedule also specifies other relevant consultees in relation to specific categories of proposal - for instance the community council is included where the impact is likely to affect the wider community. Additionally, paragraph 11 specifies that Bòrd na Gàidhlig is to be consulted when a proposal affects the provision of Gaelic medium education (GME) such as where a GME class is to be established or discontinued or a GME school's catchment is to be changed. Paragraph 12 makes clear that where a change is being proposed which affects a denominational school, the relevant church or denominational body must be consulted.

## **Consulting children and young people**

One way of seeking to ensure that Scotland's children and young people become responsible citizens, one of the cornerstones of Curriculum for Excellence, is by helping them to understand the decisions that are made about them and for them by adults, and by involving them and ensuring that they have an opportunity to have their say. The Act requires pupils to be consulted in so far as the authority considers them to be of suitable age and maturity. The presumptions should be "no lower age limit" and a focus on the pupils' capacity rather than incapacity – yet recognising that some proposals will be technical or incomprehensible or of little or no interest to certain categories or age of pupils. However, Article 12 of the UN Convention on the Rights of the Child gives a child the right to express a view on matters that affect his or her life and to have that view taken into account.

The Act therefore provides for pupils' views to be sought and taken into account on an equal basis to other statutory consultees and there is a clear expectation that authorities will make all reasonable efforts to ensure that the greatest number of pupils are meaningfully consulted, in ways that are appropriate to their age and maturity. They should also consider how best to provide feedback to pupils on how their views have been taken into account in the Council's coming to a decision. This should be done in an accessible and age-appropriate way that will help them understand the process and how and why the decision has been taken.

Pupil councils are relatively commonplace throughout Scottish schools and in many cases will provide an ideal platform for proposals to be shared and views to be expressed and captured. The authority should though consider a range of means for communicating and consulting with children and young people of varying age groups and levels of maturity.

The office of the Commissioner for Children and Young People, and Children in Scotland, produced, in light of this Act, guidance aimed at assisting local authorities in undertaking

their duty to consult children and young people. It is designed to ensure best practice across Scotland and can be viewed at either of the following links:

[www.sccyp.org.uk/admin/04policy/files/spo\\_142146Participants,%20not%20pawns%20guidance%2020100315.pdf](http://www.sccyp.org.uk/admin/04policy/files/spo_142146Participants,%20not%20pawns%20guidance%2020100315.pdf)

[www.childreninScotland.org.uk/docs/Participantsnotpawnsguidance20100315.pdf](http://www.childreninScotland.org.uk/docs/Participantsnotpawnsguidance20100315.pdf)

### **Transitional provisions – Schedule 3**

Paragraph 3 onwards of this Schedule sets out the transitional provisions for moving from the current system of statutory consultations under the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 (“the 1981 Regulations”) to the new set of procedures in the Act.

There are essentially 2 transitional options, which were included in the Bill from the outset so that authorities would be able to plan ahead, well in advance. Indications have consistently been given that the Act (beyond sections 19-22 which are already in force) will be brought into force at or around Easter 2010. The 2 options between them cover all circumstances where authorities launch consultation processes prior to 5 April 2010.

The first option is where an authority has commenced or commences statutory consultations regarding a proposed change to a school in accordance with the 1981 Regulations and has taken, or will take, a post-consultation decision on implementing the proposal prior to the 5 April 2010 commencement of this Act. If that decision is not referable to Ministers – under the distance, % occupancy or denominational criteria – then the authority may proceed to implement it. If it is referable, implementation will need to await a Ministerial decision on consent (and only proceed if Ministerial consent is given). In some of these cases it may take until some time after 5 April 2010 for Ministers to reach and deliver their decision regarding consent.

The second option is where an authority wishes to start a consultation before commencement of the Act (5 April 2010) but will not be at the stage of taking a post-consultation decision until after the Act is wholly commenced. In these cases the authority may only ‘continue’ with the consultation and decision making processes through and beyond the date of commencement (5 April 2010) if the consultation processes have ‘anticipated’ the provisions of the Act – i.e. have consisted of or included what is set out in Sections 1 to 10 of the Act. Paragraph 3(4) of the Schedule sets out specific requirements relating to the proposal paper and consultation report if the consultation thus underway involves a proposal to close a rural school; and when the post-consultation decision is taken by the Council, sometime after 5 April 2010, sections 12 and 15 to 17 of the Act will apply – in other words there will be no further referrals to Ministers after 5 April 2010; their only consideration will be potential call-ins of closure decisions.

For the avoidance of any doubt, any consultations which are commenced *after* the coming into force of the Act on 5 April 2010 are not in any sense ‘transitional’ and must of course comply with all of the Act’s provisions.

### **A further issue to consider relating to answering questions or requests for additional information**

In considering questions put or requests for additional information or advice on the proposal, from parents or Parent Councils, authorities will be mindful of their obligations under the Scottish Schools (Parental Involvement) Act 2006. That Act places two specific duties on authorities - to give advice and information when a Parent Council reasonably

requests it from them on any matter (section 11(1)) and to give advice and information to a parent of a school pupil when reasonably requested, on any matter relating to the education provided to that pupil (section 12(1)).

Beyond those statutory obligations it is also important that authorities – as a matter of good practice and courtesy - attempt to answer all relevant questions and requests for additional information timeously and, as far as is reasonably practicable, before the end of the consultation period. This particularly applies where the question or request is raised by a relevant consultee. Doing so will enable people to digest and consider the answer and/or additional information provided, prior to finalising their response to the consultations.

In some cases the questions posed or requests for information will be personal, sensitive or relate to individuals, in which case it will be appropriate for the authority to keep its response entirely confidential. In other cases though, authorities are encouraged to consider whether the matters raised and answers provided or additional information supplied would be of wider interest to other consultees. In that case the authority should consider how best to share and publicise the material – perhaps via its website (the FAQ section or some other prominent part) or some other means.

**Scottish Government**  
**Learning Directorate**  
**February 2010**

Inverclyde Council  
 Education Services  
 Wallace Place  
 GREENOCK  
 PA15 1JB



## PROPOSED RELOCATION FOR GLENBRAE CHILDREN'S CENTRE

### RESPONSE FORM

This form can be emailed to [yoursay@inverclyde.gov.uk](mailto:yoursay@inverclyde.gov.uk) or sent to the above address no later than 23<sup>rd</sup> August 2016.

Must be completed for a valid response			
Name:		Address:	
		Postcode:	
Your Interest			
Parent/carer <input type="checkbox"/>	Staff <input type="checkbox"/>	Child <input type="checkbox"/>	Other <input type="checkbox"/>

Please confirm that you have read the statutory consultation document by ticking this box

Summary of proposal (Please refer to proposal document for full details)	
It is proposed to relocate Glenbrae Children's Centre to fully refurbished premises at 1 Aberfoyle Road, Greenock, PA15 3DE.	
Do you agree to the proposal to relocate Glenbrae Children's Centre to the fully refurbished premises at 1 Aberfoyle Road, Greenock, PA15 3DE	Yes <input type="checkbox"/>
	No <input type="checkbox"/>
	No preference <input type="checkbox"/>

Please comment, listing your main reasons for agreeing or disagreeing with the proposal:
1.
2.
3.
4.
5.



Column1	YOUR INTEREST	RESPONSE RECEIVED DATE	RESPONSE RECEIVED VIA	AGREEMENT WITH PROPOSAL	REASON 1
1	Staff		Mail	Yes	1) Newer Facilities for both staff and children. 2) A modernised learning environment for children. 3) Parking Facilities
2	Other	18/07/2016	CSC	Yes	1) More space. 2) More Space for children
3	Other	18/07/2016	CSC	Yes	1) Good for community
4	Other	18/07/2016	CSC	Yes	1) Very good for community. 2) Positive move in providing quality care for
5	Other	18/08/2016	Mail	Yes	1) Will provide a better learning environment. 2) Will provide improved facilities for everyone.
6	Parent	22/08/2016	Nursery	Yes	1) Out school care should be in school, makes more sense.
7	Parent	22/08/2016	Nursery	Yes	1) I think it would benefit the children have a bigger space. 2) To get the children used to change. 3) More activities to do in a bigger building.
8	Staff	22/08/2016	Nursery	Yes	1) Children will have a nice modern building suitable for their learning needs. 2) Staff will have a pleasant environment to work in. 3) More storage space available to store resources etc. 4) Would prefer if out of school care and nursery
9	Staff	22/08/2016	Nursery	Yes	1) Big staff room. (maybe a sink). 2) Not sure about outdoor space 1. 3)
10	Parent	22/08/2016	Nursery	Yes	Separating out of school care staff and children - how will it work? 1) Good location.
11	Staff	22/08/2016	Nursery	No preference	1) Carpark would be more preferable. 2) Lack of outdoor space is a concern. 3) Looking forward to a larger staff room. 4) Would prefer separate male / female toilets. 5) Concern for pram storage area. 6) Concern for out of school care location. 7) Traffic congestion concern.
12	Staff	22/08/2016	Nursery	No preference	1) Congestion on very busy road. 2) Play areas smaller. 3) New building built which includes out of school, on current site. Current building poor condition. 4) Staff team divided out of school care.
13	Staff	22/08/2016	Nursery	No preference	1) Outdoor area is lacking for 0-2 years. 2) Unsure of what is happening with out of school care. 3) Do agree present building is no longer suitable. 4) Two very busy roads.
14	Staff	22/08/2016	Nursery	Yes	1) Unsure of our of school plans. 2) Not a lot of outdoor space.
15	Staff	22/08/2016	Nursery	No preference	1) The new nursery will be located on a very busy road. 2) The playareas are smaller. 3) Out of school care will be located in another building. 4) Current building is in poor condition.
16	Staff	22/08/2016	Nursery	No preference	1) It think we should have a new building on the same site. 2) Outdoor space is limited, children's play areas fenced off areas. 3) Size of the 0-2 playroom, I don't want to loose space complained to what we already have. 4) Will numbers stay the same? (Staff to childrne's ratio's). 5) Out of school care will be in a separate
17	Parent	22/08/2016	Nursery	Yes	1) As a parent, unsure of out of school care plans / location. 2) As a staff member. Happy with nursery plan.

18	Staff	22/08/2016	Nursery	No preference	1) The children will not have much outdoor play space. It's near a busy road, not easy for parents and staff to park to drop off and collect children. 2) The out of school care will be located in the school instead of being in the same building, team is divided now. 3) It's good that it will be a new refurbishment building with new resources and up to date furniture. 4) Toilets easily accessible. 5) It good that staff room will have a sink as not used to that.
19	Staff	22/08/2016	Nursery	Yes	1) Happy to move to the new building, fresh, better facilities / resources.
20	Staff	22/08/2016	Nursery	Yes	1) I'm happy for the move to go ahead. 1) Out of school care relocating to All Saints - will we have designated area? 2) Space in school for OOSCs. 3) Out of school care holiday care concern - moving back to Glenbrae? 4) Out of school care will not be part of staff team. 5) It's good if OOSCs get access to different parts of school e.g. football pitch, computer suite etc.
21	Staff	22/08/2016	Nursery	No preference	1) Building just now needs upgrading. 2) Facilities for staff also need to be upgraded e.g. sink for washing cups etc. 3) Disappointed that OOSCs staff and children are separated.
22	Staff	22/08/2016	Nursery	Yes	1) I am concerned that out of school care will not be part of the centre, and that parents may have 2 drop off and pick ups. 2) I am in favour of a bigger staff room with appropriate washing and cooking facilities. 3) Outdoor storage facilities to store large equipment. 4) Additional rooms for meetings is positive. 5) Would be in favour of a larger outdoor area.
23	Staff	22/08/2016	Nursery	No preference	1) Out of school care. 2) Outdoor area.
24	Staff	22/08/2016	Nursery	No preference	1) I agree to the move as current building is not fit for purpose. 2) Main concern is location of out of school care and the dynamics of how it will work (will it be same room, everyday)
25	Staff	22/08/2016	Nursery	Yes	1) Will be nice to have a new build. 2) It's not too far away from the original building. 3) We are not having to be decanted.
26	Staff	22/08/2016	Nursery	Yes	1) The nursery needs to be modernised. 2) The after school care should still be in the nursery. 3) The staff should all be together and not split. 4) What would happen during the holidays in OSC? 5) Where would we be based in the school?
27	Staff	22/08/2016	Nursery	Yes	1) Glenbrae building is becoming to be unfit for purpose.
28	Staff	22/08/2016	Nursery	Yes	1) Existing building not fit for purpose.
29	Staff	22/08/2016	Nursery	Yes	

30	Staff	22/08/2016	Nursery	No preference	1)Disagree - out of school care service and holiday care service not housed in new proposed building. Would prefer all services run at Glenbrae to be kept together in same building with one staff team. 2)Uncertainty about where OOSC service and holiday care service will operate within All Saints Primary School. 3)No firm plans for a designated classroom for children and resources. Loss of garden and grounds.
31	Staff	22/08/2016	Nursery	Yes	1) The current building is no longer fit for purpose.

## **Report by Education Scotland addressing educational aspects of the proposal by Inverclyde Council to relocate Glenbrae Children's Centre to refurbished premises in Aberfoyle Road, Greenock.**

### **1. Introduction**

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Inverclyde Council's proposal to relocate Glenbrae Children's Centre to refurbished premises. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

#### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the centre; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

#### 1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others;
- consideration of further information on all schools affected; and

- visits to the sites of Glenbrae Children's Centre and All Saints Primary School, including discussion with relevant consultees.

## **2. Consultation Process**

2.1 Inverclyde Council undertook the consultation on its proposal(s) with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

The consultation ran from 23 May 2016 to 23 August 2016. The council held a public meeting on 7 June 2016 at All Saints Primary School. It sought views from a range of stakeholders, including through questionnaires appended to the consultation proposal. Of 31 people who responded through written representations, nearly 70% of respondents agreed with the proposal and around 30% indicated no preference to agree or disagree. All members of the public, parents/carers and trade union representatives who responded agreed with the proposal. Staff who responded either agreed to the proposal or did not have a preference to agreeing or disagreeing. Many respondents commented on the positive benefits which would come with newer facilities, a modern and improved learning environment, and improved facilities for both children and staff including access and parking. The majority of members of staff who responded expressed concerns regarding the out of school care service being moved away from Glenbrae Children's Centre and located in All Saints Primary School. Several members of staff also commented on the limited outdoor space at the new site.

## **3. Educational Aspects of Proposal**

3.1 Overall, the proposal has many potential educational benefits for current and future learners. The current Glenbrae Children's Centre is in poor condition and is not providing modern, fit for purpose accommodation for learners, with the council reporting significant issues in terms of building condition and suitability. The proposal will lead to improvements in the quality of learning environments, including for users of the building with mobility issues. Although the current centre offers outdoor areas which includes one large outdoor area, the new accommodation will offer more equitable increased outdoor spaces accessible from each of the playrooms.

3.2 Stakeholders at Glenbrae Children's Centre and All Saints Primary School who met with HM Inspectors are positive about the proposal to relocate the nursery from the children's centre to modern accommodation with better learning environments. Glenbrae stakeholders report challenges with the current building. They recognise that the modern refurbished accommodation will benefit nursery children at Glenbrae. Although headteachers of both establishments are very positive about working together, staff from both establishments have concerns regarding the current lack of detail in relation to the out of school care provision being relocated from Glenbrae to All Saints Primary School. Stakeholders are also keen for clarity regarding timescales for the full proposal to take place. In taking forward its proposal, the council will need to work closely with staff, parents and children from Glenbrae Children's Centre and All Saints Primary School to provide

clarity regarding the out of school care provision and timescales for the full proposal to be implemented.

3.3 Parents at Glenbrae Children's Centre who met with HM Inspectors are anxious about aspects of safe routes to the nursery; in particular some road crossings near the new building. The proposal indicates that the new accommodation will provide improved parking and arrangements for drop off. In taking forward the proposal, the council should work closely with stakeholders regarding safe routes to nursery.

3.4 The council identified one inaccuracy regarding conflicting information in the original proposal document in terms of childcare places available.

#### **4. Summary**

The proposal has a number of potential educational benefits for learners, leading to improvements in the quality of learning environments. A modern adapted building will improve the environment for learning and better support the full delivery of Curriculum for Excellence in accommodation which is accessible and inclusive to all learners. It will also support best value for residents across Inverclyde Council. In taking forward its proposal, the council will need to work closely with staff, parents and children from Glenbrae Children's Centre and All Saints Primary School to provide clarity regarding the out of school care provision and safe routes to nursery.

In its final consultation report, the council will need to set out the actions it has taken to address any alleged inaccuracies and omissions notified to it.

**HM Inspectors  
Education Scotland  
September 2016**

26/08/2016

# Public Consultation Meeting

Inverclyde  
council

## Proposal

Relocate Glenbrae Children's Centre to  
refurbished premises at Aberfoyle Road,  
GREENOCK PA15 3DE

Inverclyde  
council

## Meeting Format

- Welcome / Introductions Ruth Binks
- The Consultation Process Ruth Binks
- Educational Benefits Linda Wilkie
- Property Information Eddie Montgomery,  
Gavin Murray
- Questions and Answers

Inverclyde  
council

## The Consultation Process

- Statutory Responsibilities
- Consultees
- Consultation Period
- Involvement of Education Scotland
- Consultation Response Report

Inverclyde  
council

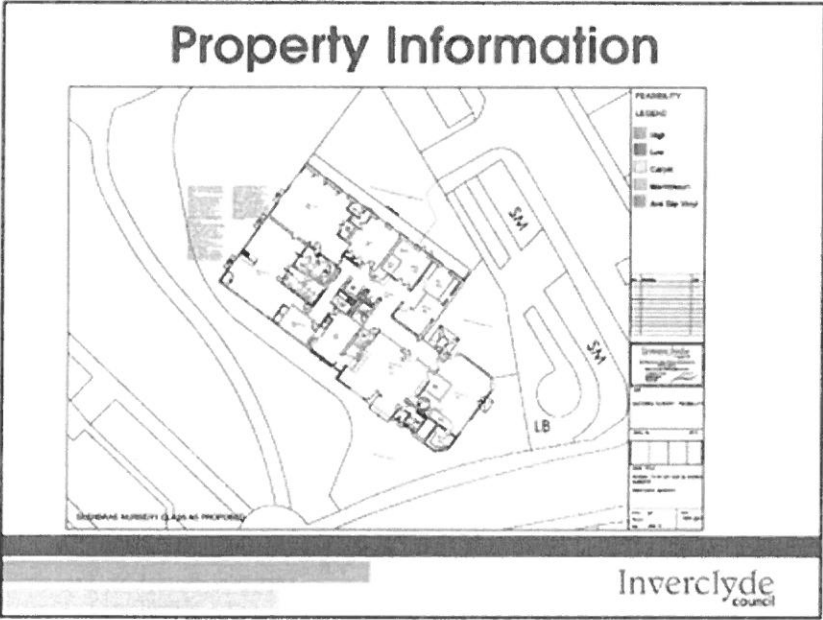
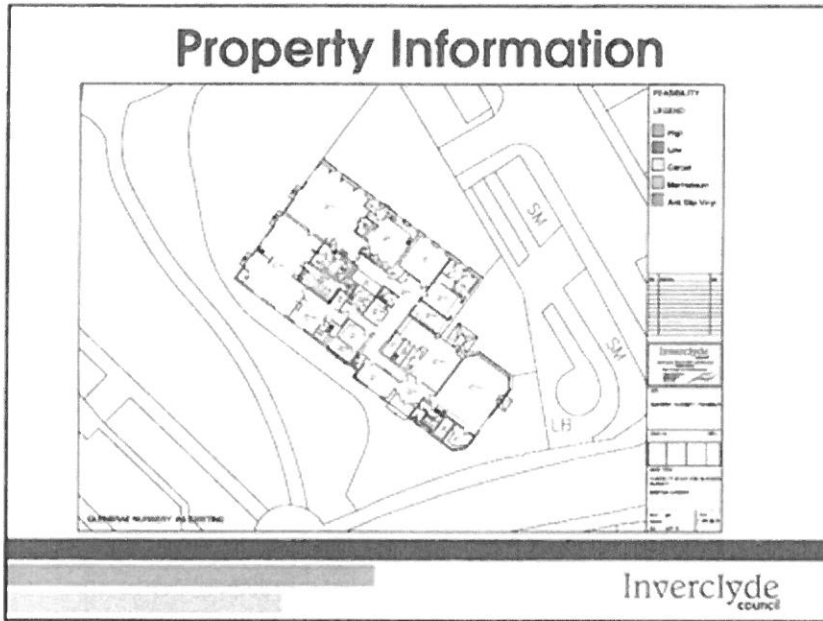


## The New Provision




- Current Provision
- New Provision
  - Quality
  - Environment
- Educational Benefit Statement
- Benefits
  - Children
  - Other users
  - Other schools / establishments
  - Management and staff
  - Transport

## Property Information



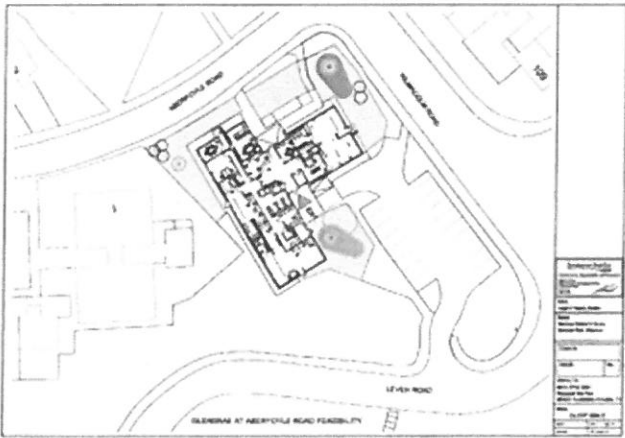


### Property Information



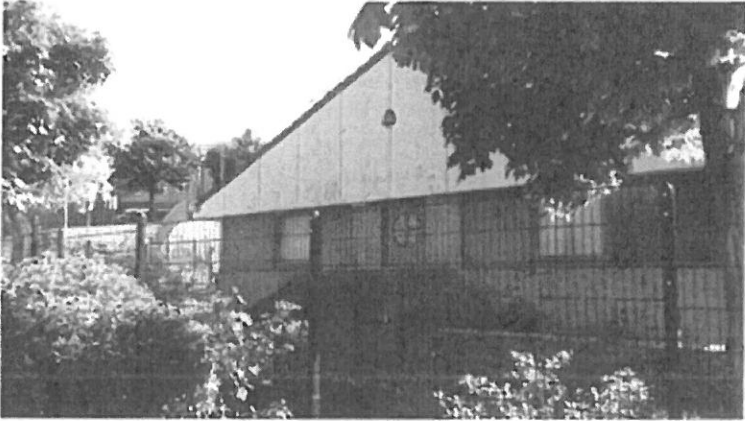
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council

### Property Information



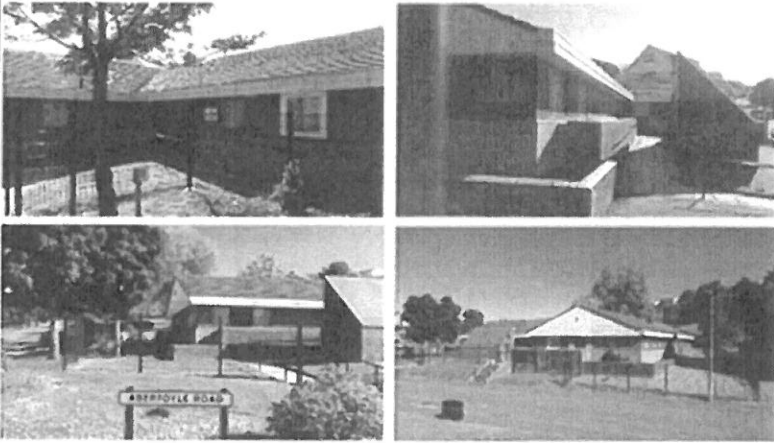
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### Property Information



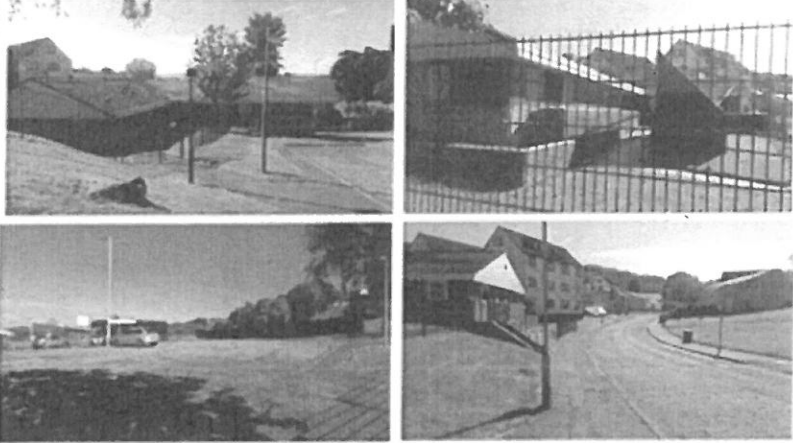
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### Property Information



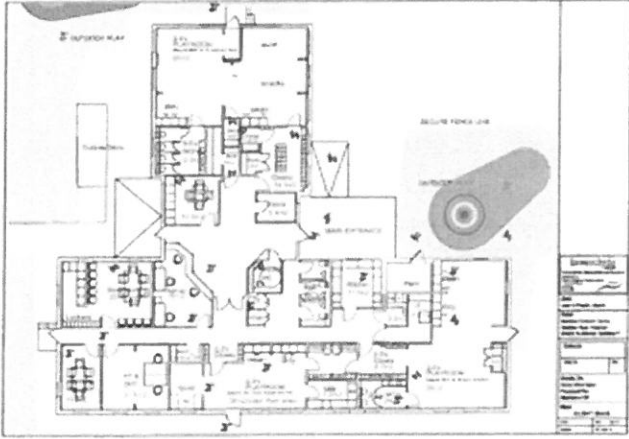
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### Property Information



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council

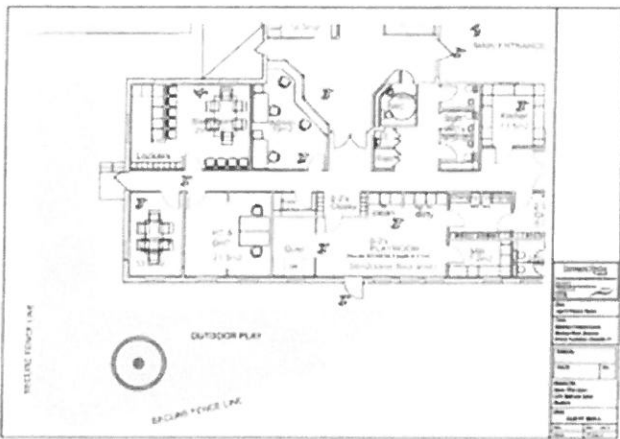
### Property Information



Inverclyde  
council



## Property Information




The floor plan shows a multi-room property with a kitchen, living area, and bedrooms. Utility lines for water, gas, and power are indicated. A circular area is labeled 'OUTDOOR PLAY'. A legend on the right side of the plan lists various symbols and their corresponding utility types.

Symbol	Description
(Symbol)	Water
(Symbol)	Gas
(Symbol)	Power
(Symbol)	Drainage
(Symbol)	Other

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council

## Questions



Inverclyde  
council

Public Consultation Meeting – Glenbrae Children’s Centre – 07.06.16

Questions / Comments

	<b>SURNAME</b>	<b>FORNAME</b>	<b>Title</b>	<b>QUESTION</b>	<b>RESPONSE</b>
1	XXXX	XXXX	Councillor	Is the new centre going to be DDA compliant	Yes, the Centre will be fully DDA compliant
2	XXXX	XXXX		Is space in School for out of school care to have own space	Consultation will take place with staff and the school when this decision is made. OOSC will still be part of Glenbrae Children’s Centre although be based at All Saints Primary School. Service will have access to a range of accommodation and specialist resources within the school. A similar model of out-of school care runs successfully in Aileymill Primary School
3	XXXX	XXXX		What about the garden and out of area space, concern over lack of grass.	it is planned to move boundary fence to incorporate more of the existing grass area. Each playroom will open directly onto an individual play area. This will be carefully designed to suit each age group. Consultation with staff, parents and children will be undertaken.
4	XXXX	XXXX	Councillor	Exciting. No more than the children of the East End deserve.	
5	XXXX		Councillor	When is this likely to happen?	This timeline is tied in with the completion of another project which will allow the relocation of the existing users of the accommodation . The proposed timeline is that a contractor should be on site by March 2017 with a completion date of January 2018.



## Equality Impact Assessment

This document should be completed at the start of policy development or at the early stages of a review. This will ensure equality considerations are taken into account before a decision is made and policies can be altered if required.

### SECTION 1 - Policy Profile

1	Name/description of the policy, plan, strategy or programme	Relocation of Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock
2	Responsible organisations/Lead Service	Education Services
3	Lead Officer	Linda Wilkie
4	Partners/other services involved in the development of this policy	Property Services
5	Is this policy:	New <input type="checkbox"/> Reviewed/Revised <input type="checkbox"/> The relocation does not introduce a new policy
6	What is the purpose of the policy (include any new legislation which prompted the policy or changes to the policy)?	To relocate Glenbrae Children's Centre into refurbished premises at 1 Aberfoyle Road, Greenock
7	What are the intended outcomes of the policy?	There will be a refurbished building that will be more fit for purpose.
8	Geographical area (Inverclyde wide or a specific location)	Aberfoyle Rd Greenock
9	Is the policy likely to have an impact on any of the elements of the Council equality duty (if yes, please tick as appropriate)?	<input type="checkbox"/> Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 <input checked="" type="checkbox"/> Advance equality of opportunity between people from different groups <input type="checkbox"/> Foster good relations between people from different groups This move will enable the building to be more DDA compliant.
10	Will those who may be directly or indirectly affected by this policy be involved in its development?	<b>Yes. Full consultation will be undertaken with all stakeholders.</b>

## SECTION 2 – Impact on Protected Characteristics

Which of the protected characteristics will the policy have an impact upon? (see guidance for examples of key considerations under each characteristic)		Impact				Reason/Comments
		Positive High Low	Neutral	Negative High Low		
Protected Characteristic						
Age						
Disability	X					The building will be fully DDA compliant
Gender Reassignment						
Pregnancy and maternity						
Race						
Religion or Belief						
Sex (Male or Female)						
Sexual Orientation						
Other groups to consider (please give details)						

## SECTION 3 – Evidence

What evidence do you have to help identify any potential impacts of the policy? (Evidence could include: consultations, surveys, focus groups, interviews, projects, user feedback, complaints, officer knowledge and experience, equalities monitoring data, publications, research, reports, local, national groups.)

Evidence	Details
Consultation/Engagement (including any carried out while developing the policy)	Full consultation has been carried out with all stakeholders. This includes public meetings and questionnaires.
Research	
Officer's knowledge and experience (including feedback from frontline staff).	
Equalities monitoring data.	
User feedback (including complaints)	
Stakeholders	
Other	
What information gaps are there?	

## SECTION 4 – CONSEQUENCES OF ANALYSIS

What steps will you take in response to the findings of your analysis? Please select at least one of the following and give a brief explanation.		
1. Continue development with no changes	X	The move of the nursery is considered to be a very positive step with educational benefits.
2. Continue development with minor alterations		
3. Continue development with major changes		
4. Discontinue development and consider alternatives (where relevant)		
How will the actual effect of the policy be monitored following implementation?		
The building will remain DDA compliant.		
When is the policy due to be implemented?		
2017.		
When will the policy be reviewed?		
After the decision has been taken to move location the decision will not be reviewed.		
What resources are available for the implementation of this policy? Have these resources changed?		
Resources allocated from the School Estates Management Programme.		

**Name of Individual(s) who completed the Assessment**

Name(s): Ruth Binks

Position: Head of Education

Date: 6/11/16

**Authorised by**

Name: Grant McGovern

Position: Head of Inclusive Education, Culture and Corporate Policy

Date: 07/11/16

**Outcome of the Statutory Consultation on the proposal to relocate Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF**

*January 2017*

This report has been published by Inverclyde Council in response to the statutory consultation undertaken under the terms of the Schools (Consultation) (Scotland) Act 2010. This report will be presented to the Education and Communities Committee of Inverclyde Council for consideration in *January 2017*.

This report has been published by Inverclyde Council in response to the statutory consultation undertaken under the terms of the Schools (Consultation) (Scotland) Act 2010. This report will be presented to the Education and Communities Committee of Inverclyde Council for consideration in *January 2017*.

If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone: (01475) 712853.

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1. Purpose of the report
2. Background on the consultation process
3. Summary of written responses
4. Summary of oral responses from public meetings
5. Summary of response by Education Scotland
6. Review of proposals by Education Services (Inverclyde Council)
7. Resource, risk and policy implementation
8. Equalities Considerations

## **APPENDICES**

1. List of consultees
2. Original Consultative document
3. Consultation response form
4. Power point presentation used at public meetings
5. Summary of responses to questions at public meeting
6. Report from Education Scotland
7. Equalities impact assessment

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to advise all stakeholders on the outcome of the statutory consultation exercise undertaken in respect of the proposal to relocate Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF.

## **2.0 BACKGROUND ON THE CONSULTATION PROCESS**

- 2.1 A consultation proposal document was issued as a result of a decision taken by the Education and Communities Committee on *3<sup>rd</sup> May 2016* to consult on the proposal to relocate Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF.
- 2.2 Notice of the proposal and publication of the proposal document was placed in the Greenock Telegraph to engage with the general community.
- 2.3 A copy of the proposal document was made available from *23 May 2016* to statutory and other consultees as listed in Appendix 1.
- 2.4 The consultation document was available from a variety of sources including the centre, local schools and online.
- 2.5 The consultation, in terms of the Schools Consultation (Scotland) Act 2010 was carried out over the period *23 May to 23 August 2016* during which time all interested parties were invited to submit written representations. A copy of the full consultation document is attached to this report (Appendix 2) and a copy of the consultation response form (Appendix 3).
- 2.6 As part of the consultation process there was also a public meetings held on 2 June 2016 in St. Mary's Primary School.
- 2.7 As required, Education Scotland was provided with a summary of all relevant written responses and oral representations made during the consultation period.
- 2.8 Inverclyde Council received a copy of Education Scotland's report on *16 September 2016*. A summary of this report is included in section 5 of this report and a copy of the full report is included in Appendix 6.
- 2.9 Following the consultation period it is the Council's duty to review the proposal taking account of the feedback received from stakeholders during the consultation period which includes written responses and oral representations made during the public meetings. The content of Education Scotland's report should also be taken into consideration.
- 2.10 It should be noted that this consultation outcome report is published at least 3 weeks before it is formally considered by the Education and Communities Committee on *17 January 2017*.

## **3.0 SUMMARY OF WRITTEN RESPONSES**

- 3.1 The total number of written responses received on the official consultation response form was 57 and the views of children were also sought. Below is a summary of the responses to the question: Do you agree with the proposal to relocate Kelly Street Children's Centre to a new build on a portion of the Greenock Academy Site at Madeira Street, Greenock PA16 7XF.



### 3.2

Respondent	Number of responses	Agree with proposal	Disagree with proposal	No preference
Members of the Public	4 (Residents at proposed site)	4	0	0
Parent / carer	41	38	2	1
Staff	11	11	0	0
Other	1 ( EIS representative)	4	0	0
<b>TOTALS</b>	<b>57</b>	<b>54</b>	<b>2</b>	<b>1</b>

### 3.3 Written representations from Members of the Public:

- All members of the public who responded agreed with the proposal. They recognised the benefits of the site being used for a nursery, the excellent location and the availability of parking.

### 3.4 Written representations from Parents / Carers:

- 39 parent / carers who responded agreed with the proposal, 2 parent / carers disagreed and 1 had no preference. Positive comments were received on the benefits of a purpose built building; more internal and external space; improved parking and location; provision for 2 year olds and the benefits of all provision being located in one building. The 2 respondents who disagreed with the proposal were concerned about the new location being further away from St. Mary's Primary School.

### 3.5 Written representations from staff members:

- All staff members who responded agreed with the proposal. Positive comments were received on the benefits of new, purpose built facilities; improved opportunities for outdoor learning; improved staff facilities, easy access and less congestion at proposed site; additional accommodation; provision for children under 3 and the benefits of all provision being located in the one building.

### 3.6 Written representations from other:

- 1 written representation was received from the local association secretary of the Educational Institute of Scotland. This response agreed with the proposal and noted that the new accommodation will provide a better learning environment and improved facilities for everyone.

## 4.0 SUMMARY OF ORAL RESPONSES FROM PUBLIC MEETINGS

### 4.1 A public meeting was held on 02 June 2016. In attendance at the meeting were:-

Officers	Ruth Binks	Head of Education, Education Services
----------	------------	---------------------------------------

	Gavin Murray	Senior Architect, School Estates Team
	Gaynor Wiggins	Depute Head, Kelly St. Children's Centre
	Linda Wilkie	Quality Improvement Officer, Education Service
	Patricia Wylie	Head of Centre, Kelly St. Children's Centre
Members of the public	4	
Parent / carers	5	
Staff	0	
Other	Gary Johnstone, Area Lead Officer, Education Scotland	

4.2 The format for the public meeting was:

- Introduction / welcome Ruth Binks
- Explanation of consultation process Ruth Binks
- Details of relocation Linda Wilkie
- Property Information Gavin Murray
- Question and Answer Session

4.3 A copy of the powerpoint presentation used at the public meeting is available as Appendix 4.

4.4 9 questions were asked at the public meeting. These related to the location, new build, outdoor space, timescale, decant and car parking. The positive impact of increased accommodation in St. Mary's School was commented on. Details of the questions and responses are available as Appendix 5.

## 5.0 SUMMARY OF RESPONSE BY EDUCATION SCOTLAND

5.1 Education Scotland stated that Inverclyde Council have set out a very clear statement of educational benefit for the children, families and staff of Kelly Street Children's Centre. Given the condition, suitability and constraints of the current building the proposal will address all of these. The plans for the new building have the potential to offer children a bespoke, high quality learning environment indoors and outdoors which will enhance their learning experiences further. The proposal offers staff a much enhanced professional environment where they can work and meet together as a team. Inverclyde Council have engaged stakeholders well through the consultation period. Staff, children and families would like to continue to be consulted as the plans for the new building are developed and finalised.

5.2 The full report can be found in Appendix 7.

5.3 Council response to report by Education Scotland

Inverclyde Council was pleased to note the findings of the Education Scotland report and will continue to engage with staff children and families as plans are progressed and finalised.

**6.0 REVIEW OF PROPOSALS BY EDUCATION SERVICES (INVERCLYDE COUNCIL)**

6.1 Education Services Senior Management Team has considered the original proposal and reflected upon all the responses received.

6.2 It is recommended that the Education and Communities Committee adopts the proposal to relocate Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF.

**7.0 RESOURCE, RISK AND POLICY IMPLEMENTATION**

7.1 Resource implications

If the proposal is approved, staff resource will be required to implement the changes and communicate the changes with parents/carers.

Further communications will be made with parents, carers and the surrounding community through the School Estate Management Programme Plan. This will include consultation on design, the planning process and the transfer arrangements for the new Children's Centre.

7.2 Risk implications

There is a risk that the site may not be suitable or that planning permission may not be granted. If this is the case then Kelly Street Children's Centre will remain in the current location until a suitable alternative is found.

7.3 Policy Implications

There are no policy implications from this report.

**8.0 EQUALITIES CONSIDERATIONS**

8.1 In making this proposal an equalities impact assessment has been carried out and is provided as Appendix 7.

Consultees

The following individuals / groups will be consulted:

- Parents / Carers within the establishment;
- Parents / Carers of children who are likely to attend the establishment within 2 years;
- Staff
- Trade Unions

A notice to advise of the consultation arrangements will be placed in the press and on the Council's website. An email address will be set up to enable interested parties to respond to the proposals. The proposal document will be available on the Council website. Hard copies will be made available in Kelly Street Children's Centre, local Primary Schools, Community venues and Inverclyde Council Customer Service Centre.

Length of Consultation Period

An advertisement will be placed in the local newspaper on 23.05.16. The consultation process will end on 23.08.16. This is a consultation period in excess of six weeks and including thirty school days as required by statute.

Date	Action
23.05.16	Start of Public Consultation period (Advert). Publication of proposal paper
02.06.16	Public Meeting at 7pm in St. Mary's Primary School
23.08.16	End of Public Consultation period
09.09.16	Summary of Consultation Information to HMIE / Education Scotland
October 2016	Publish consultation report
November 2016	Report to Committee
November 2016	Publish final decision

Public Meeting

A public meeting will be held as detailed below:

<b>Venue</b>	St. Mary's Primary School
<b>Date</b>	02.06.16
<b>Time</b>	19.00 hours

Officers from the Council will explain the proposal and offer an opportunity to attendees to ask any questions, state their views and / or raise points of clarification.



**THIS IS A FORMAL CONSULTATIVE DOCUMENT**

*PROPOSAL:*

RELOCATE KELLY STREET CHILDREN'S CENTRE  
TO A NEW BUILD AT  
THE FORMER GREENOCK ACADEMY SITE,  
MADEIRA STREET,  
GREENOCK  
PA16 7XF

REPORT BY THE CORPORATE DIRECTOR EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT

This document has been issued by Inverclyde Council for consultation under the Schools  
(Consultation) (Scotland) Act 2010

May 2016

## **1.0 SCHOOL ESTATES VISION / MANAGEMENT PLAN**

- 1.1 Inverclyde Council sets out its vision for improving its school estate in the 'School Estate Management Plan'.
- 1.2 Education is at the heart of the Council's vision for the future. The Council seeks to provide education services of the highest quality to meet the needs of the community.
- 1.3 All establishments should be of a standard that promotes the raising of educational achievement; promote social inclusion, provide efficient and effective space to deliver a modern curriculum; provide a secure and welcoming environment for learning and be flexible and adaptable to evolving needs.

## **2.0 PURPOSE**

- 2.1 This proposal paper is being published in accordance with the requirement of the Schools (Consultation) (Scotland) Act 2010 as amended. The proposal contained in the document seeks to relocate Kelly Street Children's Centre to new accommodation to be constructed on the site of the former Greenock Academy situated off Madeira Street in the West End of Greenock.

## **3.0 THE PROPOSAL**

- 3.1 The proposal is to relocate Kelly Street Children's Centre from its existing site on Kelly Street, Greenock to new accommodation at Madeira Street, Greenock PA16 7XF. A map showing the locations is available in Appendix 1a & 1b.
- 3.2 The relocation is proposed to take effect on the completion of the new build, which is expected to be within the first quarter of 2018. Any issues affecting the ground conditions of that site will be fully resolved as part of this proposal.

## **4.0 BACKGROUND**

- 4.1 Kelly Street Children's Centre is located in the West End of Greenock. It caters for children aged 3 – 5 years. The service operates across 2 locations, the main building in Kelly Street and within St. Mary's Primary School.
- 4.2 The Centre provides high-quality early learning and childcare that is valued within the local community.
- 4.3 The capacity for early learning and childcare 3 – 5 places within the relocated centre will remain at current levels which is 80 full-time equivalent places. An additional service for children aged 2 – 3 years will provide 20 full-time equivalent places.
- 4.4 The Kelly Street Children's Centre building has significant issues in terms of condition and suitability. The condition of the building has been assessed in accordance with Scottish Government Guidelines and is considered to be a C rating (C = showing major defects and / or not operating adequately). There are major elements such as the external walls, roof and building services which require replacement / upgrading.
- 4.5 The suitability of the present accommodation has also been assessed using the Scottish Government guidelines. It has been given a C rating for suitability indicating that it is poor and showing major problems and / or not operating optimally. (i.e. building and grounds impede the delivery of activities that are needed for children and communities in the establishment). The

key issues with regard to suitability are the proportion and size of internal spaces, limited access to external space and accessibility, as the building is over two storeys with no lift.

4.6 Despite the poor condition and unsuitability of the building, staff work hard to deliver high-quality early learning and childcare. In 2009, the Centre received very positive feedback following an inspection by Her Majesty Inspectorate of Education (HMIe). In particular, inspectors noted:-

- Highly-motivated, confident learners throughout the centre.
- High-quality curriculum.
- The approaches of staff to meeting children's learning needs.
- Opportunities for parents to share in children's learning within the centre
- The work of the management team in developing leadership skills within the staff team.

Care Inspectorate inspections and local authority intelligence indicate that the high standard of provision has continued.

## **5.0 EDUCATIONAL BENEFIT STATEMENT FOR THE PROPOSAL**

5.1 The Educational Benefit Statement has been prepared having regard to the Guidance published by Scottish Government in association with the Schools (Consultation) (Scotland) Act, 2010 which are available at the following websites:

[www.scotland.gov.uk/Resource/Doc/91982/0097130.doc](http://www.scotland.gov.uk/Resource/Doc/91982/0097130.doc) (Appendix 2 paper version only) /  
(online version follow link)

[www.oqps.gov.uk/legislation/acts2010/en/aspem\\_201000002\\_en.pdf](http://www.oqps.gov.uk/legislation/acts2010/en/aspem_201000002_en.pdf)

5.2 This Educational Benefit Statement sets out Inverclyde Council's assessment of the likely benefits of the proposal on children and other users of the service. It details likely effects of the proposal, plans to minimise any adverse effects and the benefits of the proposal.

The overall vision for the relocated Kelly Street Children's Centre is that it will provide a modern early learning and childcare facility which will enhance the learning experiences and outcomes for children.

### **5.3 Children currently attending**

Kelly Street Children's Centre provides very good early learning and care for children; however the current building presents a dated educational environment and has significant issues in terms of condition and suitability. The move to the new accommodation will give children access to a modern environment which will better meet their needs and support the delivery of Curriculum for Excellence. The current building is also not fully accessible (DDA compliant) for children and parents with mobility issues.

### **5.4 Other users of the establishment**

The Boys Brigade use office accommodation on the upper floor as a supply depot. The depot opens on Mondays from 7pm to 9pm. Discussion will take place with Boys Brigade officers regarding relocating.

### **5.5 Children who are likely to become users within 2 years area**

This proposal will ensure that future users will have access to a facility which best supports their learning needs.

## 5.6 Other schools/ establishment in our area

There will be no impact on other establishments in the area.

## 5.7 Our assessment of any other likely effects of the proposal

Our assessment has identified positive impacts on all users. Staff would benefit from improved facilities, e.g. car parking, staff room. Children would benefit from modern accommodation and dedicated outdoor learning space. A parent / community meeting room will also be available.

## 5.8 How we intend to minimise or avoid any adverse effects that may arise from the proposal

Inverclyde Council has a good history of working with staff, parents and children to identify and address issues arising from school estate developments.

Quality Improvement Officers will closely monitor the quality of care and education during the transition period. The relocation will be carefully planned to minimise disruption.

## 5.9 The benefits which we believe would result from implementation of the proposal

This proposal supports Inverclyde Council's vision for modernising its school estate. The proposal also ensures that:

- Kelly Street Children's Centre remains in a location central to its catchment area.
- Children will benefit from a significantly improved learning environment that meets the needs of learners in the 21<sup>st</sup> century.
- The new facility will be constructed to modern building standards and will provide the optimal internal environment to support the delivery of high quality educational experiences.
- There will be provision for 2 year olds.
- The building will be fully accessible / DDA compliant.

## 5.10 Staffing implications

There are no implications for staffing arising from this proposal. The staffing and management structure will stay the same.

## **6.0 FINANCIAL IMPLICATIONS**

### 6.1 Revenue Funding

There will be no change to revenue funding.

### 6.2 Capital Funding

Inverclyde Council's School Estates Management Plan and Educational Capital Programme includes funding for the Kelly Street Children's Centre project.

## **7.0 EQUALITY STATEMENT**

7.1 An equality impact assessment will be undertaken as part of the consultation exercise to assess if the proposal discriminates against anyone on the basis of age, gender, religion, racial group, disability, sexual orientation. In carrying out the equality impact assessment we will take account of any equality issue raised as part of the consultation process. The equality impact assessment will be included in the consultation response document.

## **8.0 CONSULTATION PROCESS**



8.1 The proposal requires Inverclyde Council's Education Services to carry out a public consultation within the statutory framework defined by the Schools (Consultation) (Scotland) Act 2010 as amended.

8.2 Consultees

The following individuals / groups will be consulted:

- Parents / Carers within the establishment;
- Parents / Carers of children who are likely to attend the establishment within 2 years;
- Staff
- Trade Unions

A notice to advise of the consultation arrangements will be placed in the press and on the Council's website. An email address will be set up to enable interested parties to respond to the proposals. The proposal document will be available on the Council website. Hard copies will be made available in Kelly Street Children's Centre, local Primary Schools, Community venues and Inverclyde Council Customer Service Centre.

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<b>Date</b>	<b>Action</b>
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8.4 Public Meeting

A public meeting will be held as detailed below:

<b>Venue</b>	St. Mary's Primary School
<b>Date</b>	02.06.16
<b>Time</b>	19.00 hours

Officers from the Council will explain the proposal and offer an opportunity to attendees to ask any questions, state their views and / or raise points of clarification.

## 8.5 Involvement of Education Scotland

Education Scotland will be informed of the consultation through the Area Lead Officer. A copy of the proposal paper and date of the public meeting have been forwarded to Education Scotland.

Following the consultation period Education Scotland will receive a copy of the relevant written representations or if Education Scotland agree a summary of them. Education Scotland will also receive a summary of any points made to the Council at the public meeting and a copy of any other relevant documentation.

Education Scotland will prepare a report on the educational aspects of the proposal no later than 3 weeks after the Council have sent them all representations and documentation mentioned above.

## 8.6 Preparation of Consultation Document

Education Services will review the proposal taking into account responses to the consultation and oral representations made at the public meeting. Education Services will prepare a consultation response report for submission to the Education and Communities Committee. This consultation report will be published in electronic and printed formats and will be available on Inverclyde Council's website, Customer Service Centre, Inverclyde Council, Municipal Buildings, Greenock and at Kelly Street Children's Centre. All of those who received direct notification of the consultation would be sent a response document. All those who responded and provided contact details through the consultation process would also receive a copy of the document.

8.7 The report would include a record of the total number of written representations made during the consultation period, a summary of the written representations, a summary of the oral representations made at the public meeting and any other relevant information, including details of any alleged inaccuracies and how these have been handled.

## 8.8 Note on corrections

If any inaccuracy or omission is discovered in the Proposal Document and / or during the consultation either by Education Services or any person, Education Services will determine if relevant information has been omitted or, if there has been an inaccuracy. Education Services will take appropriate action which may include the issue of a correction or the reissuing of the Proposal paper to the revision of the timescale for the consultation period as appropriate. In that event, relevant consultees and Education Scotland will be advised.

## 9.0 APPENDICES

1. a/b - Map showing location of existing building and proposed building.
2. Paper version only – Schools (Consultation) (Scotland) Act 2010 Statutory Guidance / Online version link to document at 5.1.
3. Consultation response proforma.

Inverclyde Council  
Education Services  
Wallace Place  
GREENOCK  
PA15 1JB



PROPOSED RELOCATION FOR KELLY STREET CHILDREN'S CENTRE

Map of existing building - Kelly Street Children's Centre

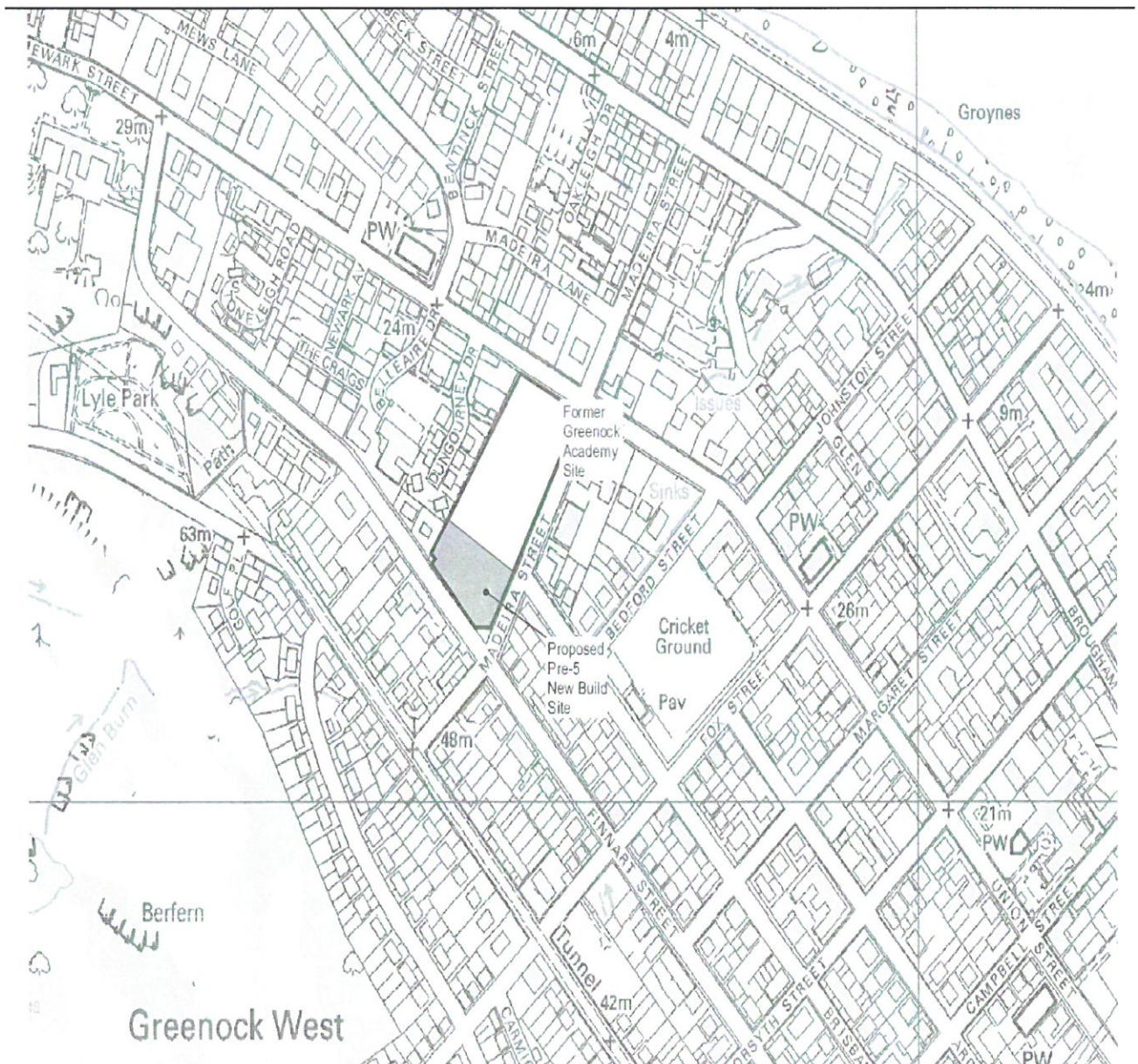


Inverclyde Council  
Education Services  
Wallace Place  
GREENOCK  
PA15 1JB



**PROPOSED RELOCATION FOR KELLY STREET CHILDREN'S CENTRE**

**Map of proposed relocation of Kelly Street Children's Centre to a new build on a portion of the former Greenock Academy site at Madeira Street, Greenock, PA16 7XF.**



Inverclyde Council  
Education Services  
Wallace Place  
GREENOCK  
PA15 1JB



**PROPOSED RELOCATION FOR KELLY STREET CHILDREN'S CENTRE  
SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 STATUTORY GUIDANCE**

**SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010  
STATUTORY GUIDANCE**

**Introduction**

This statutory guidance is issued under Section 19 of the Schools (Consultation) (Scotland) Act 2010 (hereinafter referred to as 'the Act'), which came into force on 6 January 2010, the day after Royal Assent was given. The guidance should be read in conjunction with the Act.

**Purpose of the Act**

The Act's principal purpose is to update and strengthen the statutory consultation practices and procedures that local authorities apply to their handling of all proposals for school closures and other major changes to schools. It aims to establish a new consultation process that is robust, open, transparent and fair, and seen to be so. In doing so it aims to ensure consistency of consultation arrangements across Scotland. The Act also introduces a presumption against the closure of rural schools by ensuring that a decision to consult on a rural school closure proposal is not made until the local authority has had regard to all viable alternatives and assessed the likely implications of closure. The Act also replaces the previous system for referring certain local authority decisions for Scottish Ministers' consent with a new system of call-in, but in school closure cases only.

**To whom is this guidance addressed - who should read it?**

Section 19 of the Act states that "...an education authority must have regard to any guidance issued by the Scottish Ministers for the purposes of or in connection with this Act". This guidance is therefore issued to local authorities and is intended to assist those who are involved in overseeing the consultation and decision making processes around proposed changes to their schools, as set out in the Act. It is intended to help ensure that full, fair and rigorous consultations are undertaken and does so by providing guidance and illustrative examples of the good practice which is expected to be the norm. It will also be helpful to read the Explanatory Notes that accompany the Act which are designed to help understanding of its detail – [www.oqps.gov.uk/legislation/acts/s-acts2010a](http://www.oqps.gov.uk/legislation/acts/s-acts2010a)

This guidance will also be of interest to parents and carers; school pupils and staff; members of the local community; and anyone else with an interest in how authorities undertake consultations on proposed changes to schools. It is important that they are reassured that the consultation and decision making process and procedures are fairly, fully and rigorously carried out by the local authority.

The structure of this guidance follows the order of the provisions in the Act. The specific areas covered and the level of detail offered on those areas reflect the discussions and debate during the course of the passage of the Bill through the Scottish Parliament. The Scottish Government has been keen to respond to issues and areas of concern and interest as they have arisen during the consultations and the various stages of Parliamentary scrutiny. In preparing this guidance, we have taken into account the engagement and contribution of MSPs and other stakeholders.

### **The Educational Benefits Statement – Section 3 of the Act**

The Act reflects the Scottish Government's view that the educational benefits should be at the heart of any proposal to make a significant change to schools. Consequently, the Act specifies that the local authority must, for all consultations, prepare an educational benefits statement (EBS) and publish it within the proposal paper<sup>1</sup>. The Act requires authorities to consider both current and future pupils of the school, current and future users of its facilities and also to explain how the authority intends to minimise or avoid any adverse effects of the proposal. It must also include its reasons for reaching the views which it sets out regarding the educational benefits. Reasons should be supported by evidence to assist consultees in their understanding of the envisaged educational benefits.

#### **Effect on different school users**

The Act specifies that the authority must set out within the EBS its assessment of the effect of the proposal on a range of school users. The first such group is the pupils at the affected school or schools. It applies to all pupils, not just some. It will often be important for an authority to distinguish between different groups – for example those with additional support needs – and how a proposal may benefit/impact on them differently. An affected school would include a school proposed for closure either in its entirety, or in part (where for instance a stage of education or where all nursery provision was proposed to be discontinued). Where the proposal was to establish a new school, those schools whose rolls would be consequently reduced or changed as a direct result of the new school should be counted as affected schools. Proposals to change catchment areas normally also affect more than one school – and in some cases schools from across neighbouring authorities. In such cases authorities will want to consider carefully how any proposal might have a consequential effect on other schools.

The EBS must also set out the assessed impact on other users of the school's facilities, both currently and in the future. That may include for instance adult or community users, perhaps who attend school-based classes, or users of a school's theatre or hall or sport and recreation facilities. The authority must also consider and set out the impact of its proposals on children or young people who would have been likely (but for the proposal) to have become pupils of the school. In the case of a primary school that would generally affect children who would within two years be expected to attend, or in the case of a secondary school it would include children in associated primaries. However, authorities should consider the interests of any and all children or young people they know may come into this category.

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<sup>1</sup> The proposal paper is covered in more detail in pages 4 and 5 of this guidance

Finally, the authority is required to set out its assessment of the likely effects of the proposal – its potential implications and consequences – on some or all of the pupils in other schools across the authority's area.

In assessing the likely benefits and effects on users, authorities will want to take into consideration a range of factors which will vary from case to case and in scale, depending on the particular circumstances and the type of proposal being consulted on. In many circumstances, the affected groups will not necessarily share a common benefit from what is proposed. In these cases, it will be important that the EBS demonstrates clearly how the authority has identified and intends to balance these diverse interests. In order to make the EBS as clear and easily understood as possible, authorities will wish to emphasise and highlight the main beneficiaries of what is proposed and how they will benefit.

### **Factors which may be candidates for consideration**

Neither the Act nor this guidance are framed in a way that either lists or limits the range of factors that may be relevant in the case of a particular proposal, that an authority might take into consideration and/or articulate in the EBS. The Government, however, expects that, as a matter of course, the rationale and arguments offered in the EBS, indeed in the whole of the proposal paper, will be set within the context of an authority's range of statutory duties – which is addressed in more detail in the section below.

Also of relevance will be the way a proposal sits within the context of a range of national and local policies. *Curriculum for Excellence* sits at the heart of what both national and local government are looking to achieve in terms of raising levels of achievement and improving educational outcomes for all children and young people. It is intended to nurture successful, effective, confident and responsible young people, able to learn and utilise learning in a way that helps them reach their full potential and to respond to the increased variety and pace of change in today's and tomorrow's world.

In preparing the EBS, authorities will want to set out how a proposal will improve the quality of the curriculum and create positive environments for more effective learning and teaching better matched to the needs of learners. The EBS should focus on how the proposals will improve the depth, breadth, coherence, relevance, challenge and enjoyment provided by the curriculum. It should also demonstrate how opportunities for greater personalisation and choice in learning and improved progression will enhance children's experiences. This will include the use of information and communications technology (ICT) and arrangements for assessing and planning learners' progress. It will also be important to highlight the impact of the proposals on the overall ethos of the school, including the care and welfare of pupils and their personal and social development. A key aspect will be to ensure that the proposal improves equality of opportunity for all within an inclusive educational experience, in the widest sense, for pupils and achievement, and for interdisciplinary learning and beyond.

Other potentially relevant issues in connection with educational benefit in some cases may include the condition and suitability of the school buildings and facilities (and where a proposal would involve pupils moving from one school to another, the relative condition of both), changing patterns of demand for school places if there is a growing mismatch between supply and demand, and the travel and transport context and implications of a proposal if for instance they would impact differently on pupils' broader social experiences and opportunities to participate in and benefit from out-of-hours learning. Financial and budgetary considerations may also be relevant in situations where disparities in the costs of the delivery of education may

have grown, to the detriment of the greater good, at least to the point where an authority considers that they require to be reviewed.

### **Other statutory obligations pertaining to education**

Local authorities have other education-related statutory duties which they require to fulfil and therefore need to consider when contemplating proposals to change the way in which education is delivered. The EBS is the place for the authority to set out the relationship between a proposed change and these other education-related statutory duties – and how what is proposed fits with the continued fulfilment of these other obligations. The following list of statutory duties is illustrative rather than exhaustive:

Education (Scotland) Act 1980, section 1 of which requires authorities to secure for their area adequate and efficient provision of school education; and section 17 which deals with sufficient school accommodation.

Standards in Scotland's Schools etc Act 2000, section 3 of which requires authorities to endeavour to raise standards and secure improvement in the quality of school education provided in their schools.

Section 2 of this Act states that it is the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents and the mental and physical abilities of the children or young people to their fullest potential.

Education (Additional Support for Learning) (Scotland) Act 2004. This requires authorities to identify and provide support for any children with additional support needs and prepare co-ordinated support plans for those with the most extensive needs. This is a critically important group of pupils whose particular needs require special consideration.

### **'Personal' or 'attributable' information**

In the EBS, sensitive or personal information that could be linked to or attributed to individuals – for instance individual pupils – should be avoided, although it is recognised that this may be more difficult where very small numbers are involved. The objective should be to couch the text of the EBS in such a way as to avoid the identification of individuals and focus on the generic or on groups or categories of persons affected.

### **The Proposal Paper – Section 4 of the Act**

Whereas the EBS provides the local authority with the opportunity to set out the educational case for their proposal, the proposal paper itself is where the authority can and should set out all the other contextual and relevant evidence and information around and in support of the proposal. The EBS will be included within the published proposal paper, so that consultees can consider the whole case together.

Authorities are required to prepare a proposal paper to set out the detail of the relevant proposal or proposals. In order to minimise confusion, authorities should only consider grouping together more than one proposal in the paper where they are in some way inter-connected. In considering what material to include in the proposal paper (in addition to the educational case set out in the EBS) an authority may wish to explain what has given rise to consideration of the matter being consulted on and why it has decided upon the particular proposal set out for consultees. If appropriate, it should also give details of other options considered but rejected (in



the case of rural school closures this will have to be done as part of the process – see page 8 for more detail).

There may also be legislation - other than that directly relating to matters educational - that is relevant to the proposal and its context. These include:

Local Government in Scotland Act 2003, section 1 of which sets out what a local authority is expected to demonstrate in fulfilment of a series of obligations placed upon it. One such is the duty to secure best value by continuous improvement in performance of the authority's functions, while maintaining an appropriate balance between quality and cost and having regard to economy, efficiency, effectiveness, equal opportunities and the achievement of sustainable development.

An authority may wish to demonstrate how a proposal helps to fulfil this duty and achieve best value by setting out clearly cost benefit analyses of the financial and budgetary factors and implications of the proposal. Aspects of this may already have been covered in the EBS but if there are cost issues which go beyond the purely educational, the proposal paper is where these should be set out, again, with full financial details and supporting evidence where these are significant factors in relation to the proposal.

Equal opportunity legislation – it will also be important in the proposal paper to set out how the proposal squares with and assists the authority in fulfilling its obligations under various statutes such as the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995. Preparing and publishing an Equality Impact Assessment in the proposal paper would be one way of fulfilling this.

### **Other factors**

As well as best value, financial costs and equality issues, and matters already covered in the EBS, the proposal paper is the place to focus on wider community and other issues, beyond the purely educational – both where they have relevance to the context, timing and detail of the particular proposal and also where community and other implications of what is proposed may have been identified and how the authority plans to address or handle those.

Many local authorities undertake Asset Management Plans on a corporate basis to ensure the most effective use of assets and control of both revenue and capital costs – the school estate is a major aspect of this planning process. Where such plans do exist the proposal paper would be an appropriate place to make reference to how the proposal under consideration fits into this wider authority planning.

### **Proposal Paper inaccuracies and omissions – Section 5 of the Act**

As the proposal paper must include the EBS, any such omission from or inaccuracy in that statement is also covered by this section of the Act. Omissions of relevant information or inaccuracies may be discovered by the authority itself or may be brought to its attention. In either case it is for the authority to consider whether or not relevant information has been omitted or the paper is inaccurate and if so, decide what appropriate and proportionate action to take.

Where the implications of the omission or inaccuracy are minor, with little or no impact on the ability of consultees to understand the proposal paper, an authority may decide to do nothing beyond fulfilling the requirement to inform whoever brought the matter to its attention of that

decision. Where an authority judges the omission or inaccuracy to be more significant it may, as it considers appropriate, do one or more of the following. It may issue an erratum or corrected proposal paper and issue consultees (and HMIE) with a notice with the correct or omitted information. This issue of a corrected paper or erratum note may include extending the consultation period if this is considered warranted. It will also be good practice to publicise the corrected or additional information as widely as possible, for instance on the council's website.

### **Notice and Consultation Period – Section 6 of the Act**

An authority must notify the relevant consultees of the proposals and the consultation period cannot commence until this has been done. The authority must also set a consultation period of at least 6 weeks, to include 30 days of term time at any affected school, not including school holidays or any other days when the school is not open to pupils. For example, a consultation period commencing say a week before the Easter holidays would run for 30 school days up until sometime in May. The 30 day period would be calculated as not including any Easter holidays, the early May bank holiday, if that is also a school holiday, and any intervening in-service days.

### **The Public Meeting – Section 7 of the Act**

A public meeting must be held (at which the authority is represented) during the consultation period and advance notice given of its date, time and location to the relevant consultees and to HMIE (if that information has not already been given in the notice issued just prior to the start of the consultation period advising consultees of the proposal).

Maximum advance notice of the details of the public meeting is desirable. If the details can be included in the initial notice of the proposal then there will be no need for the authority to have to issue a second notice at a later stage.

The Act leaves the details of the public meeting to authorities. As to timing, authorities will wish to balance the need to give interested parties enough time to read and digest the proposal paper, in order to inform discussion and questions at the meeting, with the need to allow sufficient time after the meeting to reflect and consider what representations and response to make to the consultation. Unless there are good reasons to do otherwise it would be appropriate to avoid holding the public meeting during the first week or so of the consultation period, but ensuring that it has taken place by around the halfway stage.

For the convenience of consultees and other interested parties the public meeting should take place outwith normal/office working hours and at a convenient location.

If an authority considers it appropriate to hold more than one public meeting, for example in response to a request for a subsequent meeting during normal/office working hours, the provisions of the Act and this guidance should apply to each one.

### **Her Majesty's Inspectorate of Education's involvement – Section 8 of the Act**

The Act provides for Her Majesty's Inspectorate of Education's (HMIE) involvement in the consultation process. This involvement will culminate in HMIE preparing and submitting to the authority a professional and independent report on the educational aspects of the proposal being consulted on. As this guidance is addressed to local authorities rather than to HMIE, it focuses on authorities' responsibilities in relation to this section of the Act.

An authority will wish to engage with HMIE before a consultation on a proposal is taken forward to ensure that practical arrangements are in place. For example, to ensure that papers and representations are sent to the appropriate person at HMIE. There will also need to be discussion as to how this shall be handled at the end of the consultation period. The 3 week period within which HMIE must prepare and submit their report (unless the authority and HMIE agree a longer period) does not commence until the representations have all been forwarded to HMIE.

The Parliament's Education, Lifelong Learning and Culture Committee discussed the question of HMIE's attendance at public meetings at some length. They assumed that HMIE would in most cases send a representative to the public meeting and the Scottish Government is of a similar view. However, the absence of an HMIE representative would not 'invalidate' the public meeting and the authority in any event must send HMIE a summary of the oral representations made. Where an HMIE representative does attend a public meeting it is important to emphasise to those present that he/she is doing so exclusively as an observer and cannot be asked to participate or offer any comment.

### **The Consultation Report – Sections 9 & 10 of the Act**

The Act requires the authority to review the proposal consulted on in light of the written and oral representations it has received and HMIE's report, and then prepare and publish a consultation report. Section 10 sets out what the consultation report must contain. It should provide the number of written representations received, a summary of the written and oral representations made and the authority's response to those representations, the full text of the HMIE report and finally a statement explaining how the authority has reviewed the proposal in light of the representations and HMIE report.

In addition, if omissions were identified from, or there were inaccuracies in the proposal paper, the consultation report must set out their details and the action taken and, if no action was taken, why.

In the case of closure proposals the consultation report must also explain the opportunity which people would have for making representations to the Scottish Ministers in the event that the Council decided to close a school. The report should make clear that they would have a period of 3 weeks after the Council decision was taken to bring to Ministers' attention any matter which they considered would justify the decision being called in under section 15(4) of the Act. This is explained more fully below under the section entitled 'Possible Call-in'.

### **Further Consideration – Section 11 of the Act**

The purpose of this provision within the Act is to ensure that a period of 3 weeks elapses between the authority's publication of the consultation report and the Council actually taking the decision on whether to implement the proposal(s). The intention is that interested parties should have time to see and digest the contents of the consultation report and also have time if they so wish to voice concerns and approach and lobby the councillors who will shortly be deciding on the proposal(s).

### **Special Provision for Rural Schools – Sections 12-14 of the Act**

These sections of the Act set out special safeguards for rural schools (rural schools will be defined in terms of a list which Ministers will issue and maintain, in accordance with section 14 of the Act). The Act requires authorities to have special regard to three factors before deciding

to propose and consult on a rural school closure. These factors acknowledge and reflect the special importance of a school to the more fragile and vulnerable rural and remote communities of Scotland. Closure of a school in these communities almost inevitably means that pupils will have to travel elsewhere to be educated and there will be a significant loss of service provided locally.

The first factor which an authority must have special regard to is any viable alternative to the closure proposal. The intention here is to ensure that when an option to close is proposed, the decision to consult on that option is a last resort, only proposed after all the other viable alternatives have been considered. For example, consideration could focus on how the school roll might be increased; how recruitment to the teaching posts might be improved; whether other management options might be a possibility; and how the buildings might be more intensively used. These are just some illustrative examples of a wide range of alternatives to closure than an authority may have considered and even tried to implement.

The second factor focuses on the likely effect of the school's closure on the local community - whether that will affect the local community's viability and whether the asset of the school's buildings, facilities and grounds would still be accessible, or lost, to the community. Many considerations are likely to be relevant in terms of community viability: whether closure would encourage families with school-age children to leave the community or discourage similar incomers; what impact closure might have on other services provided locally, for instance if the school is the only remaining public building in a community and a real hub of community life, used for other purposes such as public meetings, local events, fetes, surgeries, and other get-togethers.

The third factor focuses on the likely consequences of the closure on travel and transport arrangements of the school's pupils, staff and other users, and the effect on them (perhaps in terms of pupil health and wellbeing if they are less able to walk or cycle to school) as well as the overall environmental impact (for instance as a result of increased car usage). In some instances longer journeys to school may increase the likelihood of bad weather impacting on home to school travel.

Section 13 of the Act requires the authority, in consultations on rural closure proposals, explicitly to set out in the proposal paper how it gave special regard to these three factors, and in the consultation report how it again had regard to these factors in reviewing the proposal at the end of the consultation period, and any changes of attitude to the three factors which it had in that context.

### **Possible 'Call-In' of closure decisions by Ministers – Sections 15-17 of the Act**

Section 15 of the Act requires an authority to notify Scottish Ministers and send them copies of the proposal paper and consultation report (within 6 working days of taking the decision) if, following a consultation, it decides to implement a closure proposal. The requirement to notify Ministers does not apply to any other category of decision.

There is a three week period (commencing on the day the decision is made) during which anyone can make representations to Ministers requesting that they call in the Council's decision. Ministers have up to six weeks from the date of the decision to decide whether or not to call in a closure decision. If they do decide to call it in, they effectively remit the authority's decision to themselves i.e. Ministers will then decide whether or not to allow the closure to go ahead and if so, if there should be any conditions attached to their consent. This means that an authority may not proceed further with the implementation of a closure decision until that six-

week period has elapsed, unless Ministers have earlier informed the authority that they do not intend to call in the decision.

The grounds on which Ministers may call in a decision are set out in section 17 of the Act. These are - where it appears to Ministers that the authority may have failed in a significant regard to comply with the requirements imposed on it under this Act or to take proper account of a material consideration relevant to the decision to implement the proposal. The Act does not further define what might or would constitute a 'material consideration' – any particular case will be considered on a case by case basis, if representations are received. This Ministerial power is intended as a safeguard, in closure cases, to help to ensure that the consultation and decision-making processes and procedures are fairly, fully, openly and transparently carried out. The following examples are however included by way of illustration of the sort of issues and scenarios that would constitute a material consideration relevant to an authority's decision to implement a proposal (these are by no means exclusive or exhaustive):

- a school closure proposal is consulted on so far in advance – for example 3 years – of its implementation date that it would not be possible to identify all of the pupils that would be affected.
- a consultation on a proposal to close a school that contains a special unit, which includes details of where pupils in the mainstream section of the school would move to if the proposal is implemented, but contains no information about the pupils at the special unit.
- a consultation on a proposal to close a school, which contains details of one alternative school but no details on another school which could reasonably be considered as a suitable alternative, where evidence would suggest that it is a popular school that parents are already choosing to send their children to (instead of the school proposed for closure or the school formally proposed as the alternative).
- a consultation that fails to take account of the number of times when the road between the school proposed for closure and the alternative school would be shut due to bad weather (in an area where this was a known occurrence) – meaning that the pupils could not get to the new school.

Since the grounds for call-in focus entirely on the activities of the authority, much will depend on how the authority signals its response to material considerations raised in the proposal paper and commented on by consultees, or raised by consultees or by HMIE, how it reviews the proposal in light of all of the above and how it reaches and explains its overall conclusion and final decision on the proposal.

If Scottish Ministers do call in a closure decision the authority cannot proceed to implement the decision - either in full or in part - until Ministers have informed the authority of their own decision in the case. Ministers may refuse to consent to the decision's implementation or grant their consent to it, either unconditionally or subject to conditions. During the six week period when Ministers are deciding to call in a closure decision, and subsequently if they do call it in, authorities are required to provide Ministers with such information as they may reasonably require in relation to their consideration either of the call-in or consent decision.

### **Definitions – Section 21 of the Act**

This section of the Act also came into force on 6 January 2010, the day after Royal Assent. It provides appropriate definitions of terms in the Act.

In particular, the schools to which this Act refers are public schools as defined in section 135(1) of the Education (Scotland) Act 1980. This means any school under the management of an education authority and includes nursery schools which are under authority management i.e. are run by them.

The Act does not cover independent schools or nursery schools or nurseries which are managed and run independently ie by other than local authorities.

### **Relevant Proposals – Schedule 1**

This Schedule sets out all the categories of proposal to which this Act applies.

The provisions of sections 15-17 of the Act, relating to closure proposals, relate to all the categories of closure covered by paragraph 1 of the Schedule, not just to proposals for the closure of a whole school.

Authorities sometimes ‘mothball’ a school whose roll has either naturally fallen to zero or has done so as a result of placing requests made in respect of alternative schools. Authorities may take the view that mothballing the school is appropriate if there is a possibility of the school roll increasing again in the future, warranting the school’s reopening. Mothballing, as temporary rather than permanent discontinuance, does not require consultation in terms of the Act. If the authority, at a later date, decided to permanently close a mothballed school, such as to preclude its reopening if local demand for school places should rise again, the provisions of this Act would require to be complied with, before such a decision could be taken.

The reference in paragraph 10 of this Schedule to further education centres is only to such centres which are managed by local authorities. At the present time such centres exist only in Orkney and Shetland.

### **Relevant Consultees – Schedule 2**

This schedule identifies a core set of relevant consultees who should be consulted in connection with every type of proposal set out in Schedule 1. These are the Parent Council, parents of pupils attending an affected school as well as the pupils themselves, parents of pupils likely to attend an affected school, staff at an affected school, any trade union which appears to the education authority to be representative of those staff, and any other users whom the authority considers relevant. The Schedule also specifies other relevant consultees in relation to specific categories of proposal - for instance the community council is included where the impact is likely to affect the wider community. Additionally, paragraph 11 specifies that Bòrd na Gàidhlig is to be consulted when a proposal affects the provision of Gaelic medium education (GME) such as where a GME class is to be established or discontinued or a GME school’s catchment is to be changed. Paragraph 12 makes clear that where a change is being proposed which affects a denominational school, the relevant church or denominational body must be consulted.

### **Consulting children and young people**

One way of seeking to ensure that Scotland’s children and young people become responsible citizens, one of the cornerstones of Curriculum for Excellence, is by helping them to understand the decisions that are made about them and for them by adults, and by involving them and ensuring that they have an opportunity to have their say. The Act requires pupils to be

consulted in so far as the authority considers them to be of suitable age and maturity. The presumptions should be “no lower age limit” and a focus on the pupils’ capacity rather than incapacity – yet recognising that some proposals will be technical or incomprehensible or of little or no interest to certain categories or age of pupils. However, Article 12 of the UN Convention on the Rights of the Child gives a child the right to express a view on matters that affect his or her life and to have that view taken into account.

The Act therefore provides for pupils’ views to be sought and taken into account on an equal basis to other statutory consultees and there is a clear expectation that authorities will make all reasonable efforts to ensure that the greatest number of pupils are meaningfully consulted, in ways that are appropriate to their age and maturity. They should also consider how best to provide feedback to pupils on how their views have been taken into account in the Council’s coming to a decision. This should be done in an accessible and age-appropriate way that will help them understand the process and how and why the decision has been taken.

Pupil councils are relatively commonplace throughout Scottish schools and in many cases will provide an ideal platform for proposals to be shared and views to be expressed and captured. The authority should though consider a range of means for communicating and consulting with children and young people of varying age groups and levels of maturity.

The office of the Commissioner for Children and Young People, and Children in Scotland, produced, in light of this Act, guidance aimed at assisting local authorities in undertaking their duty to consult children and young people. It is designed to ensure best practice across Scotland and can be viewed at either of the following links:

[www.sccyp.org.uk/admin/04policy/files/spo\\_142146Participants,%20not%20pawns%20guidance%2020100315.pdf](http://www.sccyp.org.uk/admin/04policy/files/spo_142146Participants,%20not%20pawns%20guidance%2020100315.pdf)

[www.childreninScotland.org.uk/docs/Participantsnotpawnsguidance20100315.pdf](http://www.childreninScotland.org.uk/docs/Participantsnotpawnsguidance20100315.pdf)

### **Transitional provisions – Schedule 3**

Paragraph 3 onwards of this Schedule sets out the transitional provisions for moving from the current system of statutory consultations under the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 (“the 1981 Regulations”) to the new set of procedures in the Act.

There are essentially 2 transitional options, which were included in the Bill from the outset so that authorities would be able to plan ahead, well in advance. Indications have consistently been given that the Act (beyond sections 19-22 which are already in force) will be brought into force at or around Easter 2010. The 2 options between them cover all circumstances where authorities launch consultation processes prior to 5 April 2010.

The first option is where an authority has commenced or commences statutory consultations regarding a proposed change to a school in accordance with the 1981 Regulations and has taken, or will take, a post-consultation decision on implementing the proposal prior to the 5 April 2010 commencement of this Act. If that decision is not referable to Ministers – under the distance, % occupancy or denominational criteria – then the authority may proceed to implement it. If it is referable, implementation will need to await a Ministerial decision on consent (and only proceed if Ministerial consent is given). In some of these cases it may take until some time after 5 April 2010 for Ministers to reach and deliver their decision regarding consent.

The second option is where an authority wishes to start a consultation before commencement of the Act (5 April 2010) but will not be at the stage of taking a post-consultation decision until after the Act is wholly commenced. In these cases the authority may only 'continue' with the consultation and decision making processes through and beyond the date of commencement (5 April 2010) if the consultation processes have 'anticipated' the provisions of the Act – i.e. have consisted of or included what is set out in Sections 1 to 10 of the Act. Paragraph 3(4) of the Schedule sets out specific requirements relating to the proposal paper and consultation report if the consultation thus underway involves a proposal to close a rural school; and when the post-consultation decision is taken by the Council, sometime after 5 April 2010, sections 12 and 15 to 17 of the Act will apply – in other words there will be no further referrals to Ministers after 5 April 2010; their only consideration will be potential call-ins of closure decisions.

For the avoidance of any doubt, any consultations which are commenced *after* the coming into force of the Act on 5 April 2010 are not in any sense 'transitional' and must of course comply with all of the Act's provisions.

### **A further issue to consider relating to answering questions or requests for additional information**

In considering questions put or requests for additional information or advice on the proposal, from parents or Parent Councils, authorities will be mindful of their obligations under the Scottish Schools (Parental Involvement) Act 2006. That Act places two specific duties on authorities - to give advice and information when a Parent Council reasonably requests it from them on any matter (section 11(1)) and to give advice and information to a parent of a school pupil when reasonably requested, on any matter relating to the education provided to that pupil (section 12(1)).

Beyond those statutory obligations it is also important that authorities – as a matter of good practice and courtesy - attempt to answer all relevant questions and requests for additional information timeously and, as far as is reasonably practicable, before the end of the consultation period. This particularly applies where the question or request is raised by a relevant consultee. Doing so will enable people to digest and consider the answer and/or additional information provided, prior to finalising their response to the consultations.

In some cases the questions posed or requests for information will be personal, sensitive or relate to individuals, in which case it will be appropriate for the authority to keep its response entirely confidential. In other cases though, authorities are encouraged to consider whether the matters raised and answers provided or additional information supplied would be of wider interest to other consultees. In that case the authority should consider how best to share and publicise the material – perhaps via its website (the FAQ section or some other prominent part) or some other means.

**Scottish Government  
Learning Directorate  
February 2010**



Inverclyde Council  
 Education Services  
 Wallace Place  
 GREENOCK  
 PA15 1JB



**PROPOSED RELOCATION FOR KELLY STREET CHILDREN'S CENTRE  
 RESPONSE FORM**

This form can be emailed to [yoursay@inverclyde.gov.uk](mailto:yoursay@inverclyde.gov.uk) or sent to the above address no later than 23<sup>rd</sup> August 2016.

<b>Must be completed for a valid response</b>			
Name:		Address:	
		Postcode:	
<b>Your Interest</b>			
Parent/carer <input type="checkbox"/>	Staff <input type="checkbox"/>	Child <input type="checkbox"/>	Other <input type="checkbox"/>

Please confirm that you have read the statutory consultation document by ticking this box

<b>Summary of proposal (Please refer to proposal document for full details)</b>	
It is proposed to relocate Kelly Street Children's Centre to a new build on a portion of the former Greenock Academy site at Madeira Street, Greenock, PA16 7XF	
Do you agree to the proposal to relocate Kelly Street Children's Centre to a new build on a portion of the former Greenock Academy site at Madeira Street, Greenock, PA16 7XF	Yes <input type="checkbox"/>
	No <input type="checkbox"/>
	No preference <input type="checkbox"/>

<b>Please comment, listing your main reasons for agreeing or disagreeing with the proposal:</b>
1.
2.
3.
4.
5.

1	Parent/carer	09/06/2016	CSC - Municipal	No preference
2	Staff	N/A	Kelly Street	Yes
3	Staff	N/A	Kelly Street	Yes
4	Parent/carer	N/A	Kelly Street	Yes
5	Parent/carer	N/A	Kelly Street	Yes
6	Neighbour	N/A	Kelly Street	Yes
7	Parent/carer	N/A	Kelly Street	Yes
8	Neighbour	N/A	Kelly Street	Yes
9	Parent/carer	N/A	Kelly Street	Yes
10	Parent/carer	N/A	Kelly Street	Yes
11	Parent/carer	N/A	Kelly Street	Yes

1) Present building is not fit for purpose. 2) Insufficient adult toilets. 3) Limited outside space. 4) Congested roads at drop off and pick up time. 5) Fabric of building in poor condition in particular the windows.

1) Would be good for the two buildings to be together in the one building. 2) Easy access for parents / carers. 3) More toilets for staff. 4) Opportunity for under 3's. 5) Purpose made building.

1) Better location. 2) Purpose built nursery. 3) More space for the children to move around. 4) Bigger outdoor area. 5) Safer parking.

1) Purpose built nursery. 2) More space for the children to move around. 3) Bigger outdoor area. 4) Safer road structure/parking. 5) Better location.

1) Purpose built nursery. 2) Plenty of parking available. 3) Perfect locality. 4) Children, staff shall benefit from better environment. 5) Walking distance to other amenities i.e. annexe park cricket club.

1) Purpose built nursery. 2) More outdoor play area. 3) Bus route on Newark Street. 4) Walking distance to annex park. 5) Excellent location.

1) Faulty, no concerns when school was there so can not imagine any problems with site new being a nursery. 2) Would be great to see land being used to further children's education. 3) Wonderful location, annexe park nearby, cricket club to encourage further use of west end facilities. 4) Parking available. 5) Can only be beneficial for the children and staff.

1) parking will be less dangerous as currently there is lots of double parking on Kelly Street. 2) Location is perfect as wide open area. 3) Annex park nearby where children can play after collection. 4) Purpose built building. 5) Beautiful views for the children and staff.

1) Better parking space available. 2) Better location. 3) Would be so much better as theres a large park called the Annex round the corner for the children to play and run around in.

1) Historically the site was successfully used as a centre of learning. 2) Good wide approach roads and parking / drop off - easysite access. 3) A nursery will not detract from the areas existing suburban use. 4) Such a children's centre will complement neighbouring care homes. 5) Access from Gourock side of town.

12	Staff	N/A	Kelly Street	Yes	<p>1) Staff would have appropriate facilities for the amount of staff there - e.g. toilets, staff room. 2) More space for outdoor learning - tress, grass, planting area - more opportunities for exploration. 3) More rooms for possible bookbug sessions, paren workshops etc. 4) Closer working relationships with staff as all would be in the same building. 5) Opportunities for 2 year old placements - giving staff the opportunity to build and extend skills in working with different</p> <p>1) New premises would benefit children all in the one building. 2) Easier for staff to manage resources. 3) A better outdoor area more appropriate for child led learning and play. 4) A good central location for catchment families (more equally between other nurseries. 5) Better facilities for parents events / meetings with external agencies.</p> <p>1) New building would benefit the children as they would all be together. 2) Outdoor area would be fantastic for the children. 3) Staff will have more toilets to use instead of sharing one. 4) We would have a lot more space for resources and meeting rooms etc.</p>
13	Staff	N/A	Kelly Street	Yes	<p>1) Newer facilities for the staff and children. 2) Bigger building with more scope for improvement. 3) Still centrally located for easy access. 4) Hopefully make things easier for the staff (who are Excellent)</p> <p>1) Newer facilities for the staff and children. 2) Bigger building with more scope for improvement. 3) Still centrally located for easy access. 4) Hopefully make things easier for the staff (who are Excellent)</p> <p>1) Greater location, still close to both main feeder schools. 2) Better parking than current location.</p>
14	Staff	N/A	Kelly Street	Yes	<p>1) Presently, indoor accommodation for pupils is cramped, a new building would provide more space for play and education. 2) Presently, outdoor facilities are very cramped and KSCC rely on neighbouring schools to assist them. A new building would (Hopefully) provide a more size appropriate outdoor area. 3) Indoor facilities within KSCC for staff, parents and visitors is cramped and limited. A new build would (hopefully) provide more suitable space for adults to learn and communicate too. 4) KSCC main building is in a clear state of disrepair, a new customised building is deserved by the pupils and staff. The current state is unacceptable. 5) The parking facilities on and around KSCC are difficult and often dangerous. A move to maderia Street would help alleviate some of these issues.</p>
15	Parent/carer	N/A	Kelly Street	Yes	<p>1) Modern Building for children. 2) Better location. 3) Hopefully better parking.</p> <p>1) Children need new nursery in area. 2) Proximity to my house.</p>
16	Parent/carer	N/A	Kelly Street	Yes	<p>1) Location. 2) Parking</p>
17	Parent/carer	N/A	Kelly Street	Yes	
18	Parent/carer	N/A	Kelly Street	Yes	
19	Parent/carer	N/A	Kelly Street	Yes	
20	Parent/carer	N/A	Kelly Street	Yes	
21	Parent/carer	N/A	Kelly Street	Yes	
22	Parent/carer	N/A	Kelly Street	Yes	

23	Parent/carer	N/A	Kelly Street	Yes	<p>1) Ideal location for catchment area. 2) Preferred for nursery rather than other suggestions (e.g supermarket)</p> <p>1) It would be great for the high number of children attending Kelly Street Children's Centre to have more space for learning and for play in a purpose built nursery. 2) When visiting Inverclyde's newer nurseries, it's great to see increased opportunities for parents to be involved in learning because of space and modern facilities. 3) Current site too small. Despite staff doing an excellent job of maximising nursery experience for all children, the current site is cramped and nosy and can make it difficult for children to fully engage. Staff at Kelly Street Children's Centre are brilliant at making most of a site not really fit for purpose.</p>
24	Parent/carer	N/A	Kelly Street	Yes	<p>1) It would be great for the high number of children attending Kelly Street Children's Centre to have more space for learning and for play in a purpose built nursery. 2) When visiting Inverclyde's newer nurseries, it's great to see increased opportunities for parents to be involved in learning because of space and modern facilities. 3 ) Current site too small. Despite staff doing an excellent job of maximising nursery experience for all children, the current site is cramped and nosy and can make it difficult for children to fully engage. Staff at Kelly Street Children's Centre are brilliant at making most of a site not really fit for purpose.</p>
25	Parent/carer	N/A	Kelly Street	Yes	<p>1) Great location. 2) Potential for large play areas outdoors - please ensure this happens. 3) Potential for large play nursery. Please ensure you build for potential size! (100+ pupils?) 4) Potential for parking (Staff car park too surley?) 5) Can be built for purpose instead of adapted BB Hall!</p>
26	Parent/carer	N/A	Kelly Street	Yes	<p>1) Location. 2) Newer premises. 3) Bigger premises. 4) Parking easier.</p>
27	Parent/carer	N/A	Kelly Street	Yes	<p>1) The children will benefit from new facilities. 2) More space for children.</p>
28	Parent/carer	N/A	Kelly Street	Yes	<p>1) New purpose built building. 2) Possibility of more outdoor play areas. 3) All children can be together in one building.</p>
29	Parent/carer	N/A	Kelly Street	Yes	<p>1) Better location, new build, new facilities and more space. 2) To be able to accommodate all children in the same campus.</p>
30	Parent/carer	N/A	Kelly Street	Yes	<p>1) Great nursery. Small space for too many children. Need more space.</p>
31	Parent/carer	N/A	Kelly Street	Yes	<p>1) It could be bigger and better for kids. 2) Refreshing and attract new kids / families.</p>
32	Parent/carer	N/A	Kelly Street	Yes	<p>1) Happy for the site to be used for a new children's centre. Well done to the Council for proposing this.</p>
33	Parent/carer	N/A	Kelly Street	Yes	<p>1) It will be beneficial to children and staff to be all together in one building rather than two campuses. 2) A purpose build building will have better facilities that the refurbished building we are currently in. 3) The location is better for</p>
34	Parent/carer	N/A	Kelly Street	Yes	<p>1) Parking. 2) Newer facilities. 3) Bigger location.</p>
35	Parent/carer	N/A	Kelly Street	Yes	

36	Parent/carer	N/A	Kelly Street	Yes	1) More indoor/outdoor space. 2) Better parking. 3) Toilet facilities. 4) Windows.
37	Parent/carer	N/A	Kelly Street	Yes	1) Better than flat / housing. 2) Lots of space to park.
38	Parent/carer	N/A	Kelly Street	Yes	1) Purpose built. 2) Ease of access / parking.
39	Parent/carer	N/A	Kelly Street	Yes	1) More space. 2) Easier parking. 3) More opportunity for outdoor play areas.
40	Parent/carer	N/A	Kelly Street	Yes	1) Nursery would benefit from new premises/ facilities. 2) This would make cogenesis / parking at St Marys slightly easier.
41	Parent/carer	N/A	Kelly Street	Yes	1) Closer to childminder. 2) Larger space for nursery. 3) Held reduce traffic with primary school at present location.
42	Parent/carer	N/A	Kelly Street	Yes	1) New building improved learning environment. 2) Better outdoor areas. 3) Reduced maintenance costs. 4) Better teaching environment. 5) Better parking.
43	Child	N/A	Kelly Street	Yes	
44	Child	N/A	Kelly Street	Yes	1) Excellent central location. 2) Existing council plot should sever another council accomodation. Not go to housing stock or commercial etc. 3) KSCC deserve a new build / new facility.
45	Parent/carer	N/A	Kelly Street	Yes	1) Concern re drop off / picking up for parents with children at nursery and other school e.g St Marys. 2) Concern re current locality allows various activities / visits to sports centre, Dazzels, Library, other school. Will logistics still allow this? 3) New isn't always better it it isn't planned correctly. Will there be consultation with nursery teachers? 4) Lots of positives/benefits to newer facility - heating, lighting, space but biggest I think outdoor. However use of this limited with out weather. 5) One big nursery room could be daunting for some.
46	Parent/carer	N/A	Kelly Street	Yes	1) Kelly Street is a very popular nursery and a bigger building is really needed. 2) The new site is a quiet, safe area. 3) It's still a central location.
47	Parent/carer	N/A	Kelly Street	Yes	1) Fab position, location. 2) West of Greenock parents catered for. 3) Building fit for purpose. 4) Outdoor area to provide a wealth of experience.
48	Parent/carer	N/A	Kelly Street	Yes	1) New larger facility would be an advantage to all in Greneock.
49	Parent/carer	N/A	Kelly Street	Yes	1) Would be better for all the children to be in the one building. 2) Would be better for the children to have a purpose building . 3) Would be good for the children to have a bigger outside space to extend their learning.
50	Parent/carer	N/A	Kelly Street	Yes	1) It would provide better facilities for the children. 2) Better outside area . 3) Safer for children and adults as would be able to provide better parking facilities. 4) The building will be purpose built so the facilities will be much more adequate for staff and children.
51	Staff	N/A	Kelly Street	Yes	1) New purpose built building for children in the local area. 2) More opportunity to extend children's learning outdoors. 3) Building that is fit for purpose for both staff and children. 4) Building that is fit for purpose for both staff and children. 5) Opportunity to cater for children aged 2/3 years of age.

					1) All nursery together in 1 building, at the moment we use part of St Mary's School. 2) New aesthetically pleasing building. 3) More outdoor space for children to have more outdoor opportunities. 4) Possible opportunities to accommodate younger children. 5) Toilet facilities for staff, as at the moment all sharing 1 toilet along with visitors
52	Staff	N/A	Kelly Street	Yes	
53	Staff	N/A	Kelly Street	Yes	1) Better facilities for the children and staff. 2) Larger premises for children 2+ 3) Be nice for both buildings to be together. 4) Better and larger facilities outside.
54	Parent/carer	N/A	Kelly Street	Yes	1) Will provide better facilities for the pupils with additional outdoor space. 2) Will be better parking facilities so will be safer for children. 3) Availability for accommodating 1 year olds.
55	Parent/carer	N/A	Kelly Street	No	1) Personally speaking having an older child in St Mary's Primary and not a current driver, that this relocation would be an extreme inconvenience for myself and other parents in the same situation.
56	Child	N/A	Kelly Street	No	1) The current location is very handy for me personally. 2) Parents may have children in the school next door which is good for dropping siblings off.
57	Parent/carer	N/A	Kelly Street	Yes	1) Could offer more facilities.
58	Parent/carer	N/A	Kelly Street	Yes	1) Could offer more facilities.
59	Parent/carer	N/A	Kelly Street	Yes	1) Purpose built facility, fit for purpose. 2) Potential for more outdoor space. 3) New location should ease car parking issues. 4) New facility will be DDA / Equality Act Compliant.
60	Other	18/08/2016	Kelly Street	Yes	1) Will provide a better learning environment. 2) Will provide improved facilities for everyone.

# Public Consultation Meeting

# Proposal

Relocate Kelly St. Children's Centre to a  
new build at the former Greenock  
Academy Site, Mадiera St. GREENOCK,  
PA16 7XF



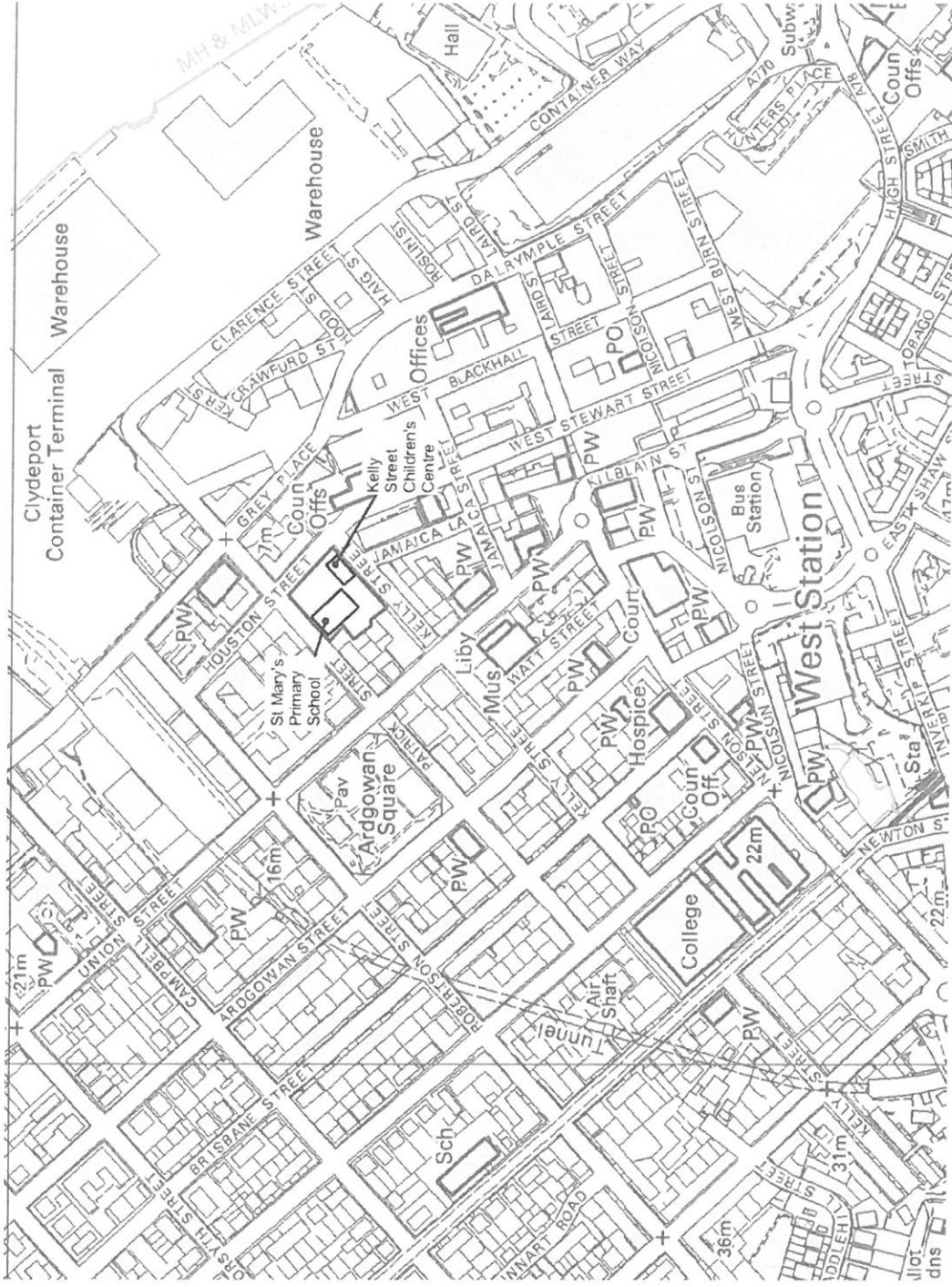
# Meeting Format

- Welcome / Introductions  
Ruth Binks
- The Consultation Process  
Ruth Binks
- Property Information  
Eddie Montgomery,  
Gavin Murray  
Linda Wilkie
- Educational Benefits
- Questions and Answers

# The Consultation Process

- Statutory Responsibilities
- Consultees
- Consultation Period
- Involvement of Education Scotland
- Consultation Response Report

# Property Information



**Existing**

**Location**

**St Mary's**

**Primary**

**Kelly Street**

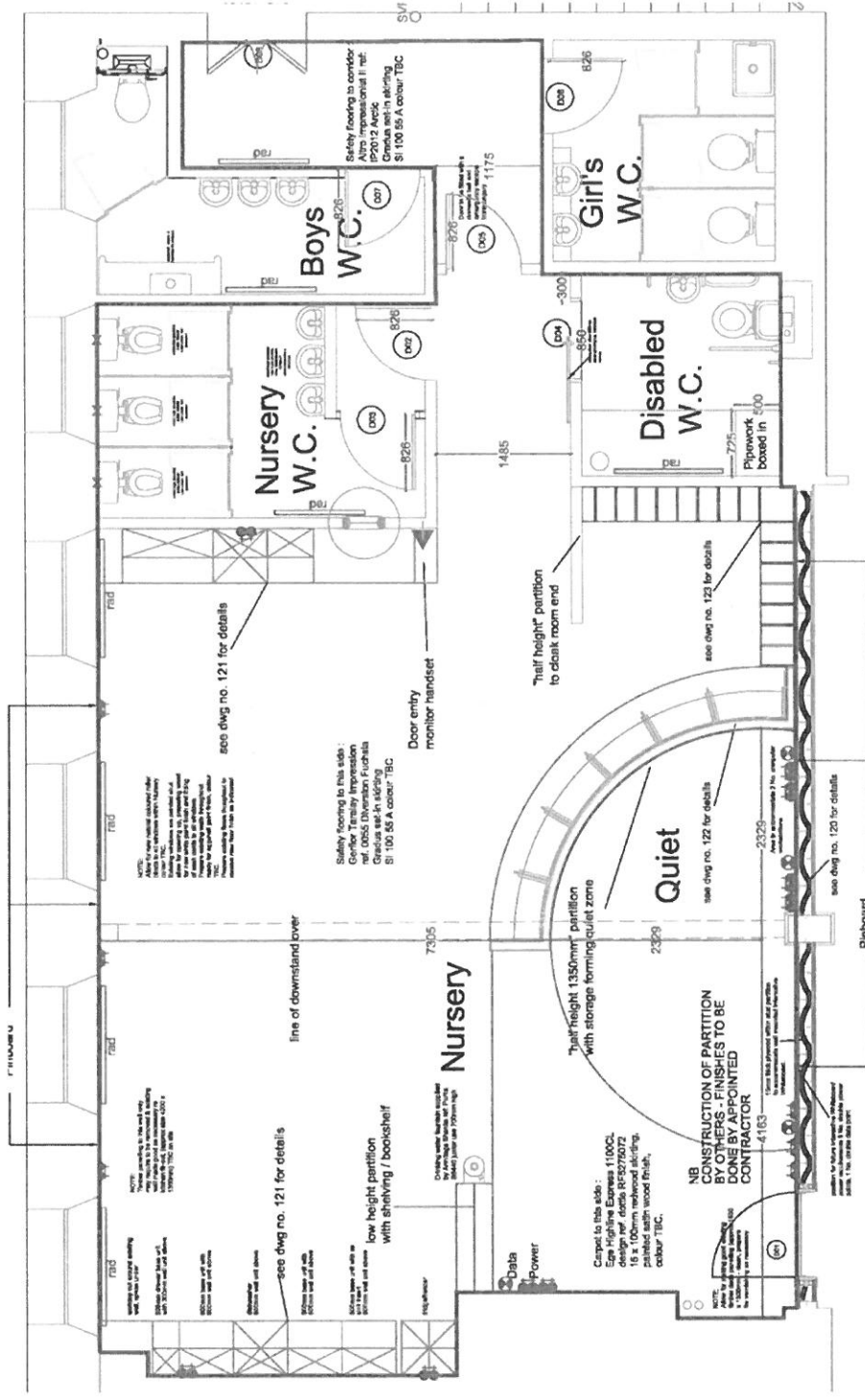
**Children's**

**Centre**

# Property Information

Existing  
Building 1

St Mary's  
Primary

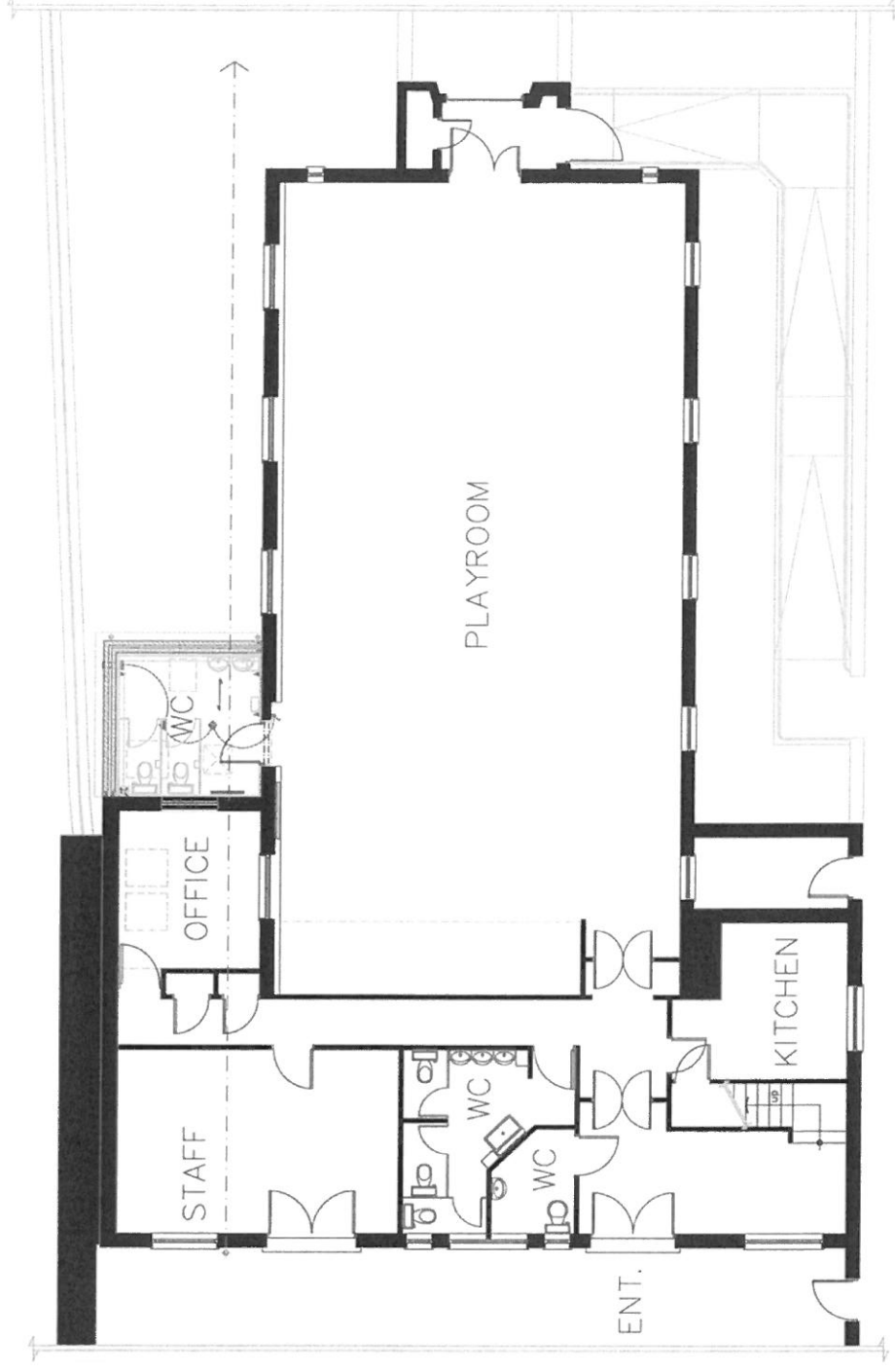


ST MARY'S NURSERY AREA = 96m2

# Property Information

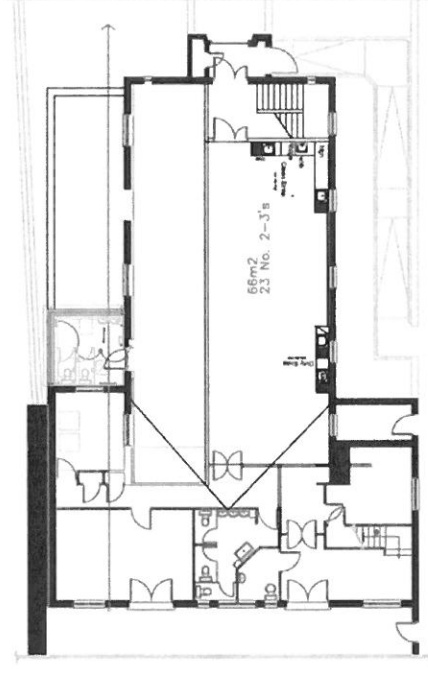
**Existing  
Building 2**

**Kelly St  
Nursery**

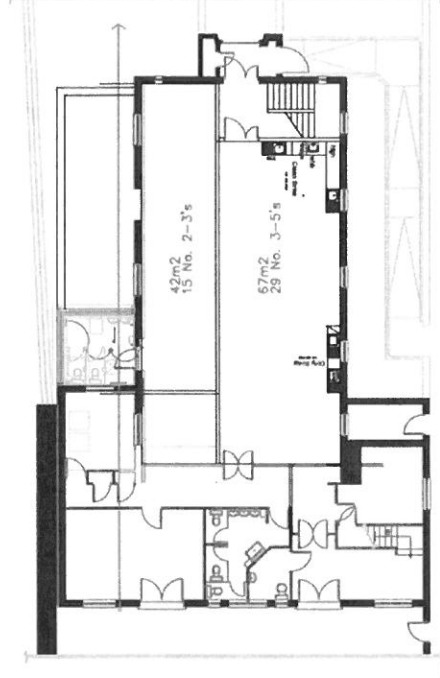
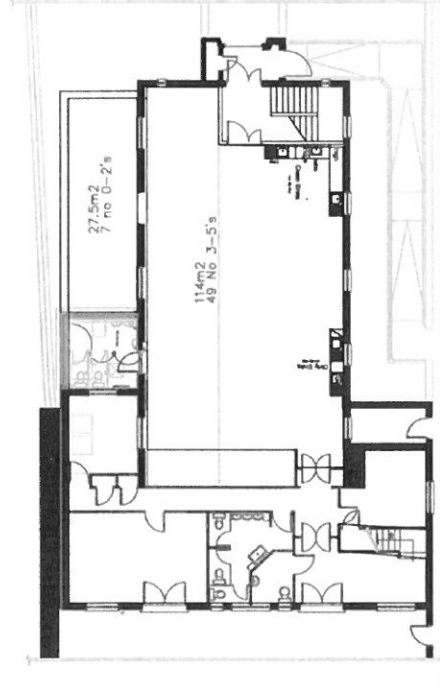


# Property Information

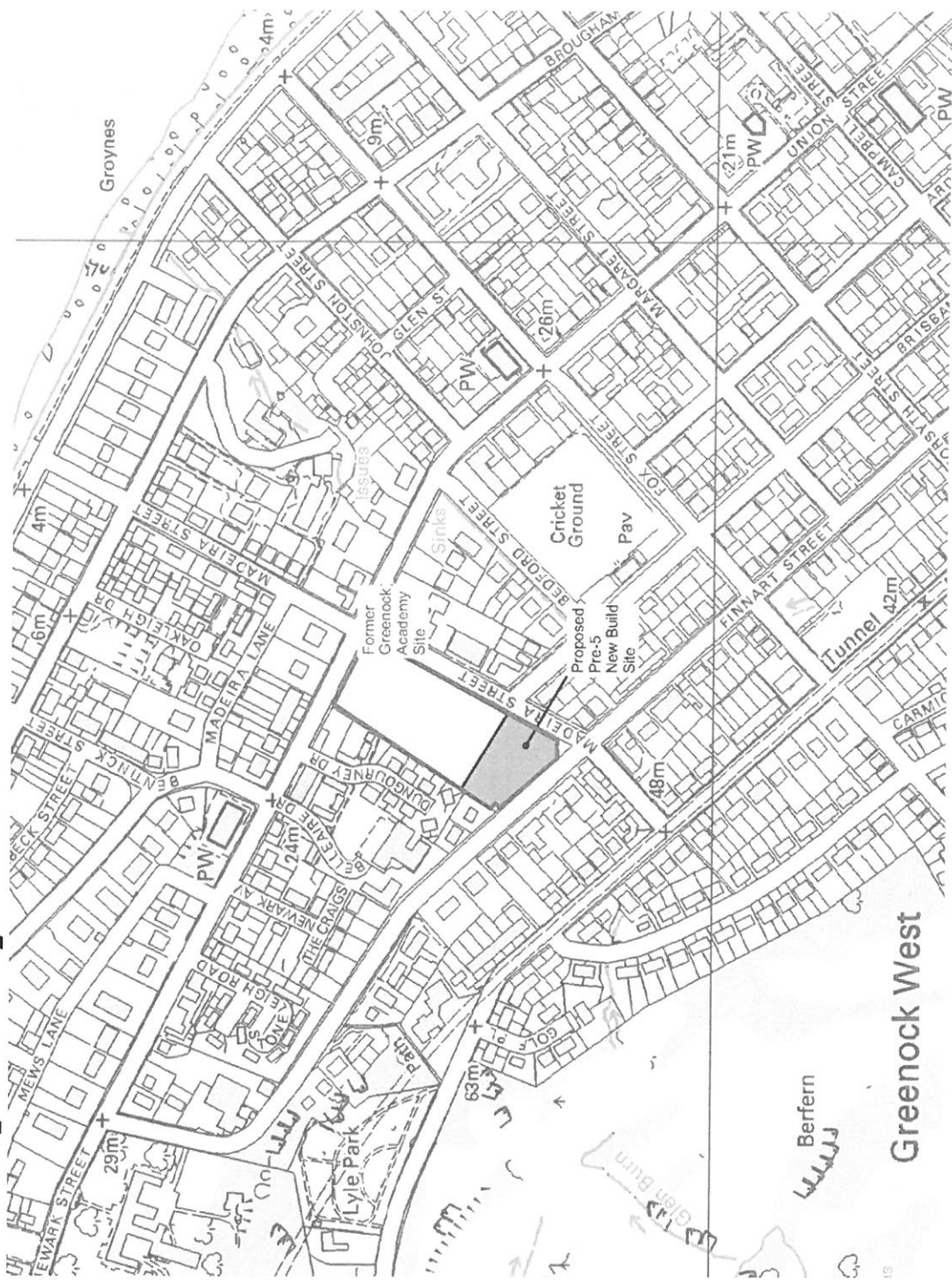
**Existing  
Building 2  
Feasibility  
study**



**Added  
Mezzanine  
Too small**



# Property Information



**New Build**

**Proposed Site**

**Part of Greenock Academy Site**

# Property Information

**New Build**

**Aerial  
View**





# Property Information

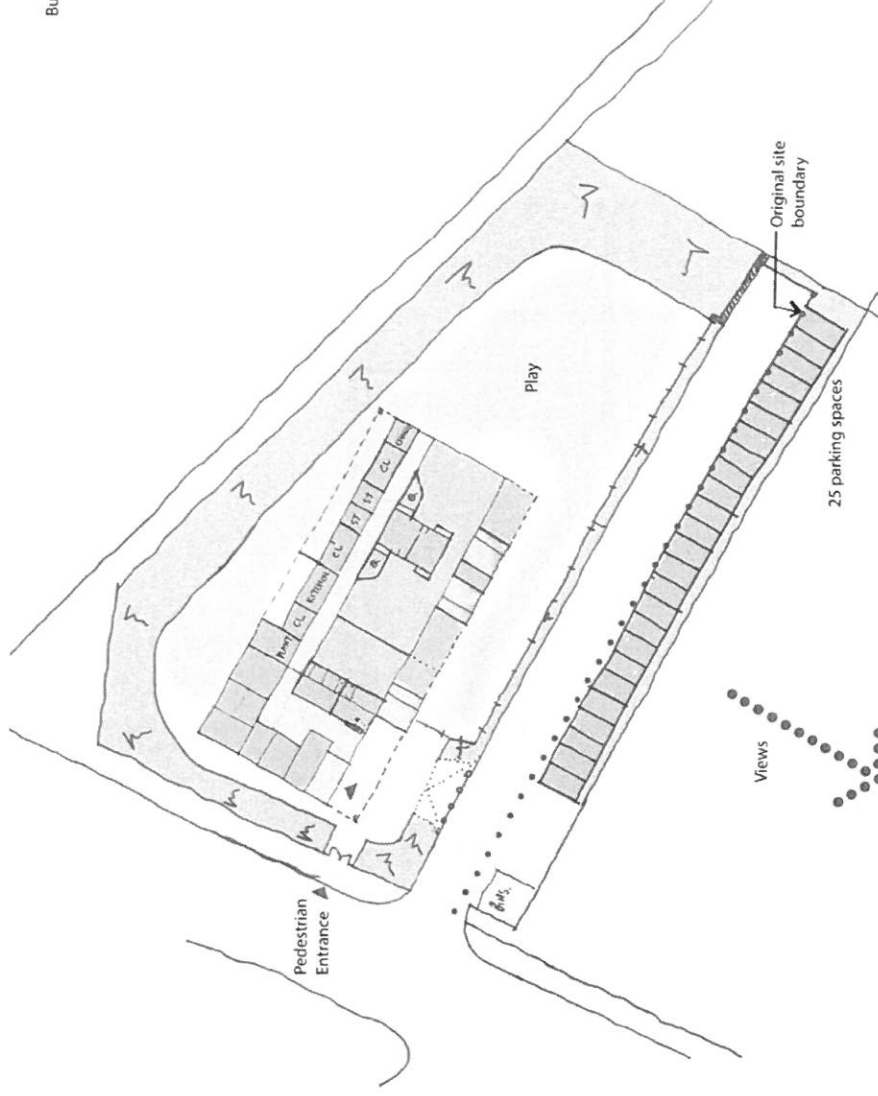
Bu

New Build

Feasibility study

Access from Madeira St.

Views north to river



Option 3:  
Access from Madeira St

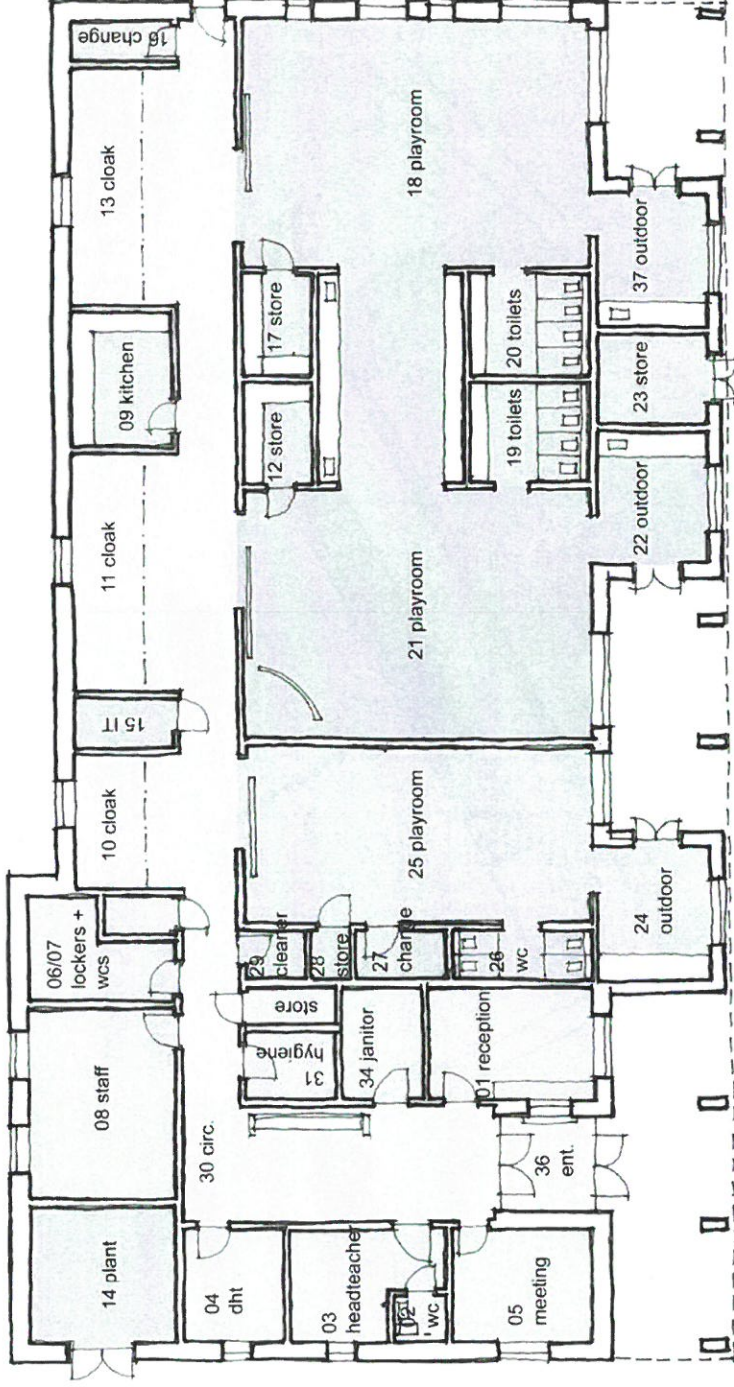


# Property Information

New Build

Feasibility  
study

Plan



Proposed floor plan

Nursery - Feasibility Study

hub keppie

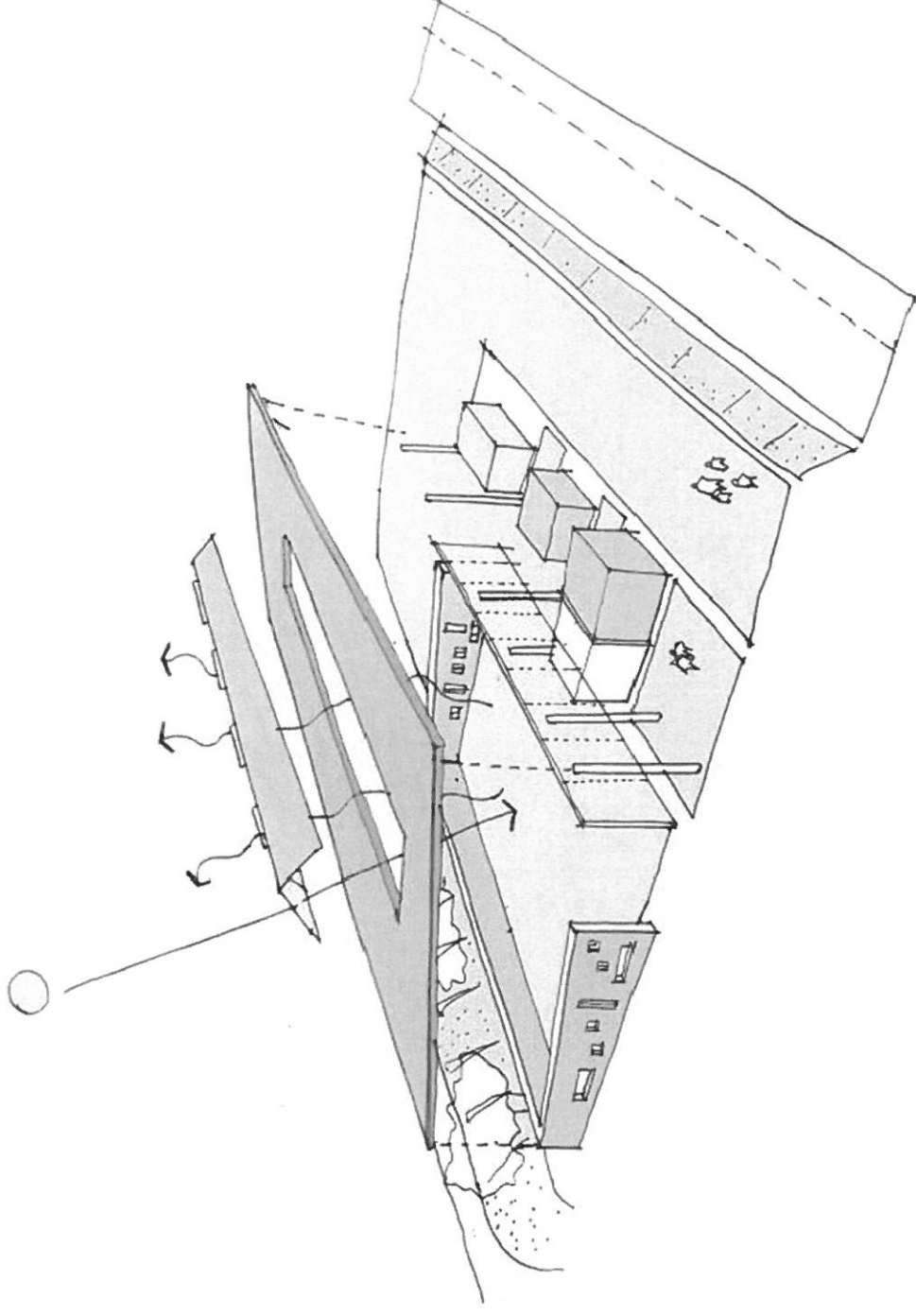
Inverclyde  
council

# Property Information

**New Build**

Feasibility  
study

Exploded  
view

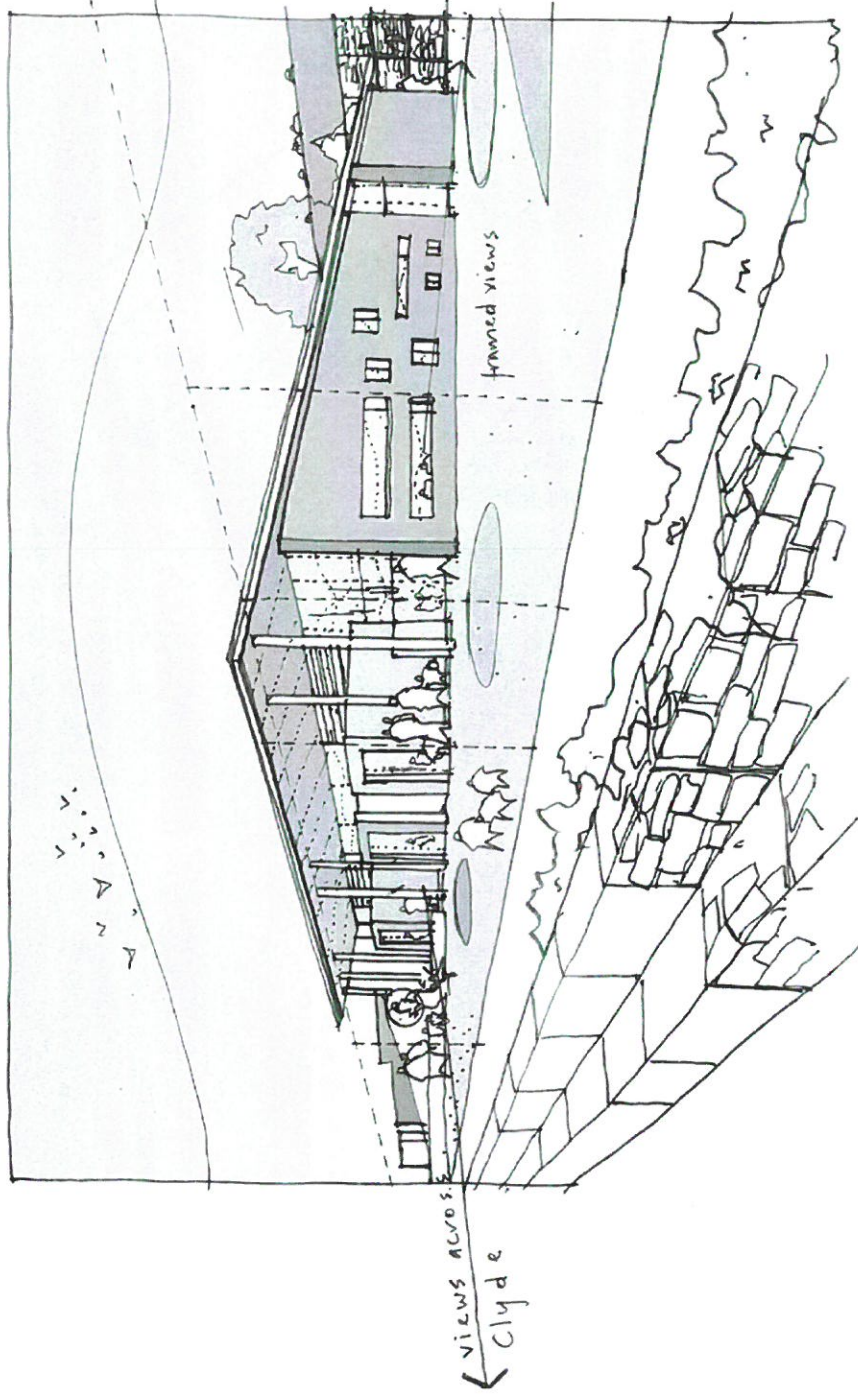


# Property Information

**New Build**

**Feasibility  
study**

**3d  
sketch**



Front elevation perspective

Nursery - Feasibility Study

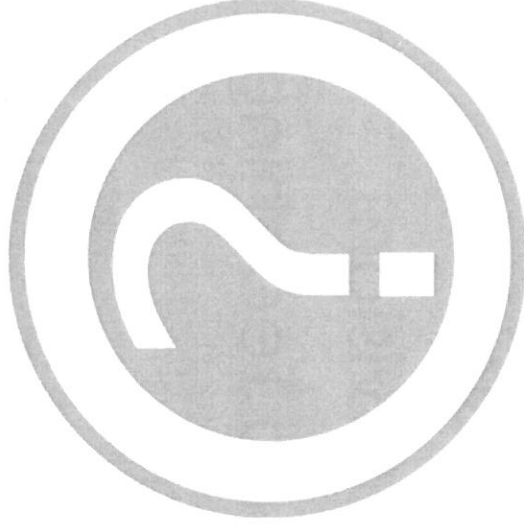
hub keppie

Inverclyde  
council

# Educational Benefits

- Current provision
- Extended provision
- Learning and Teaching
- Environment
- Management and staffing
- Quality

# Questions



Public Consultation Meeting – Kelly Street Children’s Centre – 02.06.16

	SURNAME	FORNAME	Title	QUESTION	RESPONSE
1	xxx	xxx	Member of community	Will the development of the site be looked at as a whole or has it been looked at just to re-house the nursery?	Looked at primarily for creating nursery accommodation. New nursery seemed a good use of the site. Other parts of the site will be available for other uses but no detail on this
2	xxx	xxx	Parent	Timescale – When will the move take place?	Need consultation first. The Hub process to determine design team. Design phase. Planning process. Hopefully new build complete first quarter of 2018.
3	xxx	xxx	Parent	Plans look great and exciting. Is there room for outdoor play?	Whole campus would fit in 1 new playroom. This gives idea of scale of drawing. Explanation using power point to identify significant areas for outdoor learning.
4	xxx	xxx	Parent	Would the children be moved to another building during the move?	No decant required. Move is usually carried out over weekend, holiday period. Education Services can apply for exceptional closure. This can be for 3 days but a recent move only required a one day closure.
5	xxx	xxx	Parent	Will there be car parking for parents as traffic may impact on residents.	Inverclyde Council Policy doesn’t encourage parents to use car parks for children’s safety. Staff car parking and disabled parking will be part of the design. Wide streets around site ad start / finish times are staggered so this should help ease the situation.  Rigorous design development will look at traffic issues and involve road and road safety team.
6	xxx	xxx	Future parent	Is there a possibility that in front of new nursery will be a building site in the future?	School Estates are well experiences in dealing with these types of situations and would ensure safety at all times. It will be Inverclyde Council’s planning departments decision on what the land would be used for it is likely that new buildings would be a staged effect and would not impact on nursery views etc.  Construction work happening in other establishments Local Authority ensure that trucks / constructions do not impact on services. No plans known for other development on area.  There can be a level of noise but there are actions that can

Public Consultation Meeting – Kelly Street Children’s Centre – 02.06.16

	SURNAME	FORNAME	Title	QUESTION	RESPONSE
7	xxx	xxx	Parent	How many children will be accommodated in the new building?	minimise this.  Plan is for Kelly Street to remain at current capacity with addition of 2/3 years places.  Scottish Government plan to increase Early Learning and Childcare in 2020/21 has not been factored into this development.
8	xxx	xxx	Member of Community	Budget Design – is there enough money in budget given that site is in conservation area?	Work closely with planners. Confident could have a building in keeping with conservation area.
9	xxx	xxx	Member of Community	Positive impact on school	Agreed that this is a benefit of the new building. St Mary’s School will benefit from additional accommodation and it would positively impact on the refurbishment plans.



## **Report by Education Scotland addressing educational aspects of the proposal by Inverclyde Council to relocate Kelly Street Children's Centre to new accommodation on the site of the former Greenock Academy.**

### **1. Introduction**

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Inverclyde Council's proposal to relocate Kelly Street Children's Centre to new accommodation to be constructed on the site of the former Greenock Academy situated off Madeira Street in the West End of Greenock. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

#### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children of the centre; any other users; and children likely to become pupils within two years of the date of publication of the proposal paper;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

#### 1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 2 June 2016 in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and

- visits to the site of St Mary's Primary School and Kelly Street Children's Centre, including discussion with relevant consultees.

## **2. Consultation Process**

2.1 Inverclyde Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The consultation period ran from 23 May 2016 until 23 August 2016. Notification of the consultation arrangements were placed in the press and on the council's website. A public meeting was held in St Mary's Primary School on 2 June 2016. Less than ten parents and members of the public attended and offered support to the proposal. The council received 57 written responses to the proposal. Almost all were in favour of relocating Kelly Street Children's Centre to a new building on the site of the former Greenock Academy. The views of children were sought very well through discussion groups, visits to other new provision in Inverclyde and to the proposed site.

## **3. Educational Aspects of Proposal**

3.1 Inverclyde Council has set out very clear educational benefits for the children and families of Kelly Street Children's Centre. The current building has significant constraints and has been rated a C for condition and suitability. Outdoor learning areas for children are limited in size. The council rightly state that a new building has the potential to provide children with a modern learning environment which is accessible to all, will better meet children's needs and support the delivery of Curriculum for Excellence. Staff currently work across two sites, at Kelly Street and within St Mary's Primary School. Facilities for them are limited. A new building will bring staff together and has the potential to provide a dedicated staff environment which will enhance their professionalism. The planned inclusion of a room for parents has the potential to enrich parental engagement further. Early learning and childcare provision for children two to three years of age is limited within the Kelly Street catchment area. Inclusion within the new building will enable Inverclyde Council to expand their provision for children two to three years in the local area. Parking/drop off arrangements around the present site are very challenging and these will be eased within the designs for the new building and surrounds.

3.2 Almost all stakeholders who responded to the consultation and those who spoke with HM Inspectors were overwhelmingly in favour of the proposal. They recognise the constraints of the two sites and the C rating given to the Kelly Street building for condition and suitability. They welcome the proposed new building which has the potential to provide their children with spacious play areas and a better outdoor learning environment. Stakeholders appreciate the inclusion of provision for children aged two to three years and a dedicated environment for parents. Stakeholders also commended Inverclyde Council on the location for the new building and the potential for much improved parking arrangements.

3.3 Staff and children who spoke with HM Inspectors very much welcome the proposed new building. In particular, children look forward to improved outdoor

learning environments directly accessible from the playrooms. Staff work very hard to minimise the constraints of their current building and split site. They agree with the educational benefits outlined in the proposal by Inverclyde Council. Staff at St Mary's Primary School and Kelly Street Children's Centre feel strongly that children's learning experiences have the potential to be enhanced in a new building and that there will be no negative impact on the quality of transition arrangements with schools in the catchment area.

3.4 The Kelly Street building is currently used by the Boys Brigade outwith nursery operating hours. Inverclyde Council are engaging with them to find suitable alternative accommodation.

#### **4. Summary**

Inverclyde Council have set out a very clear statement of educational benefit for the children, families and staff of Kelly Street Children's Centre. Given the condition, suitability and constraints of the current building the proposal will address all of these. The plans for the new building have the potential to offer children a bespoke, high quality learning environment indoors and outdoors which will enhance their learning experiences further. The proposal offers staff a much enhanced professional environment where they can work and meet together as a team. Inverclyde Council have engaged stakeholders well through the consultation period. Staff, children and families would like to continue to be consulted as the plans for the new building are developed and finalised.

**HM Inspectors  
Education Scotland  
September 2016**

## Equality Impact Assessment

This document should be completed at the start of policy development or at the early stages of a review. This will ensure equality considerations are taken into account before a decision is made and policies can be altered if required.

### SECTION 1 - Policy Profile

1	Name/description of the policy, plan, strategy or programme	Relocation of Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF
2	Responsible organisations/Lead Service	Education Services
3	Lead Officer	Linda Wilkie
4	Partners/other services involved in the development of this policy	Property Services
5	Is this policy:	New <input type="checkbox"/> Reviewed/Revised <input type="checkbox"/> The relocation does not introduce a new policy
6	What is the purpose of the policy (include any new legislation which prompted the policy or changes to the policy)?	To relocate Kelly Street Children's Centre to a new building at the former Greenock Academy Site, Madeira Street, Greenock, PA16 7XF
7	What are the intended outcomes of the policy?	There will be a refurbished building that will be more fit for purpose.
8	Geographical area (Inverclyde wide or a specific location)	Madeira Street, Greenock, PA16 7XF
9	Is the policy likely to have an impact on any of the elements of the Council equality duty (if yes, please tick as appropriate)?	<input type="checkbox"/> Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 <input checked="" type="checkbox"/> Advance equality of opportunity between people from different groups <input type="checkbox"/> Foster good relations between people from different groups This move will enable the building to be more DDA compliant.

<p>10 Will those who may be directly or indirectly affected by this policy be involved in its development?</p>	<p>Yes. Full consultation will be undertaken with all stakeholders.</p>
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## SECTION 2 – Impact on Protected Characteristics

Which of the protected characteristics will the policy have an impact upon? (see guidance for examples of key considerations under each characteristic)

Protected Characteristic	Impact			Reason/Comments
	Positive High Low	Neutral	Negative High Low	
Age				
Disability	X			The building will be fully DDA compliant
Gender Reassignment				
Pregnancy and maternity				
Race				
Religion or Belief				
Sex (Male or Female)				
Sexual Orientation				
Other groups to consider (please give details)				

## SECTION 3 – Evidence

What evidence do you have to help identify any potential impacts of the policy? (Evidence could include: consultations, surveys, focus groups, interviews, projects, user feedback, complaints, officer knowledge and experience, equalities monitoring data, publications, research, reports, local, national groups.)

Evidence	Details
Consultation/Engagement (including any carried out while developing the policy)	Full consultation has been carried out with all stakeholders. This includes public meetings and questionnaires.
Research	
Officer's knowledge and experience (including feedback from frontline staff).	
Equalities monitoring data.	
User feedback (including complaints)	
Stakeholders	
Other	
What information gaps are there?	

## SECTION 4 – CONSEQUENCES OF ANALYSIS

What steps will you take in response to the findings of your analysis? Please select at least one of the following and give a brief explanation.		
	X	The move of the nursery is considered to be a very positive step with educational benefits.
1. Continue development with no changes		
2. Continue development with minor alterations		
3. Continue development with major changes		
4. Discontinue development and consider alternatives (where relevant)		
How will the actual effect of the policy be monitored following implementation?		
The building will remain DDA compliant.		
When is the policy due to be implemented?		
2017.		
When will the policy be reviewed?		
After the decision has been taken to move location the decision will not be reviewed.		
What resources are available for the implementation of this policy? Have these resources changed?		
Resources allocated from the School Estates Management Programme.		



**Name of Individual(s) who completed the Assessment**

Name(s): Ruth Binks

Position: Head of Education

Date: 6/11/16

**Authorised by**

Name: Grant McGovern

Position: Head of Inclusive Education, Culture and Corporate Policy

Date: 07/11/16