

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Education Operational Delivery Committee
<b>DATE</b>	3 June 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Proposed consultation to establish catchment areas for Gaelic Medium Education
<b>REPORT NUMBER</b>	RES/21/133
<b>DIRECTOR</b>	Steve Whyte
<b>CHIEF OFFICER</b>	Stephen Booth
<b>REPORT AUTHOR</b>	Andrew Jones / Shona Milne
<b>TERMS OF REFERENCE</b>	Remit 1.1.1; 1.1.2

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### 1. PURPOSE OF REPORT

To seek committee approval to launch a statutory consultation on proposals to establish catchment areas for Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School.

### 2. RECOMMENDATIONS

That the Committee :-

- 2.1 instructs the Chief Officer, Corporate Landlord to undertake a statutory public consultation commencing in August 2021, on proposals to establish catchment areas for the existing Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School, as defined within the maps at Appendix 1 of this report, and
- 2.2 instructs the Chief Officer, Corporate Landlord to report back to the Committee on the outcomes of the consultation at its next available meeting following conclusion of the consultation process.

### 3. BACKGROUND

- 3.1 In common with other Scottish local authorities, school enrolment in Aberdeen City is based on the principle of catchment areas, commonly referred to as 'zones'. Gaelic Medium Education (GME) provision was established by Grampian Regional Council, and at the time no catchment areas were established for this provision.
- 3.2 Bòrd na Gàidhlig issued statutory guidance in 2017, specifying that local authorities should create catchment areas for GME. The guidance states that a catchment area for GME provision should normally cover an area in which the local authority thinks it is reasonable for pupils wishing to receive GME to travel to school, and that this will normally overlay a number of school catchment areas.

- 3.3 To comply with the statutory guidance, it is proposed that new GME zones are established and that these will overlay existing English Medium school zones in the city (and in the case of the primary provision, the zones within an existing associated schools group), rather than establishing entirely new delineated areas for the new zones. This will help to ensure that we maintain a standardised approach to school zoning arrangements, and in turn will help to make it easier for parents to understand the zoning arrangements for GME provision.

#### Secondary School Zone

- 3.4 Secondary GME provision is based at Hazlehead Academy, where Gaidhlig is offered as a subject at all stages. In S1 to S3, learners continue to study Gaidhlig through literature and creative projects. SQA courses are available for S4 to S6 learners.
- 3.5 It is proposed that the zone for the secondary provision at Hazlehead Academy is established as defined within Map A, Appendix 1. The proposed zone will overlay the existing English Medium school zones for Hazlehead Academy, Northfield Academy and Aberdeen Grammar School.
- 3.6 Officers have determined that overlaying the new GME zone across these school zones will ensure that pupils zoned to the secondary GME provision will remain within a reasonable travel distance from school. The proposed zone falls within a radius of three miles from Hazlehead Academy.
- 3.7 Overlaying the new GME zone across additional secondary school zones would result in the zone covering a much wider area, and this would risk some pupils living within the GME zone but considerably further than what would be considered a reasonable distance to travel to school. There would be a requirement to provide free school transport to any secondary aged pupils who are within the catchment zone but who live more than three miles safe walking distance from the secondary GME provision.

#### Primary School Zone

- 3.8 The GME Nursery and Primary provision is based at Gilcomstoun School, and currently consists of a Nursery class, a P1–P3 class, and a P4–P7 class. Pupils within the provision are taught entirely in Gaelic from Nursery to P3. This total immersion allows learners to develop their language skills from a young age. After P3, English is gradually introduced, through the medium of Gaelic.
- 3.9 There are currently 40 pupils attending the GME primary provision, including eight learners from Aberdeenshire.
- 3.10 It is proposed that the zone for the primary provision at Gilcomstoun School is established as defined within Map B, Appendix 1. The proposed zone will overlay the existing English Medium school zones for Gilcomstoun School, Ashley Road School, Mile End School and Skene Square School (i.e the

primary schools which make up the Aberdeen Grammar Associated Schools Group (ASG)).

- 3.11 Officers have determined that overlaying the new GME zone across the Aberdeen Grammar ASG will ensure that pupils zoned to the primary GME provision will remain within a reasonable travel distance from school. The proposed zone falls within a radius of 1.6 miles from Gilcomstoun School. Maintaining the new zone within a single ASG also helps to provide clarity to parents on the zoning arrangements for the GME provision.
- 3.12 Extending the GME zone to overlay additional ASGs would result in the new zone covering a much wider area, and this would risk some pupils living within the GME zone but considerably further than what would be considered a reasonable distance to travel to school. There would be a requirement to provide free school transport to any zoned primary aged pupils who live more than two miles safe walking distance from the primary GME provision.

#### Expected Impact of the Proposals

- 3.13 If following public consultation the proposal to establish new GME catchment zones are accepted, any pupils already attending the GME provision at either Gilcomstoun School or Hazlehead Academy prior to the changes being implemented, would be entitled to remain at the GME provision, regardless of whether or not they live within the new zones. Existing pupils will therefore not be impacted by the proposed changes.
- 3.14 In the future, following the implementation of the proposed new GME zones, any new pupils living outwith the new zones who wish to attend the GME provision at Gilcomstoun School or Hazlehead Academy, would still have the opportunity to apply for a place at the provision, by submitting a request through the schools placing request system.

#### Proposed Consultation

- 3.15 The Schools (Consultation) (Scotland) Act 2010 as amended requires that proposals to establish or make changes to school catchment areas are subject to public consultation. It is therefore recommended that the Committee instructs officers to undertake a statutory public consultation on proposals to establish the catchment areas as defined within the maps at Appendix 1 of this report.
- 3.16 If this recommendation is accepted, it is anticipated that the consultation will be launched in August 2021, and will continue until October 2021, in line with the consultation timescales required by the legislation.
- 3.17 The responses to the consultation would then be reported to the Committee at its meeting in January 2022 (subject to any changes which may be required to this timescale as set out in paragraph 3.21 below). If after considering the outcomes of the consultation, the Committee then agrees to implement the proposed new zones, it is anticipated that these would take effect from August 2022.

## Public Meeting

- 3.18 The Schools (Consultation) (Scotland) Act 2010 requires local authorities to hold a public meeting when carrying out statutory consultations on relevant proposals. This requirement has not changed during the Covid-19 pandemic, and local authorities therefore need to consider whether any consultations are necessary and justified during this time, or if they should be delayed, to minimise the risk of the spread of infection associated with holding a public meeting.
- 3.19 The above timescales for the consultation and for reporting back to the Committee are therefore based on an assumption that it will be considered safe and appropriate to hold a public consultation meeting in September 2021, and that there will be no restrictions in place at that time relating to public gatherings, due to risks associated with Covid-19, which would prevent a meeting from taking place.
- 3.20 Whilst it may be technically possible to hold the consultation meeting online, there is a risk that doing so could be seen to be preventing some stakeholders from taking part in the meeting, if for example they do not possess the means or ability to join the event online, and the Council may then be open to criticism that the requirement to hold a fully accessible public meeting as part of the consultation process was not complied with.
- 3.21 Officers therefore recommend that if it is not possible to hold a public meeting in September due to Covid restrictions, the consultation period should be extended, until such time as a public meeting can be held. Such an extension may also impact on when the outcomes of the consultation can be reported back to the Committee, in which case a report will be presented to the Committee at its next available meeting following the conclusion of the full consultation process.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 The Council's policy on the provision of free school transport is set out in its *Guide to Education and Children's Services 2020-21*, where it is stated that the Council provides free school transport: *where a child is enrolled in his/her zoned primary school and lives two miles or more from that school; or where a child is enrolled at his/her zoned secondary school and lives three or more miles from that school.*
- 4.2 Whilst the proposed new GME zones fall within a 2 mile radius (for primary provision) or 3 mile radius (for secondary provision) of the schools where the provision is based, there may be a small number of pupils who live on the periphery of the new zones and who do not have a safe walking route to school which is within the applicable maximum distance. In these circumstances, they would be entitled to free school transport.
- 4.3 Any costs incurred in providing these pupils with free school transport in line with the Council policy will be met from existing transport budgets.

## 5. LEGAL IMPLICATIONS

### Statutory Consultation

- 5.1 The Schools (Consultation) (Scotland) Act 2010 as amended requires local authorities to carry out a public consultation on proposals to make permanent changes to school zones, and for the outcomes of that consultation to be considered, before making a final decision on whether to implement the proposals. If the recommendation within this report is accepted, the consultation on establishing catchment areas for GME provision will be carried out in full compliance with the legislation.

### School Transport

- 5.2 Section 51 of the Education (Scotland) Act 1980 states that an Education Authority shall make such arrangements as they consider necessary for:-
- the provision of free school transport for the whole or part of the journey
  - making bicycles or other suitable means of transport available to the pupils
  - paying some or all of pupils reasonable travelling costs
  - or any combination of the above
- 5.3 In considering whether to make any arrangements, section 51 (2C) states that an education authority shall have regard to the safety of such pupils.
- 5.4 Statutory walking distances to school are set out in Section 42(4) of the Act, and are defined as three miles for children aged eight years and over, and two miles for children aged under eight.
- 5.5 Although the Act sets no "trigger" distance beyond which specific transport should be provided, the effect of combining the requirements of Sections 42(4) (walking distances) and 51 is commonly viewed as obliging an education authority to provide school transport (free for children who live beyond the statutory distances) whenever it would be unreasonable, dangerous or (in some cases) impossible for a child to walk to their zoned school (even if accompanied).
- 5.6 There is no duty to provide transport where the Education Authority has proposed a placement for a child in their zoned school, and if necessary offered suitable arrangements for transport to avoid the pupil having to walk more than the statutory walking distance, but where the pupil attends another school as the result of a placing request. (Section 51(2A) of the 1980 Act).

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None identified	N/A	N/A
<b>Compliance</b>	Risk of non-compliance with legislation relating to school zoning / school placings procedures and required consultation	L	All aspects of the Schools (Consultation) (Scotland) Act 2010 as amended will be complied with. If it is not possible to hold a public meeting during the planned consultation period due to Covid restrictions, then the consultation period will be extended until it is deemed safe and appropriate for a consultation meeting to be held.
<b>Operational</b>	Risk that customers' views are not taken into account when introducing new catchment areas	L	All aspects of the Schools (Consultation) (Scotland) Act 2010 as amended will be complied with to ensure that all stakeholders have the opportunity to comment on proposals before a decision is taken. If it is not possible to hold a public meeting during the planned consultation period due to Covid restrictions, then the consultation period will be extended until it is deemed safe and appropriate for a consultation meeting to be held.
<b>Financial</b>	None identified.	N/A	N/A
<b>Reputational</b>	Risk that the Council is seen to make significant changes to schools without considering the views of stakeholders	L	All aspects of the Schools (Consultation) (Scotland) Act 2010 as amended will be complied with. If it is not possible to hold a public meeting during the planned consultation period due to Covid restrictions, then the consultation period will be extended until it is deemed safe and appropriate for a consultation meeting to be held.

<b>Environment / Climate</b>	None identified	N/A	N/A
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## 7. OUTCOMES

<u><b>COUNCIL DELIVERY PLAN</b></u>	
<b>Impact of Report</b>	
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	
Prosperous People Stretch Outcomes	The proposals within this report support the delivery of the Children & Young People Stretch Outcomes 3 to 5 in the LOIP. Ensuring that pupil rolls at the schools concerned are maintained at manageable levels will assist in the delivery of quality learning and teaching, which will ultimately lead to improved outcomes for young people.
Prosperous Place Stretch Outcomes	The proposals within this report support the delivery of Stretch Outcomes 14 and 15 in the LOIP. Ensuring pupils have safe and appropriate routes to school will help to encourage walking or cycling to school and reduce Aberdeen's carbon emissions.

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

Council, 5 March 2019 (Budget Meeting): Approved Budgets and Speech, page 9 (decision to stop school transport to the Gaelic unit) – <http://councilcommittees.acc.gov.uk/documents/b18594/Approved%20Budgets%20and%20Speech%2005th-Mar-2019%2014.00%20Council.pdf?T=9>

## 10. APPENDICES

Appendix 1 : Proposed catchment zones for GME provision.

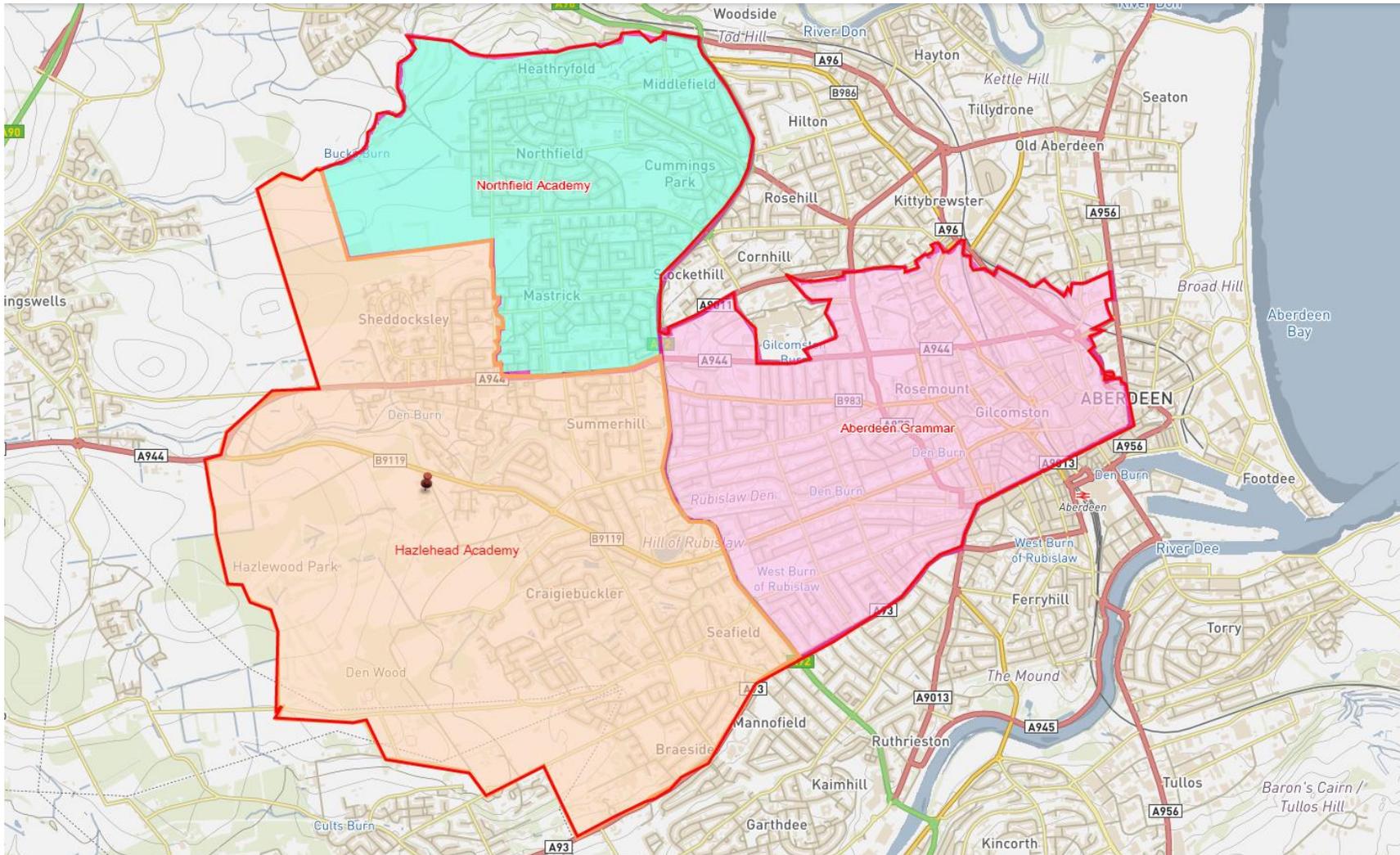
## 11. REPORT AUTHOR CONTACT DETAILS

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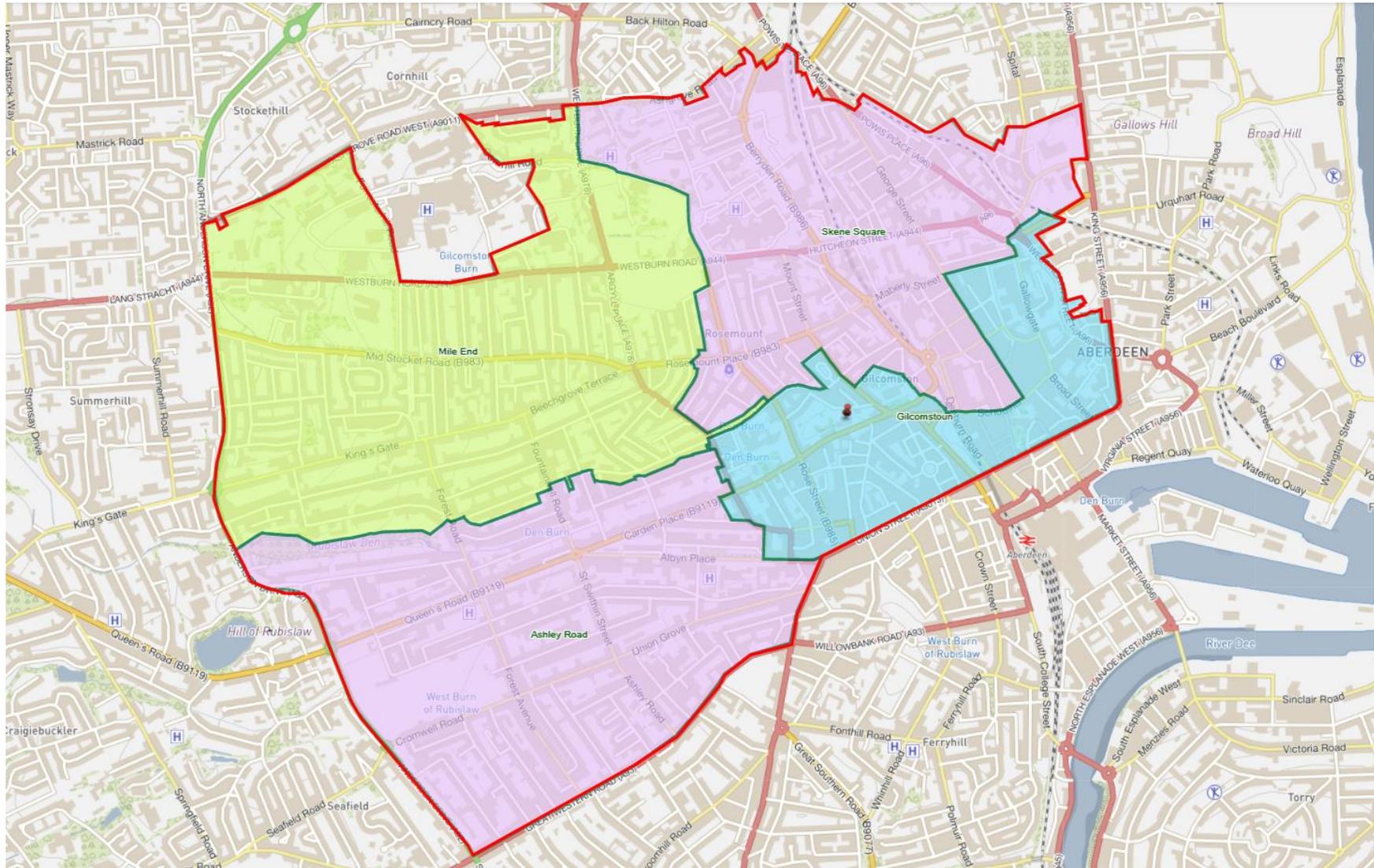
## Appendix 1 : Proposed catchment areas for GME provision

Map A: Proposed catchment area for secondary GME provision



*The proposed catchment area is indicated by the red line, and overlays the existing English Medium school catchment zones for Hazelhead Academy, Northfield Academy and Aberdeen Grammar School. The pin symbol indicates the location of Hazelhead Academy.*

Map B: Proposed catchment area for primary GME provision



*The proposed catchment area is indicated by the red line, and overlays the existing English Medium school catchment zones for Gilcomstoun School, Ashley Road School, Mile End School and Skene Square School. The pin symbol indicates the location of Gilcomstoun School.*