1. PURPOSE OF REPORT:-

1.1 This report provides an update on the planned timescale for the statutory public consultation on the future of Cordyce School, following advice received on this from Education Scotland.

2. RECOMMENDATION(S)

2.1 It is recommended that Committee agrees to the amended timetable for the statutory public consultation on the proposal to close Cordyce School, and instructs the Head of Education to report to the Committee on the outcome of the consultation at its meeting in January 2018.

3. BACKGROUND/MAIN ISSUES / OTHER HEADINGS AS APPROPRIATE

3.1 At its meeting on 1 June 2017, following consideration of a report on future plans for Pupil Support Services and Cordyce School, the Education and Children’s Services Committee agreed the following:

- to instruct the Head of Inclusion to oversee the preparation of a proposal document for public consultation on the proposal to close [Cordyce School] in accordance with the Schools (Consultation) (Scotland) Act 2010 as amended; and

- to report to the Committee on the outcome of the statutory consultation at the November Committee meeting to enable a decision on the future of [Cordyce School] to be made.

3.2 Following that decision, officers began informal discussions with colleagues at Education Scotland, who are required to oversee and make comment on the statutory consultation arrangements for school closure proposals.
3.3 As a result of these discussions it has become clear that there is insufficient time available to carry out a thorough consultation on the future of Cordyce School, whilst adhering to the statutory timescales set out within the Schools (Consultation) (Scotland) Act 2010 as amended, and to present the full findings of this consultation to the Committee at its meeting on 16 November.

3.4 Given that this consultation will include a proposal to close a school, it will be important for the Council to demonstrate that it has taken sufficient time to consider the outcomes from the consultation before making its final decision on the future of the school.

3.5 Scottish Ministers have the power to call in decisions made by Councils on school closures, and when determining whether or not to do so, will consider the extent to which the Council has followed the statutory processes and taken sufficient time to consider the arguments which have been put forwards.

3.6 It is therefore recommended that the previous instruction by Committee, for the outcomes of the consultation to be reported to the November 2017 meeting, is amended, so that officers are instead instructed to report on the consultation at the Committee meeting to be held in January 2018. This would give sufficient time for the statutory consultation process to be fully carried out, and for all submissions from stakeholders and any recommendations from Education Scotland to be properly considered by officers, before a final consultation report is written and submitted to the Committee.

3.7 The recommended timetable for the consultation, which complies with the statutory timescales, would therefore be as follows:

- Preparation of consultation proposal document  
  Mon 24 July to Tues 29 August 2017

- Public consultation period  
  Wed 30 August to Fri 13 October 2017 (31 school days)  
  (Statutory requirement is 6 weeks including a minimum of 30 school days)

- Collated consultation submissions to be sent to Education Scotland  
  Fri 20 October 2017

- Education Scotland to consider submissions and write report on the consultation  
  Mon 23 October to Fri 10 November 2017 (3 weeks)  
  (Statutory requirement is a minimum of 3 weeks)

- ACC officers consider all submissions including Education Scotland report, and write final consultation report  
  Mon 13 November to Fri 1 December 2017

- ACC consultation report published  
  Mon 4 December 2017
4. FINANCIAL IMPLICATIONS

4.1 If the recommendation to extend the timetable for carrying out the consultation is accepted, this would delay the final decision on the future of Cordyce School from being made. If that decision is to be the closure of the school, then a delayed decision will mean that any savings associated with that closure could not be realised as quickly as they might have been, had the decision been taken earlier. Given that the revised timetable for consultation adds approximately two months to the process, the cost implications of the delay are likely to be minimal (see outline of running costs below).

4.2 However, if the recommendations are not accepted and the original decision to have officers report to the November committee on the outcomes of the consultation remains in place, then the recommended timetable for the consultation would need to be curtailed.

4.3 This would increase the risk of any decision to close Cordyce School being called in by Scottish Ministers, and if the School Closure Review Panel were to subsequently decide not to allow the closure on the basis that the consultation had not been properly carried out, a five year moratorium would be imposed on the Council, preventing it from considering closure again within that period.

4.4 As a result the Council would be required to continue to meet the costs of keeping the Cordyce School building open for at least five more years. The average annual costs of running the building are outlined below:

- Oil & Electricity - £48,800
- Carbon Charges - £5,400
- Water - £5,400
- Cleaning - £26,660
- Repairs/Maintenance - £32,400
- Grounds Maintenance - £4,700
- Waste Collection - £5,900
- Rates - £0. (Expected to be £80k once vacated after initial rates relief period).

4.5 These figures were calculated based on the school being fully operational with pupils enrolled at the school. If the building was required to remain open but with no pupils on the roll, then energy, cleaning and waste collection costs would be reduced. However, with no pupils on the roll the Council would become liable for the payment of non-domestic rates for the building (after an initial period of rates relief discount), and an additional cost of £80,000 per year would also apply.
5. LEGAL IMPLICATIONS

5.5 If the recommendations within this report are not accepted, and the timetable for the consultation is required to be curtailed in order to meet the original November reporting deadline, the Council would be at a very high risk of failing to comply with legislation, by not adhering to the timescales set out in the Schools (Consultation) (Scotland) Act 2010 (as amended).

6. MANAGEMENT OF RISK

Financial
6.1 The financial risks associated with not accepting the recommendations in this report are set out in Section 4, above.

Employee
6.2 Pupils who previously attended Cordyce School have now left education or are following bespoke learning pathways, and there will be no children on the roll at Cordyce in August 2017. Consequently the staff who previously worked with these pupils have already been deployed elsewhere within the service, and will not be affected by any change to the timetable for consulting on the future of the school. There are therefore no employee related risks associated with the recommendations in this report.

Customer / citizen
6.3 There are no customer / citizen related risks associated with the recommendations in this report. Pupils who previously attended Cordyce School have now left education or are now following bespoke learning pathways, and there will be no children on the roll at Cordyce in August 2017. Any changes to the timescale for a decision on the future of the school will therefore have no direct impact on pupils or their parents.

Environmental
6.4 There are no environmental related risks associated with the recommendations in this report.

Technological
6.5 There are no technological related risks associated with the recommendations in this report.

Legal
6.6 The legal risks associated with not accepting the recommendations in this report are set out in Section 5, above.

Reputational
6.7 If the recommendations in this report are not accepted and the timetable for the consultation is curtailed, then there is a high level risk of damage to the Council’s reputation, in that its commitment to undertaking thorough consultation on school closure proposals could be called into question.
7. IMPACT SECTION

Economy

7.1 The proposed changes to the timetable for the consultation will not have any significant impact on the economy.

People

7.2 An Equality and Human Rights Impact Assessment has been carried out and no negative impacts on people with protected characteristics have been identified which relate to the recommendations within this report.

7.3 Accepting the proposals to extend the timetable for public consultation will impact positively on the people of Aberdeen, in that it will help them to feel fully consulted and engaged in the decision making process for the future of Cordyce School. It will also impact positively on the staff involved in the consultation, as it will help them to feel empowered to carry out a thorough and effective consultation.

Place

7.4 The proposed changes to the timetable for the consultation will not have any significant impact on Place or the environment.

Technology

7.5 The proposed changes to the timetable for the consultation will not have any significant impact on technology.

8. BACKGROUND PAPERS

- Education and Children’s Services Committee, 1 June 2017 – Agenda Item 10.6: Future Plans for Pupil Support Services and Cordyce School.

- Schools (Consultation) (Scotland) Act 2010 (Amended May 2015)

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