

ABERDEEN CITY COUNCIL

COMMITTEE	Education Operational Delivery Committee
DATE	26 January 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Statutory Consultation Report: Proposed new catchment areas for Gaelic Medium Education
REPORT NUMBER	RES/22/011
DIRECTOR	Steve Whyte
CHIEF OFFICER	Stephen Booth
REPORT AUTHOR	Andrew Jones
TERMS OF REFERENCE	1.1.1, 1.1.2

1. PURPOSE OF REPORT

- 1.1 To report to committee on the outcomes of a statutory consultation, on a proposal to introduce school catchment areas for the existing Gaelic Medium Education provision in Aberdeen City.

2. RECOMMENDATIONS

That the Committee :-

- 2.1 agrees to establish a catchment area for Gaelic Medium Education provision at Hazlehead Academy, to overlay the existing English medium catchment areas for Hazlehead Academy, Northfield Academy and Aberdeen Grammar School, with effect from 1 August 2022; and
- 2.2 agrees to establish a catchment area for the existing Gaelic Medium Education provision at Gilcomstoun School, to overlay the existing English medium catchment areas for Gilcomstoun School, Ashley Road School, Mile End School and Skene Square School, with effect from 1 August 2022.

3. BACKGROUND

- 3.1 At its meeting of 3 June 2021, the Education Operational Delivery Committee instructed the Chief Officer, Corporate Landlord to undertake a statutory public consultation on proposals to establish catchment areas for the existing Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School, and to report back to the Committee on the outcomes of the consultation at its next available meeting following conclusion of the consultation process.
- 3.2 A public consultation on the above proposal was undertaken from 23 August 2021 to 8 October 2021. When carrying out the consultation, all requirements of the Schools (Consultation) (Scotland) Act 2010 as amended were met in full.

- 3.3 A full summary of the responses received during the consultation, along with officers' responses to the issues raised, are contained within the Consultation Report at Appendix 1. This also contains a copy of Education Scotland's report on the proposal.
- 3.4 With relation to Section 9(1) of the Schools (Consultation) (Scotland) Act 2010, and having considered all of the information received during the consultation process, officers have reviewed the original proposals carefully, and have concluded that, for the reasons outlined in the Consultation Report at Appendix 1, the proposed catchment areas are appropriate, and that there is no reason to change the proposal.
- 3.5 It is therefore recommended that the proposed new catchment areas for the existing Gaelic Medium Education provision at Gilcomstoun School and Hazlehead Academy are implemented, with effect from 1 August 2022.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 A proposal to establish the catchment area of a school is a relevant proposal under the Schools (Consultation) (Scotland) Act 2010. The 2010 Act prescribes the procedural steps the Education Authority must take. This includes:
- preparation of a proposal paper;
 - giving notice of the proposal;
 - ingathering oral and written representations;
 - holding a public meeting;
 - providing Education Scotland with all relevant documentation;
 - reviewing the proposal having regard to the representations received and Education Scotland's report; and
 - thereafter publishing a consultation report containing an explanation of how it has reviewed the proposal and responding to the points raised during the consultation.
- 5.2 The public consultation has complied with these requirements of the 2010 Act. As the proposal does not refer to the proposed closure of any school, any decision to implement it by this Committee cannot be called in by Scottish Ministers. A complaint may be made to Scottish Ministers under section 70 of the Education (Scotland) Act 1980 where it is alleged that an Education Authority has failed to comply with obligations placed upon it by the 2010 Act. In such instances, if satisfied the Authority is in default the Scottish Ministers may make an order requiring that the statutory duty be carried out.
- 5.3 The Authority has a duty under section 15 of the Education (Scotland) Act 2016 to promote Gaelic Medium Education in its area so far as is reasonably practicable. In carrying out its duty of promotion an Education Authority must

take reasonable steps to ensure it publicises, in such manner as it thinks appropriate, the provision in its area of Gaelic Medium Education. In carrying out its duty of support an Education Authority must:

- take reasonable steps to ensure that teachers in any class where the education is provided have such resources, training and opportunities as are reasonably necessary to adequately and effectively provide the education;
- take reasonable steps to ensure that pupils in any such class have such resources as are reasonably necessary to adequately and effectively receive and benefit from the education; and
- have regard to any guidance under section 9 of the Gaelic Language (Scotland) Act 2005.

5.4 Statutory guidance on Gaelic Education states that “Education authorities should establish catchment areas for GME provision and may wish to consider demand for GME when setting guidelines for placing pupils in GME provision”. The Guidance further states that “the Education (Scotland) Act 1980 places a duty on education authorities to set out catchment areas for their schools and guidelines to be followed when placing pupils in schools. As such, education authority areas will be divided up into a number of school catchment areas, with placing guidelines based on local factors such as distance to the school and the number of pupils living in the area. A catchment area for GME provision should be an area in which the education authority thinks it is reasonable for pupils wishing to receive GME provision to travel to school, and should have the potential to attract parents to choose GME provision for their children. Catchment areas for GME provision will normally overlay a number of school catchment areas”.

5.5 Section 1 of the Education (Scotland) Act 1980 provides that it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education. Section 28 of the 1980 Act provides that in the exercise and performance of their powers and duties under the Act, education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	No significant risks identified		
Compliance	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 have been complied with.

	Risk of successful legal challenge for failing to comply with statutory duties.	L	Regard has been had to statutory duties set out in the 2010, 2016 and 1980 Acts set out above. Prescribed legal processes have been followed.
Operational	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 have been complied with and stakeholders have had the opportunity to comment on proposals. The consultation report provides a detailed account of the factors taken into consideration by officers which led to the recommendation to proceed with the proposed catchment areas.
Financial	No significant risks identified		N/A
Reputational	Risk that customers' views are not taken into account when introducing new catchment areas	M	All aspects of the Schools (Consultation) (Scotland) Act 2010 as amended have been complied with and stakeholders have had the opportunity to comment on proposals. The consultation report provides a detailed account of the factors taken into consideration by officers which led to the recommendation to proceed with the proposed catchment areas.
Environment / Climate	No significant risks identified	N/A	N/A

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Local Outcome Improvement Plan	
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

Assessment	Outcome
Impact Assessment	A full impact assessment has been completed.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

Education Operational Delivery Committee, 3 June 2021: *Proposed consultation to establish catchment areas for Gaelic Medium Education – RES/21/133*

10. APPENDICES

Appendix 1 – Consultation Report : Gaelic Medium Education: Proposed New Catchment Areas

11. REPORT AUTHOR CONTACT DETAILS

Name	Andrew Jones
Title	Service Manager
Email Address	ajones@aberdeencity.gov.uk
Tel	07920 295364