

ABERDEEN CITY COUNCIL

COMMITTEE	Education and Children's Services
DATE	23 May 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Consultation Report: Establishment of Catchment Areas for Gaelic Medium Education
REPORT NUMBER	RES/23/157
DIRECTOR	Steve Whyte / Eleanor Sheppard
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 the Committee on the outcomes of a recent statutory public consultation, on the proposal to create catchment areas for the existing Gaelic Medium Education (GME) provisions at Hazlehead Academy and Gilcomstoun School.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Agrees to implement a catchment area for the existing Gaelic Medium Education provision at Hazlehead Academy, as defined within Map A in the consultation report at Appendix 1 of this report, with effect from 1 April 2024;
- 2.2 Agrees to implement a catchment area for the existing Gaelic Medium Education provision at Gilcomstoun School, as defined within Map B in the consultation report at Appendix 1 of this report, with effect from 1 April 2024; and
- 2.3 Agrees to refer the matter to the budget setting process for 2024/25, for the establishment of a budget to fund the cost of providing free school transport to the Gaelic Medium Education provisions at Hazlehead Academy and Gilcomstoun School, for those pupils eligible to receive it.

3. CURRENT SITUATION

- 3.1 Following a previous consultation on proposals to establish school catchment zones for Gaelic Medium Education provision, which was carried out in Autumn 2021, the former Education Operational Delivery Committee agreed at its meeting on 26 January 2022 to take no action on those proposals, and to instruct officers to further engage and explore all options, before reporting back to committee.

- 3.2 At its meeting of 8 September 2022, after considering recommendations presented as part of the finalised School Estate Plan, the Education Operational Delivery Committee instructed the Chief Officer – Corporate Landlord to carry out a new statutory consultation on the creation of school catchment zones for Gaelic Medium Education provision at Hazlehead Academy and Gilcomstoun School.
- 3.3 To fulfil this instruction, a public consultation was carried out from 16 January to 3 March 2023.
- 3.4 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. The report also contains a copy of Education Scotland's response to the proposal.
- 3.5 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 proposal for establishing city wide catchment areas for the GME provision at Hazlehead Academy and Gilcomstoun School, and have concluded that the proposed catchment areas are appropriate, and that there is no reason to change them.
- 3.6 A decision to implement city-wide catchment areas for GME provision would mean that any children within Aberdeen City who are enrolled at the provisions at either Hazlehead Academy or Gilcomstoun School, and who live farther than a reasonable safe walking distance from their school, would be entitled to free transport to school. Reasonable safe walking distances are considered to be up to 3 miles for secondary school pupils, and up to 2 miles for primary school pupils.
- 3.7 The proposal for the new catchment areas included a proposed implementation date of 1st August 2023. However, upon implementation, the Council would become responsible for covering the costs of free transport for those eligible to receive it, and there is no budget provision in 2023/24 to cover these costs. It is therefore proposed that the new catchment areas are instead implemented from 1st April 2024, so that budget provision can be made from 2024/25 onwards, to cover the costs of providing free transport.
- 3.8 In summary, it is recommended that city-wide catchment areas for the existing GME provision at Hazlehead Academy and Gilcomstoun School, as defined within Maps A and B of the consultation report at Appendix 1, are implemented from 1 April 2024. and that the matter is referred to the budget setting process for 2024/25, so that provision can be made to cover the transport costs on an annual basis from that point forwards.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of supporting free school transport for those eligible to receive it is estimated at £62,000 per year. Secondary aged pupils would be encouraged to make use of their eligibility for Young Persons' Free Bus Travel, where possible, to help minimise additional costs. As stated above, at present no budget is in

place to support these costs, so it is recommended that the matter is referred to the budget setting process for 2024/25, so that provision can be made to cover the transport costs on an annual basis from that point forwards.

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. ENVIRONMENTAL IMPLICATIONS

- 6.1 A decision to implement city-wide catchment areas for GME provision may result in an increase in uptake of places within these provisions in the future, given that families would now be eligible for free school transport. This may result in a small increase in the number of children travelling farther distances across the city to reach their school, and these increased journey distances and journey times may have a small negative impact on the local environment.

7. RISK

The assessment of risk contained within the table below is considered to be consistent with the Council’s Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			
Compliance	Risk that the Council is seen to make significant changes to schools without considering	All aspects of the Schools (Consultation) (Scotland) Act 2010 have been complied with. Regard has been had to statutory duties set out in the 2010 Act set out above and the Education	L	Yes

	<p>the views of stakeholders.</p> <p>Risk of successful legal challenge for failing to comply with statutory duties.</p>	<p>(Scotland) Act 1980. Prescribed legal processes have been followed.</p>		
Operational	<p>Risk that customers' views are not taken into account when introducing new catchment areas</p>	<p>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 an account of the factors taken into consideration by officers which led to the recommendation to proceed with the implementation of city wide catchment areas.</p>	L	Yes
Financial	<p>No budget provision in 2023/24 for the additional transport costs which will be incurred if new catchment areas are implemented.</p>	<p>Recommendation to postpone implementation until 1 April 2024, and for the matter to be referred to the 2024/25 budget setting process to ensure budget provision is in place</p>	L	Yes
Reputational	<p>Risk that customers' views are not taken into account when introducing new catchment areas</p>	<p>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 an account of the factors taken into consideration by officers which led to the recommendation to proceed with the implementation of city wide catchment areas.</p>	L	Yes

Environment / Climate	No significant risks identified			
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	The proposals within this report support the delivery of the Children & Young People Stretch Outcomes 4 to 9 in the LOIP. Ensuring that children and young people have equitable access to GME provision will assist in the delivery of quality learning and teaching, which will ultimately lead to improved outcomes for young people.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	A full impact assessment was not required.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

- 10.1 Education Operational Delivery Committee, 26 January 2022: *Statutory Consultation Report: Proposed new catchment areas for Gaelic Medium Education* - RES/01/022
- 10.2 Education Operational Delivery Committee, 8 September 2022: *School Estate Plan 2022* - RES/22/184

11. APPENDICES

- 11.1 Appendix 1 – Consultation Report: GME Catchment Areas

12. REPORT AUTHOR CONTACT DETAILS

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