

EAST DUNBARTONSHIRE COUNCIL: EDUCATION SERVICE

**REPORT ON THE STATUTORY CONSULTATION ON THE PROPOSED
CHANGES TO THE SECONDARY TRANSFER ARRANGEMENTS FOR
CHILDREN WHO LIVE IN THE CATCHMENT AREA OF LENNOXTOWN
PRIMARY, LENNOXTOWN**

LIST OF CONTENTS

SECTION 1	BACKGROUND
SECTION 2	CONSULTATION PPROCESS
SECTION 3	RESPONSES TO THE CONSULTATION
SECTION 4	EDUCATION SCOTLAND REPORT
SECTION 5	ISSUES IDENTIFIED IN THE CONSULTATION
SECTION 6	ALLEGED OMISSIONS OR INACCURACIES
SECTION 7	EQUALITIES IMPACT ASSESSMENT
SECTION 8	FINDINGS OF THE CONSULTATION
SECTION 9	REVIEW OF THE PROPOSAL
SECTION 10	COUNCIL DECISION MAKING
SECTION 11	LIST OF APPENDICES

1. BACKGROUND

- 1.1 The current school provision and arrangements for Primary 7 to S1 transfer arrangements in East Dunbartonshire Council (the Council) are underpinned by legislative requirements in the Education (Scotland) Act 1980. This requires the Council to:
- i. ensure effective management of its school estate and provide sufficient places for their pupil population;
 - ii. adhere to the general principle that children should be educated in line with their parents' wishes;
 - iii. ensure that all admissions must comply with class size legislation and national staffing agreements.
- 1.2 On 5 September 2019, the Council's Education Committee gave approval for a statutory consultation to be carried out in accordance with the Schools Consultation (Scotland) Act 2010. (EPB-178-19-JM) The consultation proposal was that children, who lived in the catchment area of Lennoxton Primary in Lennoxton should be zoned to Lenzie Academy as a non-denominational secondary school within East Dunbartonshire; this would be in addition to the current options of Kilsyth Academy, in North Lanarkshire and St Ninian's High School in East Dunbartonshire.
- 1.3 The consultation document detailed the current position in relation to the roll pressure at St Ninian's High School and the current trend in the numbers transferring to secondary schools from Craighead Primary and Lennoxton Primary School. It provided information on the impact of the proposal on the roll of Lenzie Academy. The educational benefits of the proposal were also detailed. A copy of the consultation proposal is contained in **Appendix 2**.

2. CONSULTATION PROCESS

2.1 A process for consultation was established under the Schools (Consultation) (Scotland) Act 2010 and documentation was developed that included information on:

- The proposal;
- The consultation process;
- The public meeting;
- Educational benefits; and
- Issues anticipated in the proposal.

The consultation started on the 9 September 2019 and concluded on 30 October 2019. See **Appendix 3** for a consultation timeline.

2.2 A letter was sent to all statutory consultees identified (see Section 2.9). The letter from the Chief Education Officer explained the process and how to respond. The proposal document was available on the Council Website, with paper copies available from the schools or the Council Offices. The consultation letter and proposal document is attached as **Appendix 1 and 2**.

2.3 The consultation letter was sent to all Head Teachers and Parent Councils of the affected schools in East Dunbartonshire.

2.4 The proposal information was circulated to Elected Members within the Council, local Members of the Scottish Parliament, and Members of Parliament for constituencies of the affected schools.

2.5 There was early engagement with North Lanarkshire Council in relation to the consultation to ensure they were fully aware of the proposals and to seek their co-operation with the statutory process. Full details of the engagement is detailed in Section 5.3. The Council viewed it as important that the stakeholders in North Lanarkshire had the same opportunity to take part in the consultation as those in East Dunbartonshire. On 8 September, the consultation letters were sent to the Director of Education and Families; with a request that the information was sent to the relevant stakeholders as the Council did not have access to the contact details of North Lanarkshire parents and other stakeholders. This email also detailed a proposed mechanism for consulting with pupils, which followed from discussions with the North Lanarkshire Council, Head of Service, on 6 September 2019.

There was further communication between the Chief Executive of the Council and the Chief Executive of North Lanarkshire Council. This included details of the proposed arrangements for the pupil consultation including Kilsyth Academy. No further communication was received by the Council from officers within North Lanarkshire.

The Council understands that North Lanarkshire then issued information to stakeholders within that Council, including an online video by the Head Teacher of Kilsyth Academy. There were two public meetings and a pupil consultation was carried out by officers from North Lanarkshire. The Council was not informed of these meetings nor invited to attend, but has now received the information as part of the North Lanarkshire consultation response. These have been included in the consultation.

- 2.6 Details of the proposal were made available on a dedicated section of the Council's website (www.eastdunbarton.gov.uk/consultations). This provided full details on the proposal as well as how to respond. Responses could be completed on line or printed and sent by post. A copy of the response document is contained in **Appendix 4**. The consultation was publicised in the press and on social media throughout the consultation period.
- 2.7 Consultees were requested to confirm their address and their relationship with the affected schools. They were also asked whether or not they agreed with the Proposal, offered the opportunity to give reasons for their agreement or otherwise or had any additional comments.
- 2.8 A public meeting was held on 24 September at 6.30 p.m. in Lenzie Academy. The purpose of the meeting was to provide further background on the proposal and the opportunity for questions and clarification. The Depute Chief Executive, Education, People and Business chaired the meeting. Officers from the Education Service gave a short presentation and answered questions. The Convener of Education was in attendance. A report on the meeting is detailed in **Appendix 5**.
- 2.9 Pupils who attend the affected schools in East Dunbartonshire were consulted and their views were gathered and recorded. (See Section 3.6). This consultation was carried out by an independent consultant, in accordance with the advice issued by the Commissioner for Children and Young People in Scotland. The offer of the same pupil consultation was made to North Lanarkshire, in relation to the pupils at Kilsyth Academy in order to ensure fairness and consistency. No response was received from North Lanarkshire Council in relation to this.

2.10 **Consultees**

Consultees were identified according to Schedule 2 of the Schools (Consultation) (Scotland) Act 2010. All consultees were sent a copy of consultation letter with a copy of the consultation document available on line or through a paper copy. The consultees contacted included:

- **Parent Councils**
 The Parent Councils of Lennoxton Primary, St Ninian's High School, Lenzie Academy in East Dunbartonshire. North Lanarkshire were requested to send the consultation letter to the Parent Council of Kilsyth Academy.
- **Parents of pupils at affected schools**
 Parents and carers of pupils attending Lennoxton Primary, St Ninian's High School, and Lenzie Academy in East Dunbartonshire were sent the consultation letter using information held by the schools. North Lanarkshire Council was requested to send the consultation letter to parents within Kilsyth Academy.
- **Parents of any children expected by the education authority to attend affected schools within two years**
 Parents and carers of children in Primary 5, 6 and 7 attending the feeder primary schools for St Ninian's High School, Lenzie Academy in East Dunbartonshire were contacted using information held by the school. Parents and carers of children attending the nursery within Lennoxton Primary were also consulted. North Lanarkshire Council was requested to send the consultation letter to stakeholders within the associated primary schools.
- **Staff at affected schools**
 All staff of Lennoxton Primary, St Ninian's High School, Lenzie Academy in East Dunbartonshire were consulted. North Lanarkshire Council was sent the consultation letter and requested this was distributed to staff in Kilsyth Academy.
- **Any other users of any affected school that the education authority considers relevant**
 Celtic Football Club, as there is a partnership agreement for the Celtic Academy within St Ninian's High School.
- **Community Councils**
 The relevant Community Councils in East Dunbartonshire were consulted. A response was also received from Kilsyth Community Council and the Kilsyth and Villages Community Forum in North Lanarkshire.
- **Trade Unions**
 All relevant Trade Unions were consulted.
- **Pupils**
 Consultations were held within Lennoxton Primary, St Ninian's High School, Lenzie Academy in East Dunbartonshire see Section 3.6 for details. North Lanarkshire Council organised a consultation with pupils in Kilsyth Academy and the associated primary schools. The results were collated by the independent consultant, although she did not carry out the consultation.

- The Director of Education within Glasgow City Council and the Director of Education and Families within North Lanarkshire Council were issued with the consultation letter.
- The Roman Catholic Church was issued with the consultation letter through the Archdiocese in Edinburgh.

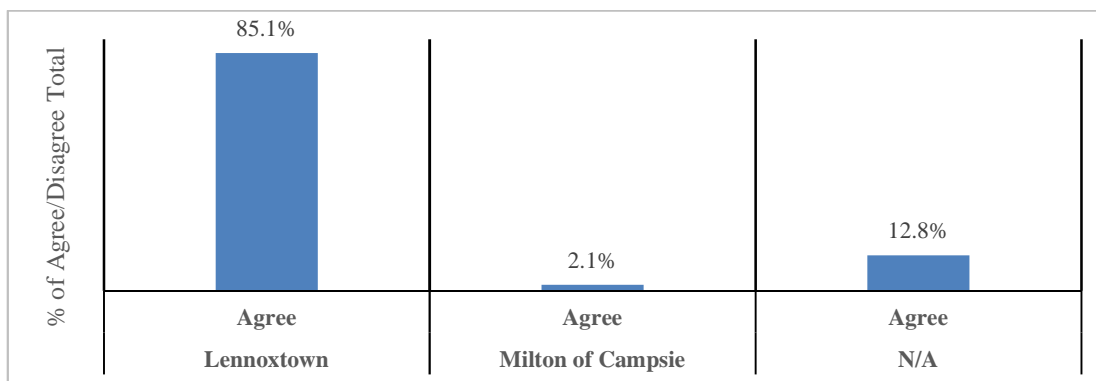
3. RESPONSES TO THE CONSULTATION

3.1 As detailed in Section 2, the relevant statutory consultees in East Dunbartonshire Council were issued with the information. North Lanarkshire Council were requested to issue the information to the statutory consultees within their Council. The total number of statutory consultees issued with the information is not available. Respondents were requested to identify their role (e.g. parent, staff) and the school they were associated with, where that was relevant. A number of respondents did not identify their role or the school so are shown as N/A. All responses received were included in the results.

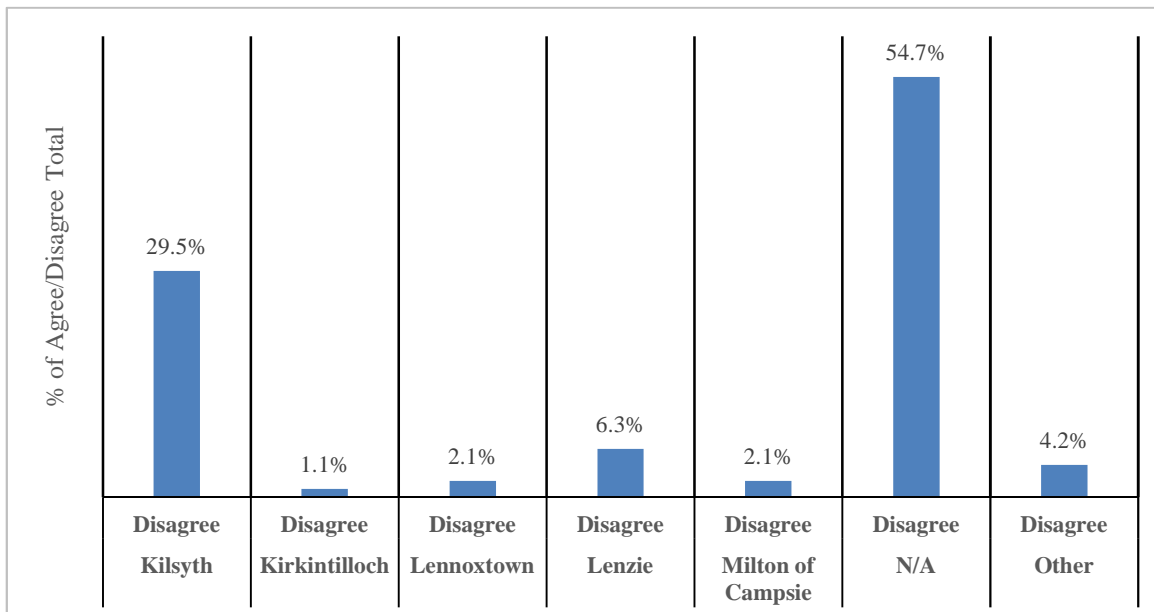
3.2 There were 142 representations received. 47 disagreed with the proposal and 95 disagreed.

Lennoxtown Consultation	Total	Agree	Disagree	In favour	Not in favour
	142	47	95	33.1%	66.9%

3.3 An analysis shows that majority of those in agreement with the proposal were from Lennoxtown, see graph below:



An analysis of those who disagreed is shown below:



3.4 A summary of responses received and issues raised is included in Section 5 of this report. This includes a detailed report on the Response from North Lanarkshire Council.

3.5 Public Meetings

A public meeting was held in Lenzie Academy on 24 September 2019. At the meeting, a presentation was given introducing the proposal, and a question and answer session was held.

A note of the issues discussed at the meeting is attached as **Appendix 5**.

North Lanarkshire Council organised two public meetings in Kilsyth Academy. Details of the public meetings in North Lanarkshire are contained in the response and the accompanying appendices.

3.6 Pupil Consultation

In accordance with the Schools (Consultation) (Scotland) Act 2010, the Council planned and engaged in a consultation with the pupils affected by this proposal within Lennoxtown Primary, Lenzie Academy and St Ninian's High School.

The consultation was carried out by an independent consultant. A full report is detailed in **Appendix 7**. Pupils were given a presentation at an assembly and invited to ask questions. Those pupils, who had returned the parental consent form, then completed the response form. This provided them with the option of agreeing or disagreeing with the proposal, as well as the opportunity to make comments.

Pupils also had the opportunity to use the on line response form.

Name of school	Number of pupils who attended presentation	Number of pupils absent	Number of pupils who completed the form	Agree	Disagree
Lennoxtown Primary	89	3	65	54	11
Lenzie Academy	1223	40	24	16	8
St Ninian's High	869	86	86	86	
Total	2181	129	175	156	19
%				89%	11%

There was a clear majority in favour in all three schools. A total of 175 responses were received with 156 in favour. This is a majority of 89%

The low response rate is due to pupils not returning the parental consent form. The issues raised are discussed in more detail in Section 5.

In order to ensure that pupils in Kilsyth Academy had an opportunity to respond, the offer of the independent consultant to carry out the consultation was made to North Lanarkshire Council. No response was received. However a consultation with pupils was conducted by North Lanarkshire and the results were submitted to the Council. They were then collated by the independent consultant.

	Agree	Disagree
Kilsyth Academy	29	282

A total of 311 responses were received. 9% agreed with the proposal and 91% disagreed.

4. EDUCATION SCOTLAND REPORT

1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education ("HM Inspectors") in accordance with the terms of the [Schools \(Consultation\) \(Scotland\) Act 2010](#) ("the 2010 Act"). The purpose of the report is to provide an independent and impartial consideration of East Dunbartonshire Council's proposal to change the secondary transfer arrangements for children who live in the catchment area of Lennoxton Primary School. 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 2010 Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include 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.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools; 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:

- attendance at the public meetings held on 24 September and 1 October 2019 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 sites of Lennoxton Primary School, Lenzie Academy, St Ninian's High School and Kilsyth Academy, including discussion with relevant consultees.

2. Consultation process

- 2.1 East Dunbartonshire Council undertook the consultation on its proposal(s) with reference to the [Schools \(Consultation\) \(Scotland\) Act 2010](#).
- 2.2 The council carried out an informal consultation on the secondary transfer arrangements in May 2019. This included meetings with Parent Councils, public meetings and consultations with pupils, parents and other members of the community. Consultation also took place with the Roman Catholic Church as a statutory consultee in line with any statutory consultation.
- 2.3 The current position is that children living within the Lennoxton Primary School catchment area are zoned to St Ninian's High School in East Dunbartonshire Council and Kilsyth Academy in North Lanarkshire Council.

3. Educational aspects of proposal

- 3.1 The council sets out the educational benefits of the proposal in terms providing children, young people and parents with greater choice. The rezoning of catchments will give parents assurance that their child can be educated within an East Dunbartonshire non-denominational secondary school without having to make a placing request. The council believes that by re-aligning the catchments to local non-denominational secondary schools arrangements for transition will be enhanced. In order to ensure progression and continuity of learning, primary and secondary teachers will be in a better position to agree standards and track children's progress. HM Inspectors agree that the proposal has the potential to support smoother progression from primary to secondary if children were rezoned to Lenzie Academy. Cluster working could also be enhanced. However, those children and young people who choose to attend Kilsyth Academy will continue to benefit from the current well-established transition arrangements.
- 3.2 The council also believes that opportunities for out-of-school activities would increase if East Dunbartonshire pupils were educated in an East Dunbartonshire Council school. Currently, there may be barriers for East Dunbartonshire pupils at Kilsyth Academy accessing after school clubs and groups due to the availability of public transport. Staff at Kilsyth Academy have been proactive in offering more lunchtime clubs. HM Inspectors recognise that access to after-school activity may be enhanced by the proposal.
- 3.3 A wide range of stakeholders responded to the consultation. This included local elected members from North Lanarkshire Council, a Member of the Scottish

Parliament, members of North Lanarkshire Educational Institute of Scotland and 142 members of the public. From the public response, 95 disagreed and 47 agreed with the proposal. Twenty-three people attended the public meeting at Lenzie Academy in September 2019. Lenzie Academy has the capacity to take pupils from Lennoxton Primary School. Currently, a range of families already send their children to Lenzie Academy as the result of placing requests. Parents who disagreed with the proposal expressed concern about the potential impact on pupil numbers at Kilsyth Academy, transport and the impact on their children's friendships if they move to other schools. However, in the visits to schools, several parents agreed with the proposals, asserting a preference for their child to be educated at an East Dunbartonshire secondary. Teachers and headteachers believe that the proposals would improve cluster working and moderation and enhance transition arrangements.

- 3.4 East Dunbartonshire Council also sought the views of children and young people on the proposal. An external consultant engaged with children and young people in the affected schools with East Dunbartonshire Council. Overall, they were positive about the proposals. This was also the case when HM Inspectors visited the schools. However, young people in Kilsyth Academy disagreed with the proposal. This was also the case when HM Inspectors visited Kilsyth Academy. Almost all of those consulted at Kilsyth felt the proposal undermined the reputation of their school.
- 3.5 During the consultation period the council was notified by North Lanarkshire Council of a range of alleged inaccuracies within the proposal. These relate to statutory duties within the Schools Consultation (Scotland) Act 2010 and the substance of the proposal itself. The council will need to ensure that it takes the necessary steps to investigate these alleged inaccuracies, and take any action as may be appropriate. In its final consultation report, the council is required under the 2010 Act to set out the alleged inaccuracies, its views on these, and any action it has taken to address any inaccuracies notified to it.

4. Summary

- 4.1 HM Inspectors recognise the educational benefits of strong cluster working. The proposal has the potential to improve progression and continuity of learning within the revised clusters. Primary and secondary teachers will be in a better position to agree standards and track children's progress. Parents can also be assured with certainty that their child is entitled to a place at a non-denominational East Dunbartonshire secondary. It is important to note that there is no suggestion that the current strong transition arrangements at Kilsyth Academy will not or should not continue. Whilst many respondents to the proposal are positive, there are a significant number of parents and others who have concerns. North Lanarkshire Council has raised issues about the impact of this proposal on Kilsyth Academy. In order to best serve the communities involved, East Dunbartonshire Council and its partner authority North

Lanarkshire Council require to demonstrate strong leadership, communicate well and agree constructively should the proposal go ahead.

HM Inspectors
November 2019

5. ISSUES IDENTIFIED IN THE CONSULTATION

- 5.1 Education Scotland, in the course of its report, recognise the benefits of strong cluster working as detailed in the Council's proposal. The Education Scotland report also states that the proposal, if it is approved, will provide parents with an assurance of the option of a non-denominational secondary school within East Dunbartonshire. It also states, '...that it is important to note that there is no suggestion that the current strong transition arrangements will not or should not continue.' The Education Scotland report reinforces the educational benefits as detailed in the Council's proposal.

The issues detailed in the report are discussed below, and potential actions that could be considered if the proposal was to proceed are identified.

- The alleged inaccuracies and omissions in the response from North Lanarkshire require to be considered and addressed within this Consultation Report. These are detailed in Section 6 below.
- The concerns raised in relation to Kilsyth Academy will require to be addressed through strong leadership and effective communication by officers in North Lanarkshire and the Council.

The Council is committed to agreeing a constructive means of ensuring effective transition arrangements for East Dunbartonshire pupils, who opt to transfer to Kilsyth Academy. The Council will also engage with North Lanarkshire in relation to issues in relation to Kilsyth Academy.

- 5.2 In the course of the consultation, a number of issues were raised that have been considered in detail. These are discussed, and potential actions that could be considered if the proposal was to proceed are identified. The response by North Lanarkshire Council is considered in Section 5.3.

- 5.2.1 The main issue raised was the impact on the roll of Lenzie Academy. Concerns were expressed on the capacity of the school, the impact of the housing in the area and on the number of placing requests that could be accepted into the school.

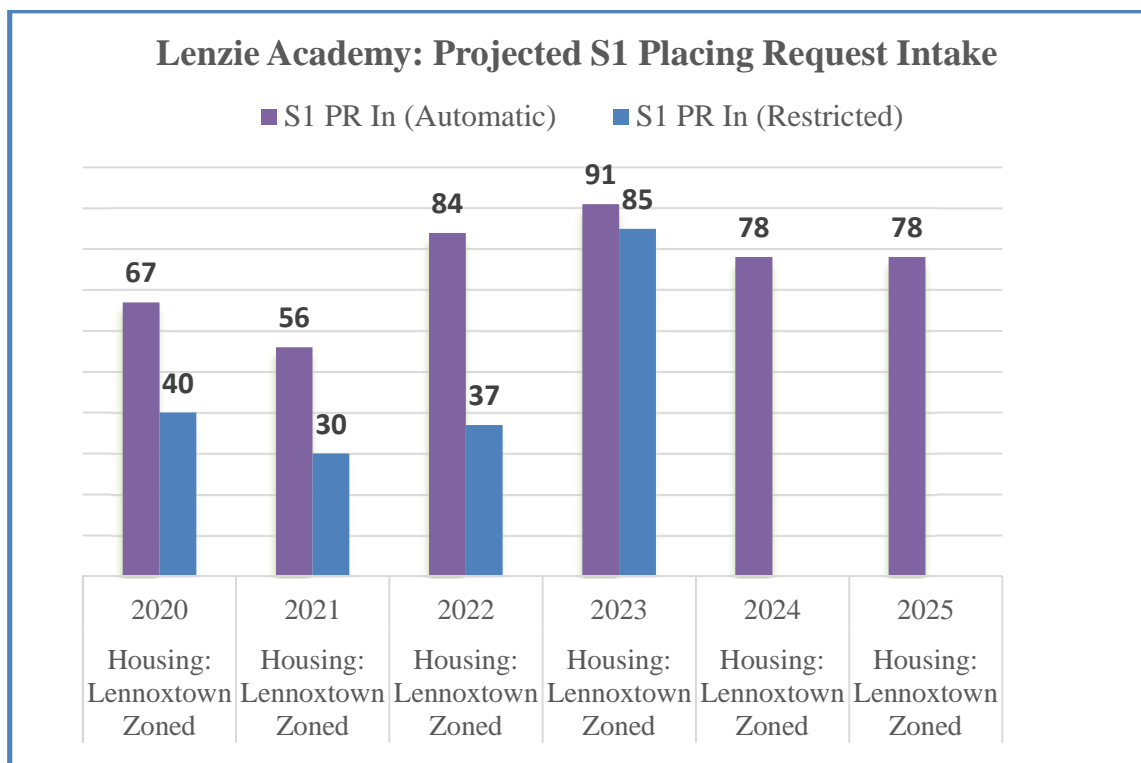
Lenzie Academy has an overall capacity of 1310, with an S1 intake of 240 to manage this effectively. There is a high level of housing within the catchment area of Lenzie Academy and this has been taken into account in the roll projections. Roll projections take into account current trends and known housing developments. They cannot be taken as a precise prediction as there a number of variables.

There are a high number of placing requests each year. The table below shows the current placing requests accepted into Lenzie Academy:

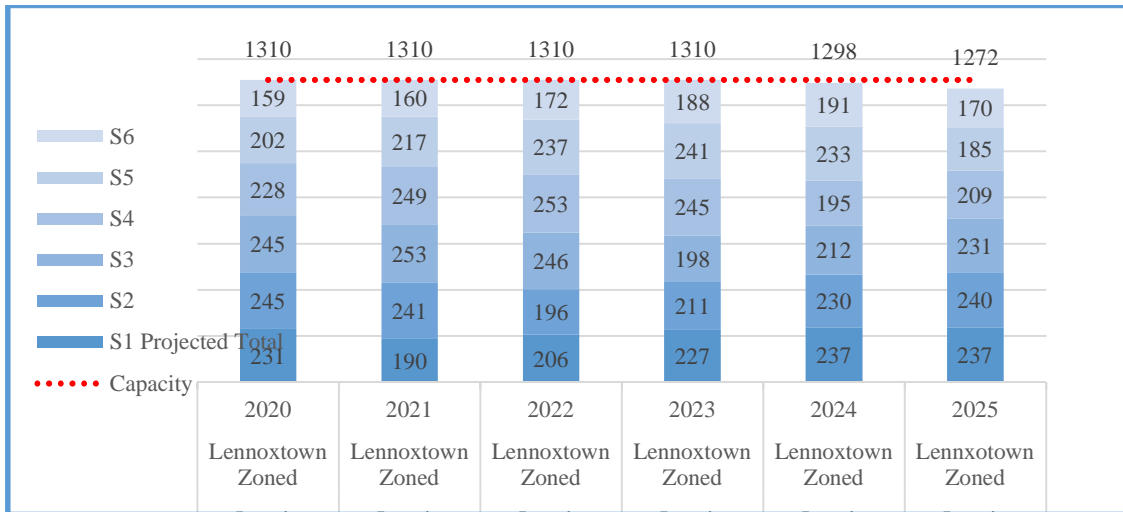
Placing Requests accepted into S1 : Lenzie Academy		
	Resident within EDC	Non-resident
2019/20	37	67
2018/19	25	89
2017/18	38	60

There were a small number of placing requests from pupils transferring from Lennoxton Primary to Lenzie Academy in the last three years.

In order to manage the school roll effectively, there may require to be a reduction in the number of placing requests accepted into Lenzie Academy. However this would depend on how many children from Lennoxton transferred to Lenzie Academy and the impact of the housing developments. The chart below shows the impact of this.



The chart below shows the roll projections for Lenzie Academy taking account of housing development and the assumption that 100% of pupils would transfer from Lennoxton Primary. The chart also shows the impact on the roll if the placing requests were managed as detailed above.



5.2.2 Traffic around Lenzie Academy was raised as an issue, particularly as pupils from Lennoxton would be eligible for school transport. There are clear traffic management measures in place in Myrtle Avenue. There will be an assessment carried out to designate a stopping point for the school bus from Lennoxton.

5.2.3 The view was expressed that zoning the two villages to different schools breaks a long standing link between them. The two villages can continue to link on community issues and events as appropriate.

5.2.4 The adverse impact on Kilsyth Academy was raised by a number of respondents, including the Teacher Trade Union, the EIS and local elected members in North Lanarkshire Council. The response from North Lanarkshire Council details the issues in relation to Kilsyth Academy. These are addressed in Section 5.3 below.

5.3 The response from North Lanarkshire Council (“North Lanarkshire”) was received on 16 September 2019, which was the final day of the consultation period. A copy of the response with the accompanying appendices is contained as **Appendix 8** with this report.

The Council has considered all of the points raised by North Lanarkshire. This section details the main points and the Council’s response.

The North Lanarkshire response details four main points in relation to the consultation:

1. **The legal requirements of a legally adequate consultation have not been met.**
2. **The proposals do not meet the legal standards required by the Guidance.**

- 3. The proposals are in any event not properly supportable on the available evidence or in terms of whether they will deliver the benefits that the Council considers.**
 - 4. If implemented the proposals would be materially detrimental to all pupils attending Kilsyth Academy and carry range of unacceptable impacts and risks.**
-
- 1. The legal requirements of a legally adequate consultation have not been met**

At page 9 of the response from North Lanarkshire it is stated that the assumption that Kilsyth Academy will continue as a current option is “misleading”. The response states that it is implicit in the proposal that the range, level and quantity of the education currently offered will continue to be provided. North Lanarkshire state that none of this is a safe assumption. The response states that as a result of the decline on the roll of Kilsyth Academy “it is inevitable that funding and staffing resources will reduce in line with the diminished school roll”.

The response goes on to say that this would impact on the delivery of a broad curriculum, break the long term links with Lennoxton and Milton of Campsie primary schools and make forward planning difficult due to uncertainty in relation to school roll projections.

The allegation in the response is that by omitting this information from the consultation proposal document resulted in stakeholders not having sufficient information to make an informed response.

The Council’s proposal document did refer to the adverse impact on Kilsyth Academy. It did state that it was not possible to predict parental choice but that there would be an impact on Kilsyth Academy, particularly in the delivery of the curriculum. It is the role of the home local authority to allocate funding and resources to its schools. This will be a matter for North Lanarkshire to address in relation to allocation of staffing and resources to Kilsyth Academy. It is not for the Council to make any assumptions around what funding and resource decisions North Lanarkshire would necessarily make if the school roll at Kilsyth Academy continues to decline as it has done historically. It has to be recognised that any decision to close a school would require a statutory consultation with the relevant stakeholders. It would have been presumptive and alarmist if the Council had made reference to any possibility of the closure of Kilsyth Academy, and, for the reasons outlined above, the Council were at pains throughout the consultation process to avoid making any such reference.

The North Lanarkshire response states that the proposal makes a change to a local policy, in relation to the ‘understanding ‘between the Councils on school

catchment areas, agreed at the disaggregation of Strathclyde Region in 1996. It states that this agreement should not be departed upon without sufficient justification, (page 14 of the response). It is the view of the Council that the additional option of a non-denominational secondary school in East Dunbartonshire is not departing from this agreement. Kilsyth Academy will remain an option for parents who live in Lennoxton and Milton of Campsie.

The North Lanarkshire response focuses on the educational benefits detailed in the Council proposal. The response states that cluster arrangements are in place with Lennoxton Primary and Craighead Primary with Kilsyth Academy. Some examples are given. There is also reference to planned moderation work as part of the West Partnership. There are several references throughout the response to this. This includes an allegation that the primary schools have already changed the transition arrangements without notifying North Lanarkshire.

It is important to differentiate between 3 to 18 cluster working and transition arrangements. The Council highlighted how the existing cluster working would be enhanced if these proposals were to be approved. 3 to 18 cluster working in East Dunbartonshire involves a cluster management team of all head teachers or deputies. It often includes primary and secondary teachers working co-operatively with pupils in a variety of subject areas throughout the session rather than in the summer term prior to transfer. The aim is to raise attainment as well as ensuring effective transition. There is a cluster plan, with clear action and resources allocated; this includes funding from the local authority. Schools take account of this in the staff working time agreement to ensure that workload is managed effectively. Cluster working requires work from early years to secondary and this is difficult when there are different policies and approaches across the two authorities. There have been difficulties for the staff of Lennoxton Primary and Craighead Primary to work across two clusters and two different authorities. This proposal will mean that Lennoxton Primary will move to the Lenzie Academy cluster and Craighead Primary will move to the Kirkintilloch cluster. The visits and staff working co-operatively on a structured cluster plan with more joint working will enhance the continuity and progression from primary to secondary for pupils.

We are not aware of any change in the current transition arrangements with Kilsyth Academy. Indeed the Head Teachers have reported that the visits from staff at Kilsyth Academy have already started and this is earlier than in previous sessions. The Council will continue to work to ensure effective transition arrangements for all pupils in our schools.

2. The proposals do not meet the legal standards required by the Guidance

The response details concerns in relation to the consultation process. It states that North Lanarkshire was not invited to take part in the pre-consultation and

that if they had been the proposal may not have been adopted. The pre-consultation was 'laying the ground' and therefore calls into question the genuine nature of the consultation. It is alleged that the consultation was 'sprung upon' North Lanarkshire (page 18 and 20 of the response).

There was early engagement with officers from North Lanarkshire, including the Director of Education and Families. Two early meetings were held on 8 March and 24 April 2019. The purpose of these meetings was to discuss the Council's concerns about the roll pressures on St Ninian's High School as a result of the increase in pupils choosing to transfer there rather than Kilsyth Academy.

It should be noted that the table produced by North Lanarkshire at page 11 of its consultation response clearly shows the falling numbers of East Dunbartonshire children attending Kilsyth Academy since 2014/15, which is well before the Council's decision to consult on the proposed changes.

North Lanarkshire was not omitted from the pre-consultation. On the contrary, officers, including the Director of Education and Families, from North Lanarkshire were given early notice and asked to provide more information on the impact of the proposals on Kilsyth Academy. This was discussed at the meeting with officers from North Lanarkshire on 24 April.

The meeting on 24 April 2019 was attended by the Chief Education Officer for the Council, the Director of Education and Families and other officers from North Lanarkshire. The focus was on the impact of any change to the transfer arrangements on Kilsyth Academy. It was clear at that meeting that there was a potential impact on Kilsyth Academy due to the possible decline in the school roll. The Council sought more information on the potential impact and any alternative options. The Council also gave a commitment to ensure that professional courtesy was observed and that there would not be any criticism of Kilsyth Academy directly or implied through any proposal. The Council also intimated its intention to carry out an informal consultation to establish the reasons why parents and pupils chose a secondary school for their child and whether they would want the option of a non-denominational secondary school within East Dunbartonshire. The Council also agreed to keep North Lanarkshire informed both to the process and of any progress.

The Council then carried out an informal pre-consultation, as detailed above, in order to formulate the proposals in the statutory consultation. Pre-consultation is common practice within the Council and the Council views it as important in informing any subsequent proposals. The pre-consultation, which took place in May and June, focused on the general issues around secondary transfer and sought views on the issues if there was to be a non-denominational school option within the Council. It was not a consultation on any specific proposal. It involved public meetings in Lennoxton and Milton

of Campsie and an opportunity to provide comments. It was important for the Council to understand what the issues were for parents and why such a substantial number were choosing to transfer their child to St Ninian's High School.

The results and intimation that the Council was going to progress to a statutory consultation was discussed informally with the North Lanarkshire Director of Education and Families by the Chief Education Officer on 23 August. In an email on 29 August from the Chief Education Officer, a request was made for North Lanarkshire to facilitate the distribution of the consultation letter to parents, staff and pupils within the affected schools as the Council did not have access to addresses. The proposed timeline for the statutory consultation was included, with a copy of the report that was going to be submitted to the Council's Education Committee on 5 September 2019. An email was sent on 8 September 2019 attaching the consultation letters for parents and staff and requesting that the information was sent to the relevant stakeholders within North Lanarkshire. This email also detailed a proposed mechanism for consulting with pupils which followed from discussions with the North Lanarkshire Council Head of Service on 6 September 2019.

In a phone call on 10 September 2019, it was requested that a formal request was made to the Chief Executive of North Lanarkshire in relation to the consultation. A letter was sent from the Chief Executive of the Council confirming the arrangements for the consultation and again requested that the information was provided to stakeholders within North Lanarkshire. A response was received from North Lanarkshire and further information requested about the proposed consultation with pupils. This was to be carried out by an independent consultant in both East Dunbartonshire schools and Kilsyth Academy. This information was provided to and acknowledged by North Lanarkshire on 26 September 2019. No further communication was received by the Council from officers within North Lanarkshire. Therefore the statement on pages 18 and 20 of the North Lanarkshire response is factually inaccurate.

The Council understands that North Lanarkshire then issued information to stakeholders within North Lanarkshire including an online video by the Head Teacher of Kilsyth Academy. There were two public meetings and a pupil consultation carried out by officers from North Lanarkshire. It is unfortunate that the Council was not informed of these meetings nor invited to attend, but has only now received the information as part of the North Lanarkshire consultation response. It is also apparent from the North Lanarkshire consultation response that their officers attended the public meetings organised by the Council. Again, it is most unfortunate that they did not advise the Council of their presence or identify themselves in the audience as this was a missed opportunity for them to inform those present of the North Lanarkshire perspective. A full account of the public meetings is detailed in

Appendix 5. A response to the issues raised is detailed in Section 5.2 of this report.

The Council has detailed its engagement in relation to the statutory consultation and so cannot accept there was a lack of involvement with North Lanarkshire. The Council does not accept that the proposals were “sprung upon North Lanarkshire without prior notice and contrary to established protocols” as this is demonstrably not the case.

3. The proposals are in any event not properly supportable on the available evidence or in terms of whether they will deliver the benefits that EDC considers

The response is critical of the educational benefits in the proposal and states that they do not comply with the Statutory Guidance. It also states that the impact on individual affected schools is not sufficiently detailed in the proposal document. It is also critical that the educational benefits in the proposal are similar for both proposals.

There are similarities between the two proposals because the 3 to 18 cluster working within East Dunbartonshire is informed by the Council’s policy and so is well established and structured. The format and focus is determined by the Cluster Management Group but the aim is to ensure continuity and progression in children’s learning.

There are a number of different benefits and impact detailed in each proposal. For example the impact on the roll of Lenzie Academy was explored in the Lennoxton proposal and the impact on the roll of Kirkintilloch High School was detailed in the Craighead proposal. There were specific issues in relation to benefits to Lennoxton which were stated clearly.

As detailed above, it is the view of the Council that there are clear educational benefits to this proposal. The report by Education Scotland reinforces the educational benefits detailed in the Council’s proposal.

The response states that the proposal may not address the roll pressure on St Ninian’s High School. It states that this calls into question the educational benefits of the proposal. It also makes reference to an alternative option of changing the Admissions Policy.

However this does not address one of the key issues that parents have expressed the wish that they have the option of a non-denominational school within East Dunbartonshire.

The response states that there are benefits in the existing arrangement with Kilsyth Academy (page 25) and again reiterates that there is cluster working between Kilsyth Academy and Lennoxton and Craighead Primaries. It

states that if this proposal is accepted, there will be increasing workload issues for teachers in managing transitions and cluster working.

The Education Scotland report makes a clear distinction between cluster working and effective transition arrangements. Lennoxton Primary and Craighead Primary have worked with the St Ninian's cluster for a number of years. Staff have worked co-operatively on a number of curricular developments. But the schools have not been part of the programme of visits that take place throughout Primary 7.

If this proposal is progressed, Lennoxton Primary will move to the Lenzie Academy cluster and become an associated primary school. Similarly Craighead Primary would move to the Kirkintilloch Cluster and become an associated school.

There would continue to be effective transition arrangements with Kilsyth Academy. This will not necessarily result in an increased workload for teaching staff. However if there are concerns, these can be addressed through the Working Time Agreement.

It is important to state that the focus of the proposal was to offer a non-denominational secondary school in East Dunbartonshire and the proposal paper focused on this, detailing the educational benefits. Officers had agreed with North Lanarkshire that professional courtesy would be ensured at all time and there would be no implied criticism of Kilsyth Academy, particularly as it remained an option for East Dunbartonshire pupils, and East Dunbartonshire pupils remain in attendance at the school. Therefore the paper detailed the educational benefits and did not comment on the existing arrangements.

There are many examples within East Dunbartonshire of 3 to 18 cluster working improving the curriculum, learning and teaching and assessment. In the St Ninian's cluster, teachers attended training on a progressive writing programme and worked collaboratively to implement it, resulting in improvements in the curriculum and learning and teaching. The Kirkintilloch cluster worked on a numeracy development programme that was recognised by a GTCS Professional Excellence Award. The Lenzie cluster have worked on a progressive writing programme; this has been supported by teachers working on sharing standards of assessment to ensure progression in children's learning. The Education Scotland report recognises the benefits of strong cluster working.

Children's well-being will be enhanced if Lennoxton Primary and Craighead Primary become an associated primary school with Lenzie Academy and Kirkintilloch High School, respectively. There will be more opportunity to take part in after school sports activities as the public transport links are easier. The East Dunbartonshire Active Schools team will link with the two

primary schools as currently the schools are linked with North Lanarkshire Active Schools. This is also recognised as an educational benefit within the Education Scotland report.

The Council will continue to ensure effective transition arrangements with Kilsyth Academy and will engage with the Head Teachers to provide any support or advice required. The Council will engage with North Lanarkshire to discuss any concerns that they have in relation to the current arrangements and to address any issues.

Finally the response states there is no direct reference to the link with the statutory duties. The Education (Scotland) Act 1980 is explicitly referred to in the proposal. The Standards in Scotland's Schools etc Act 2000 requires authorities to endeavour to raise standards and secure improvement in the quality of school education in their schools. It also 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 and young people to their fullest potential.

The educational benefits clearly detail how the Council proposes to do this through this proposal. There is reference to access to data related to attainment and school leaver destinations for the pupils who would transfer to either of the East Dunbartonshire secondary schools. This is provided to the Council's Education Committee in various reports for scrutiny. This data is not provided by North Lanarkshire for the pupils from East Dunbartonshire who attend Kilsyth Academy.

The response refers to the Education (Additional Support for Learning) (Scotland) Act 2004. The Council has clear procedures in place for transition for children who require an enhanced transition. The proposal document references the need to ensure additional support for the children, currently in Primary 7 in the two primary schools, if this proposal is approved. This will include those with additional support needs. Both Lenzie Academy and Kirkintilloch High School have excellent transition arrangements for children with additional support needs. The Council and the schools will work with parents to discuss the support required if their child is transferring to the non-denominational secondary school in Session 2020/21. This could include an enhanced transition programme.

4. If implemented the proposals would be materially detrimental to all pupils attending Kilsyth Academy and carry range of unacceptable impacts and risks

The response from North Lanarkshire states that the proposal does not clearly evaluate the risk and fails to explore the adverse effects on Kilsyth Academy. This includes the impact on the associated primary schools of Kilsyth Academy.

As detailed above, the proposal is clearly focused on providing an East Dunbartonshire non-denominational secondary school as another destination choice in response to the wishes of parents. This complies with the statutory requirement to ensure, where possible, children should be educated in line with their parents' wishes. In the early discussions with North Lanarkshire, officers sought information related to the impact on Kilsyth Academy. The Council was very clear in these discussions, and throughout the consultation process, that this consultation was not related in any way to the education provided by Kilsyth Academy. Officers from East Dunbartonshire have presented proposals in a professional manner demonstrating a respect for all parents, pupils and staff in East Dunbartonshire schools and those in North Lanarkshire. If these proposals are approved, officers will engage with officers from North Lanarkshire to discuss the impact and how North Lanarkshire proposes to address this as well as the role of the Council in supporting effective transitions for East Dunbartonshire pupils.

6. ALLEGED OMISSIONS OR INACCURACIES

- 6.1. The Schools (Consultation) (Scotland) Act 2010, as amended, places a requirement on the Council to provide details of any inaccuracy or omission within the consultative document, which has been either discovered by the Education Department or suggested by any other person. The Education Department would then determine if relevant information has been omitted or if there has been an inaccuracy and then take appropriate action which may include the issue of a correction or the reissuing of the Proposal paper or the revision of the timescale for the consultation period as appropriate. In that event, relevant consultees and Education Scotland would be advised.
- 6.2. The response from North Lanarkshire Council was sent by email at 16.09 on 30 October 2019, the final day of the consultation. There was no intimation from North Lanarkshire prior to this that they had concerns in relation to the omission of any information or any inaccuracies. The Council had no opportunity to respond during the consultation period.
- 6.3. Having now considered the alleged omissions, the Council does not accept that this is the case.
 - Omission of information on the impact on Kilsyth Academy – the proposal document did reference this. It is clear from the response from North Lanarkshire that they provided this information to stakeholders within North Lanarkshire. Their responses have been taken into account in this report. As stated in Section 5.3, the impact on Kilsyth Academy is dependent on decisions which will be taken by North Lanarkshire Council in relation to staffing and resource allocation to Kilsyth Academy if the roll continues to decline. The response refers to the sustainability of Kilsyth Academy and the

impact on the associated primary schools. This is a matter for North Lanarkshire and it would not have been appropriate for the Council to include any comment on this in the absence of evidence from North Lanarkshire.

- Omission of the Educational Benefits of Kilsyth Academy – The proposal document did not detail the specific educational benefits of any individual school. All schools have strong educational benefits. The focus of this proposal was on the educational benefits of an additional East Dunbartonshire secondary school option for parents and children.
- Inaccurate financial information – The response from North Lanarkshire states that there would be an impact on the Grant Aided Funding received as a result of the impact on the roll of Kilsyth Academy. This information was not provided to the Council either prior to the consultation or during the consultation period. It is not a material consideration in the consultation as it is based on an assumption that no child from East Dunbartonshire will attend Kilsyth Academy. The proposal document made it clear that the Council is not proposing the changes as a means to accrue a financial benefit. However, it is not possible to accurately predict how many additional children will transfer to East Dunbartonshire schools if the proposals are approved. There will be additional costs to the Council in relation to transport to Lenzie Academy and Kirkintilloch High School, while still providing transport to the pupils attending Kilsyth Academy. East Dunbartonshire schools already have high pupil numbers due to placing requests. This proposal may impact on the Council's ability to accept placing requests but in the case of Lenzie Academy, for example, it will not increase the roll of the school, so there is no net financial gain. In relation to Kirkintilloch High School, the Council may require to increase the staffing within the school if there was a significant increase in the school roll. The Council is not able to provide accurate financial projections at this stage as there are unknown factors.
- On page 19 of the response, North Lanarkshire states that it “has seen no evidence that the Council have consulted with all relevant Community Council(s).” The Council's position is that the relevant Community Council have been consulted. The Statutory Guidance states that the Community Council is included as a consultee where the impact is likely to affect the wider community. The Council's view is that the relevant Community Councils are those situated in East Dunbartonshire. Even if that is not correct, which the Council does not accept, then there has been no detriment to Kilsyth Community Council through an alleged failure to consult.
- Page 19 of the response states that North Lanarkshire “are aware of the concerns of Kilsyth Community Council.” The Council can confirm that a separate consultation response has been received from Kilsyth Community Council and Kilsyth and the Villages Community Forum. It is the position of the Council that there can therefore be no prejudice to Kilsyth Community Council and Community Forum as, in terms of the 2010 Act, all consultation

proposals must be reviewed by the Council “having regard to any relevant written representations received by the authority **(from any person)** during the consultation period”. The response from Kilsyth Community Council and Community Forum must be taken into consideration in the Consultation Reports and as a consequence there will be no detriment to that Community Council even if there has been a failure to consult, which is not accepted by the Council.

The response details alleged inaccuracies:

- Direct bus route : There is a direct bus route from Milton of Campsie to Kirkintilloch ; the bus stop is one mile by a safe walking route from the school.
- Linked community involvement: East Dunbartonshire does have Youth Development Workers, who work within the secondary schools and the community. This is not inaccurate within the proposal.
- The use of the phrase ‘overwhelming support’ in reference to the pre-consultation: there were approximately 100 people at the two meetings within the two schools. No one at the meeting stated they did not wish a non-denominational secondary school within East Dunbartonshire as an option. Indeed there was anger that the Council had not addressed it earlier.
- The use of inaccurate statistics in relation to the number of children transferring to Kilsyth Academy: the table in the proposal shows the actual numbers. There is an overall decline. The increase in 2019 from Craighead is minor (4 in 2018 to 9 in 2019). The figures from North Lanarkshire confirm the decline since 2014/15.
- The lack of reference to the financial impact on North Lanarkshire was omitted from the proposal. This was clearly detailed to the stakeholders in Kilsyth Academy so there is no evidence that this has impacted on the responses.

7. EQUALITIES IMPACT ASSESSMENT

- 7.1. An equalities impact assessment has been carried out, which found:
- a) No negative impacts could be identified for members of groups with protected characteristics.
- 7.2. The assessment concluded that there was no requirement to change the proposal, and that it could go ahead (**See Appendix 6**).

8. FINDINGS OF THE CONSULTATION

- 8.1. The consultation process was carried out in accordance with the Statutory Guidance. The majority of consultees within Lennoxton agreed with the

proposal. There was disagreement from the stakeholders within North Lanarkshire and Kilsyth Academy, in particular. There was strong opposition from North Lanarkshire Council, including elected members.

- 8.2. The educational benefits of the proposal are reinforced by the HM Inspectors from Education Scotland. This includes the right of parents to have the option of Lenzie Academy when deciding on the secondary school for their child.
- 8.3. Lennoxton Primary would become an associated primary school for Lenzie Academy and from Session 2020/21 would move the Lenzie Academy cluster for 3 to 18 cluster working. This has the potential to improve continuity for children as they progress from primary to secondary school. This is one of the entitlements of Curriculum for Excellence.
- 8.4. Lennoxton Primary would no longer be an associated primary school for St Ninian's High School and so would not work within the St Ninian's cluster. Parents would still have the option of sending their child to St Ninian's High School as it would still be a catchment school.
- 8.5. The Council is concerned about the impact of the consultation on Kilsyth Academy and will engage constructively with officers from North Lanarkshire to discuss the issues. Officers from the Education Service will support the Head Teacher and staff of Lennoxton Primary to ensure effective transition arrangements to Kilsyth Academy are maintained.
- 8.6. If this proposal is approved, there will be support and information provided to parents and pupils in Primary 7, in relation to the transfer arrangements for Session 2020/21. This will include details of the transition arrangements to Lenzie Academy for children, who opt to transfer there next session.

9. REVIEW OF THE PROPOSAL

- 9.1 Based on the findings of the consultation, it is not recommended that the proposal is reviewed or altered.

10. COUNCIL DECISION MAKING

- 10.1 Under the Schools (Consultation) (Scotland) Act 2010, this consultation report must be published for at least three weeks before the Council can decide whether or not to implement the proposal. This is known as the 'extended consideration period', and is intended to allow interested parties to read the report, and to make their views known to Councillors. To quote from the statutory guidance that accompanies the Act:

“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).”

10.2 The report will be presented to the meeting of the Council on 19 December 2019.

10.3 For further information on the consultation process, contact the School Improvement Team

Telephone: 0300 1234510

Email: education.consultation@eastdunbarton.gov.uk

10.4 Under the Schools (Consultation) (Scotland) Act 2010 as amended this proposal is not subject to ministerial call-in. As such the final decision on the proposal will be taken by the Council, having due regard to the view of stakeholders expressed through the consultation exercise. As a courtesy the Council will inform Scottish Government of the Council's decision

SECTION 11 - LIST OF APPENDICES

Appendix 1	Consultation Letter
Appendix 2	Proposal Document
Appendix 3	Consultation Timeline
Appendix 4	Consultation Response Summary
Appendix 5	Note of the Public Meeting
Appendix 6	Equalities Impact Assessment
Appendix 7	Report on the Pupil Consultation
Appendix 8	Response from North Lanarkshire Council and accompanying 10 appendices.