



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: LEARNING ESTATE – CLOSURE OF INVERAVON PRIMARY SCHOOL STATUTORY CONSULTATION REPORT

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 The report provides an update on the statutory consultation on the closure of Inveravon Primary School and seeks approval from Council of the recommendation for closure.
- 1.2 This report is submitted to the Council in terms of Section III (D) (7) of the Council's Scheme of Administration to consider the closure of schools and other educational establishments under the control of the Council as Education Authority.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) consider and note the formal consultation report attached as Appendix 1 regarding the closure of Inveravon Primary School;**
- (ii) approve the recommendation to close Inveravon Primary School and re-assign its catchment area to Knockando, Aberlour and Glenlivet primary schools; and**
- (iii) authorise, in accordance with School (Consultation)(Scotland) Act 2010, Council Officers to inform Scottish Ministers of the decision to close Inveravon Primary School and reassignment of its catchment area.**

3. DECISION MAKING

- 3.1 The Schools (Consultation) (Scotland) Act 2010 requires that local authorities undertake a formal consultation process whenever changes are proposed to the location or catchment area of a school; or when a school is being considered for closure.

- 3.2 At its meeting of 24 August 2022, the Education, Children's and Leisure Services Committee (para 13 of the minute refers) approved the launch of a statutory consultation into the permanent closure of Inveravon Primary School.
- 3.3 The consultation proposed that the education provision at Inveravon Primary School, which is currently mothballed, should be discontinued and that the catchment area should be reassigned to Knockando, Aberlour and Glenlivet primary schools.
- 3.4 At the end of the consultation period all written submissions, along with the minutes of the public meeting, were provided to Education Scotland. Both Education Scotland and officers within the Council's Education Resources and Communities Service have written a report on the consultation. The officer consultation report is attached as **Appendix 1**. The Education Scotland report is contained within **Appendix 1 as Appendix I** to the consultation report.
- 3.5 At its meeting of 19 April 2023 the Education, Children's and Leisure Services Committee (para 17 of draft minute refers), after taking account of the consultation report, agreed to recommend to Moray Council the closure Inveravon Primary School and reassignment of its catchment area to Knockando, Aberlour and Glenlivet primary schools.

4. DISCUSSION

- 4.1 The statutory consultation on the permanent closure of Inveravon Primary School discussed several options that had been considered for changes to the school catchment area, with three main options considered to be viable. These were to rezone the whole catchment area to Knockando Primary School; to reassign the catchment area between Knockando and Aberlour primary schools; to reassign the catchment area between Knockando, Aberlour and Glenlivet primary schools.
- 4.2 The statutory consultation took place between 29 August 2022 to 7 October 2022, which covered the required minimum of 30 days term time consultation.
- 4.3 In support of the statutory consultation process two in person public meetings were held on 27 September 2022; one at Inveravon Church at 1.30pm and the second at Speyside High School Community Centre at 7pm. A further online meeting was held on 28 September 2022 at 7pm. Records of these meetings are at **Appendices B, C and D**.
- 4.4 Parental feedback that was provided during the earlier public engagement is at **Appendix E**.
- 4.5 Pupils at Knockando, Aberlour and Glenlivet primary schools were consulted on the closure proposal and their responses have been collated at **Appendix F**.

- 4.6 An online survey was made available to all consultees during the consultation period and 33 completed the survey. The online survey report is at **Appendix H**.
- 4.7 Five written representations were received to the consultation.
- 4.8 Officers within Education have carefully considered all of the responses to the consultation and have made a recommendation in **Appendix 1** (paragraph 14.1) to this report. The recommendation supports the majority community view and gives maximum parental choice. The recommendation is that the Council should adopt the proposal to permanently close Inveravon Primary School and re-assign its catchment area between Knockando, Aberlour and Glenlivet primary schools. Children would also continue to receive school transport to their catchment school where eligible.
- 4.9 Free school transport would continue to be provided to Knockando for all Inveravon catchment pupils currently attending this school. Free school transport would be extended to current Inveravon catchment pupils that attend Aberlour Primary School . All existing primary aged pupils would continue their education at their current schools.

5. NEXT STEPS – DECISION TO CLOSE

- 5.1 Following a closure decision by Council, notification must be made to Scottish Government ministers within six days of decision with copies of the consultation proposal, report and all relevant documentation on the consultation including the evidence around the pre-consultation stage.
- 5.2 At the same time the Council will publish a notice on its website that the Scottish Ministers have been notified. The notice will make clear the opportunity to make representations to Ministers, where the representations are to be sent and the deadline for submitting them – which is 3 weeks from the decision.
- 5.3 Given Inveravon Primary School is a rural school, the Council must also publish a notice on its website of its decision to implement the proposal and why it is satisfied that implementation is the most appropriate response to the reasons for formulating the proposal (section 11A(3) of the Schools (Consultation)(Scotland) 2010 Act), and send notice to Scottish Government Ministers with its notification of the decision.
- 5.4 There is a 3 week period from the date of the decision for members of the public to make representations to Scottish Government Ministers. Ministers then have a further 5 week period to decide whether the decision should be called in. During this 8 week period the Council must not proceed further with closure.
- 5.5 If Ministers call in a call in a closure proposal, it is referred to the Convener of the School Closure Panels. The Convener must within the period of 7 days starting from the day on which the call in notice is issued constitute a Schools Closure Review Panel.

5.6 The Panel will consider whether the Council, as the Education Authority, has failed in a significant regard to comply with the requirement imposed in it by (or under) the School (Consultation)(Scotland) Act 2010 so far as they are relevant to the proposal, or has failed to take proper account of a material consideration relevant to its decision to implement the proposal. In determining the proposal, the Panel may:

- refuse consent to the proposal;
- refuse consent and remit it to the Council for a fresh decision; or
- grant consent to the proposal, either subject to conditions, or unconditionally.

5.7 The Panel must notify the Council of its decision within 8 weeks from the when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the Council that a decision has been delayed. A decision by the Panel may be appealed by the Council or a relevant consultee to the sheriff on a point of law.

5.8 Once notification is received from the Scottish Government or the School Closure Review Panel then implementation for the school closure can proceed.

5.9 The process can take up to 23 weeks to conclude from the date of decision.

6. NEXT STEPS – DECISION NOT TO CLOSE

6.1 If the School Closure Review Panel refuses consent to the closure proposal, or, following publication of its Consultation Report, the Council decides not to implement the closure proposal, the Council cannot publish a further closure proposal in relation to the school for 5 years, unless there is a significant change in the school's circumstances.

6.2 The 5 year period starts on the day on which the decision was made.

7. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report supports the LOIP outcomes:

Building a better future for children and young people in Moray:

- Healthier Children: children get the healthiest start in life and are supported to achieve the best possible mental health and wellbeing and there is equity for vulnerable groups.

And the aims of the Corporate Plan to:

- Improve health and wellbeing for the people of Moray.

(b) Policy and Legal

The Schools (Consultation) (Scotland) Act 2010 has been referred to and adhered to throughout the statutory consultation process and

this adherence will continue with respect to decisions on the future of Inveravon Primary School.

The Schools (Scotland)(Consultation) Act 2010 requires that prior to any final decision on school closure the report needs to have been in the public domain for a minimum of 3 weeks. To meet this requirement a copy of the Consultation Report was made available on the Moray Council website on 12 April 2023. At the same time a copy of the full Consultation Report was also made available to Education Scotland.

Although no formal title deeds have been discovered, all estate information indicates that the school building is on land that was gifted for educational use by Ballindalloch Estate over a century ago. The expectation is that should the final decision be to close the school, the land, and by inference the building, will revert to Ballindalloch Estate ownership.

The local authority purchased an area of land (0.305 acres) to extend the subjects in 1926 and accordingly Moray Council retain title to that upon closure. Given the location of this small area of land within the main school site it is on its own deemed to have no intrinsic value. In the event of approval to close Inveravon Primary School action would be initiated to transfer ownership of this area of land to the Ballindalloch Estate.

(c) Financial implications

A decision to close the school would realise an annual saving of £45,175 (following the 3 year cash conserved salary period).

A re-opening of the school would require a full remediation of the site, and significant capital works to the building over future years to achieve the Moray Learning Estate Strategy aim and Scottish Government mandate for all schools to be an overall Condition B status or better. The cost of upgrade has been estimated to be over £206k to support reopening with a further investment of over £130k over the next 5 years. This capital sum is not within the current capital plan.

In the event of the closure of Inveravon Primary School, and rezoning of the catchment to adjacent schools in the Speyside ASG, there would be an increase in costs for school transport provision for those children who would now be entitled to Council-provided transport to Aberlour Primary School. The increase is not expected to be significant expected should be managed within the value of the current Speyside ASG transport contracts and revenue savings resulting from a school closure.

(d) Risk implications

There are no risks associated with this report.

(e) Staffing implications

Inveravon Primary School is currently in a paired Head Teacher arrangement with Knockando Primary School. In the event of

Inveravon Primary School closing the implications on Knockando based Teaching Staff are as per table below.

	FTE (during mothballing)	FTE (post closure)
Head Teacher	1.0 (SP4)	1.0 (SP2)
Principal Teacher	1.0	
Head Teacher Relief		0.46
Class Teacher	1.0	1.0
McCrone	0.28	0.28
Total	3.28	2.72

The Head Teacher would move to SP2 from SP4 – cash conserved for 3 years. The Principal Teacher would need to be redeployed and potentially cash conserved for 3 years.

There are no non-teaching staffing implications should Inveravon Primary School close.

(f) Property Impact

Whilst the school has been mothballed, the state of the building has been maintained as wind and water tight. The building has been drained down and regular janitor inspections conducted and any issues, e.g. water ingress, have been addressed. This minimal care and maintenance regime will continue during and to conclusion of the statutory process.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment (EIA) is a statutory requirement on the Council to assess the policies and practices necessary to meet the requirements of anti-discrimination and equalities legislation. It also affords an opportunity for the Council to consider the impact on the education service. An assessment has been carried out, as part of the options appraisal process for Inveravon Primary School.

The main impact for children in the P1-7 age group is the length of journey from Inveravon to either Knockando, Aberlour or Glenlivet primary schools; however, as Inveravon Primary School has been mothballed since July 2017, the majority of the current pupils are already making the journey to either Knockando or Aberlour. Should there be future journeys to Glenlivet these would be of a similar distance and duration.

Under the Equality Act 2010 education providers must not treat disabled pupils less favourably and should take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. Any existing arrangements in place for pupils with additional support needs within the schools affected will continue. As discussed in **Appendix 1** Section 10.28 Aberlour Primary School is the enhanced provision hub for the Speyside ASG, and as such is fully adapted to meet the requirements of pupils with a range of additional support needs.

(h) Climate Change and Biodiversity Impacts

A carbon assessment of Inveravon Primary and Knockando Primary, where the majority of pupils moved to at the time of mothballing, has been undertaken by the Moray Council Climate Team.

Overall the carbon impact per pupil is substantially lower at Knockando – and that includes the pupils on the school roll from the Inveravon catchment from Aug 2017. The reopening of Inveravon Primary School would therefore significantly increase carbon emissions in the future, outweighing any additional transport emissions associated with longer pupil journeys. A closure of Inveravon Primary School is therefore predicted to lead to carbon savings.

(i) Consultations

Senior Officers in Education, Education Resources and Communities, the Head of Environmental and Commercial Services, the Head of Legal and Democratic Services, the Head of HR, ICT & OD, the Chief Financial Officer, the Equal Opportunities Officer, members of the Learning Estate Programme Board and Tracey Sutherland, Committee Services Officer have all been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

8. CONCLUSION

- 8.1 The Council is requested to consider the Consultation Report at Appendix 1 and approve the recommendation herein to close Inveravon Primary School and reassignment of its catchment area to Knockando, Aberlour and Glenlivet primary schools.**
- 8.2 In accordance with School (Consultation)(Scotland) Act 2010, the Council is to required notify Scottish Government ministers within 6 days of the decision to close Inveravon Primary School and provide copies of the consultation proposal, report and all relevant document on the consultation process.**

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Appendices:

1. Consultation Report - Closure of Inveravon Primary School

Sub Appendices:

Appendix A	Closure of Inveravon Primary School Consultation Proposal
Appendix A1	Options Appraisal
Appendix A2	Public Engagement Comments/Suggestions
Appendix A3	Financial Template
Appendix B	Public Meeting Record – Inveravon Church (27 September 2022)
Appendix C	Public Meeting Record – Speyside High School (27 September 2022)

Appendix D	Public Meeting Record (28 September 2022)
Appendix E	Parental Feedback
Appendix F	Pupil Engagement
Appendix G	Online Survey Responses
Appendix H	Online Survey Summary Report
Appendix I	Education Scotland Report

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SPMAN-9425411-211 / SPMAN-9425411-212 / SPMAN-9425411-213
SPMAN-9425411-214 / SPMAN-9425411-215 / SPMAN-9425411-216
SPMAN-9425411-217 / SPMAN-9425411-218 / SPMAN-9425411-219
SPMAN-9425411-220 / SPMAN-9425411-221