

Item: 5

Education, Leisure and Housing Committee: 9 June 2021.

Primary Education Provision – Flotta Primary School.

Report by Executive Director of Education, Leisure and Housing.

1. Purpose of Report

To advise of the developing situation regarding the requirement for primary education on Flotta.

2. Recommendations

The Committee is invited to note:

2.1.

That, following the decline of the school roll to zero in 2010, Flotta Primary School was mothballed.

2.2.

That, on 11 September 2013, when considering the current situation regarding Flotta Primary School and statutory duties placed on the authority to make appropriate provision for future pupils, the Education, Leisure and Housing Committee recommended:

- That, in the event that children living on Flotta required education provision and subject to securing financial resources, the Executive Director of Education, Leisure and Housing should, as an interim measure, establish a supported home-schooling service for less than 4 children in one family and consider partially re-opening the school as a remote classroom for 4 or more children or more than one family.
- That, should education provision require to be established on Flotta, the Executive Director of Education, Leisure and Housing should review the interim provision, referred to above, bearing in mind the individual circumstances of the children concerned.

2.3.

That, on 27 October 2020, the Education service received representations from a Flotta family requesting the reopening of Flotta Primary School, however this representation failed to meet the threshold for considering re-opening the school.

2.4.

That the threshold for considering the partial re-opening of Flotta Primary School has now been formally met, with the arrival of a second family with primary age children in Flotta in May 2021.

2.5.

The legislative presumption against closure of rural schools, with the legislation setting out a particularly high bar in relation to the factors that must be considered and the consultation requirements that must be undertaken.

2.6.

That, should the Committee recommend to continue the mothballing of Flotta Primary School, the parents must be consulted and, should the majority of parents oppose mothballing, it would be appropriate to move to statutory consultation on closure as soon as possible.

2.7.

The options available for the provision of primary education for children resident on Flotta, as detailed in Appendix 1 to this report, with the preferred option being Option 4, namely a partial reopening of Flotta Primary School as a satellite classroom of Orphir Primary School.

It is recommended:

2.8.

That Flotta Primary School be partially reopened as a satellite classroom of Orphir Primary School, commencing in school year 2021/22.

2.9.

That the Executive Director of Education, Leisure and Housing should submit a report, to the Policy and Resources Committee, requesting that the estimated budget shortfall to support the partial reopening of Flotta Primary School, be funded as follows:

- Financial year 2021/22 – up to £110,000 to be met through a one-off contribution from the General Fund Contingency.
- Financial year 2022/23 onwards – an unavoidable service pressure to be considered as part of the budget setting process.

3. Background

3.1.

Due to a decline in the school roll to zero, Flotta Primary School was mothballed in 2010. As a consequence of this staff were redeployed to other roles in the service and IT resources were deployed elsewhere.

3.2.

At its meeting held on 11 September 2013, when considering the current situation regarding Flotta Primary School and statutory duties placed on the authority to make appropriate provision for future pupils, the Education, Leisure and Housing Committee noted:

- That informal enquiries regarding school provision on Flotta had been received from two families.
- That Flotta Community Council had requested that consideration be given to clarifying the status of the school on Flotta.
- The current commitment in relation to making educational provision for pupils, as outlined in sections 4 and 5 of the report by the Executive Director of Education, Leisure and Housing.
- The options for future arrangements in relation to making educational provision for pupils living on Flotta, as outlined in section 6 of the report by the Executive Director of Education, Leisure and Housing, with the preferred option being option 4 for less than 3 children and option 3 for 4 children.

3.3.

The Committee recommended:

- That, in the event that children living on Flotta required education provision and subject to securing financial resources, the Executive Director of Education, Leisure and Housing should, as an interim measure, establish a supported home-schooling service for less than 4 children in one family and consider partially re-opening the school as a remote classroom for 4 or more children or more than one family.
- That, should education provision require to be established on Flotta, the Executive Director of Education, Leisure and Housing should review the interim provision, referred to above, bearing in mind the individual circumstances of the children concerned.

3.4.

Since the mothballing of Flotta Primary School, Flotta-based primary-aged children have attended primary schools on the Mainland most appropriate to family requirements and circumstances.

3.5.

Representation, requesting a partial re-opening of Flotta Primary School, was made to the Education Service on 27 October 2020. This representation, derived from one Flotta-based family with fewer than four children and supported by Flotta Community Council, failed to meet the threshold for considering the re-opening of the School. Consequently, the children continue to attend Evie Primary School.

3.6.

The threshold for considering the partial re-opening of Flotta Primary School has now been formally met, with the arrival of a second family with primary age children in Flotta in May 2021.

3.7.

There are also currently children resident on Flotta who are eligible for early years provision. At present, these children attend North Walls Community School nursery. All options presented in this report presuppose the continuation of this arrangement for early years provision due to the significant cost of establishing an early years setting in Flotta that meets the requirements of the Care Inspectorate.

4. Options Appraisal

4.1.

An Options Appraisal for the provision of primary education for children resident on Flotta, including indicative costs for each option, is attached as Appendix 1 to this report.

4.2.

Given the longstanding desire of Flotta Community Council for the re-opening of Flotta Primary School, the emergence of sufficient families/pupils to trigger a review, and the Scottish Government statutory guidance on the mothballing of schools provided in section 9 below, maintenance of the status quo through pursuance of Option 1 is not regarded to be a sustainable recommendation.

4.3.

Option 2 would result in a sub-optimal educational experience. The establishment of a national e-learning provision, in the form of e-sgoil, remains developmental and offers insufficient foundation upon which to build a robust offer. Furthermore, the home-learning model is not supported by the families, as it is not considered to provide sufficient valuable social context for learning, nor the opportunity for peer experiences.

4.4.

The full reopening of Flotta Primary School, as set out at Option 3, would meet and exceed the requirements and expectations of the community but would also represent the highest cost model. The pairing of Flotta Primary School with North Walls Community School would result in a similarly high-cost model as it would necessitate the appointment of a teacher at Flotta Primary School, whilst also resulting in the change in status of the headteacher from teaching to non-teaching, thereby necessitating the appointment of a further 0.7FTE teacher at North Walls Community School.

4.5.

The recent establishment of North Ronaldsay School building as a satellite classroom of Burray School has proven successful. As such, Option 4 represents a more cost-effective model than full reopening of Flotta Primary School, whilst still providing a suitable educational experience, and meeting the expectations of the Flotta community.

4.6.

Delivery of Option 4 would require a job sizing exercise to take place for the Headteacher of Orphir/Stenness, and for the following temporary posts to established at Flotta Primary School:

- 1.0 full-time equivalent (FTE) post of Principal Teacher.
- 1 0.29 FTE post of Clerical Assistant (G3).
- 0.27 FTE post of Auxiliary (G2).
- 0.2 FTE post of Expressive Arts provision.
- 0.17 FTE post of Cleaner (G1).
- 0.17 FTE post of Janitor (G1).

5. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

6. Links to Council Plan

6.1.

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic theme of Thriving Communities.

6.2.

The proposals in this report relate directly to Priority 3.2 Working with individual communities, explore the management of the school estate, promoting community participation and (where applicable) joint ownership, of the Council Delivery Plan.

7. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priority of Strong Communities.

8. Financial Implications

8.1.

The report indicates that there will be an unavoidable spending pressure arising from the policy position being triggered to provide an education service on Flotta. The options available, as detailed in Appendix 1 to this report, have a range of cost implications, as follows:

Option	Cost
Option 1 – Status Quo.	No cost.
Option 2 – Supported Home Learning.	£60,000 per annum.
Option 3 – Full reopening of school.	£150,000 per annum.
Option 4 – Satellite Classroom (Orphir).	£110,000 per annum.
Option 5 – Satellite Classroom (North Walls).	£150,000 per annum.

8.2.

The Service's preferred option is Option 4, a partial reopening of Flotta Primary School as a satellite classroom of Orphir Primary School. This option would have an additional cost to the Service of £110,000 for which there is no current budget provision.

8.3.

As this budget issue for the partial reopening of Flotta Primary School has arisen shortly after the Council's budget has been set for financial year 2021/22, a temporary budget provision will be required to cover the current financial year. The ongoing budget requirement can thereafter be considered as part of the budget setting exercise for 2022/23.

8.4.

The temporary budget of £110,000 could be sourced from the General Fund Contingency in 2021/22, which was established at £1,814,000.

9. Legal Aspects

9.1.

The Scottish Government has issued statutory guidance under the Schools (Consultation)(Scotland) Act 2010 which can be found at the following link: <https://www.gov.scot/publications/schools-consultation-scotland-act-2010-statutory-guidance/>. Paragraphs 63 to 65 of the Guidance deals with the issue of mothballing as follows:

“Mothballing “

63. In considering alternatives to closure, authorities may choose to consider “mothballing” a school (or a stage of education or a nursery class at a school). This is a temporary closure which does not lead to a consultation under the 2010 Act. It is only appropriate in very restricted circumstances. When a school roll falls very low, the authority and/or community may consider that the school is not presently viable but do not wish to close it immediately because there is a reasonable prospect that the number of pupils in the area will increase such that it should be re-opened in the future.

64. It is vital that this flexibility to close a school for a temporary period is not used to undermine the requirements under the 2010 Act to consult on all school closure proposals. Mothballing is only appropriate for a temporary period and should be subject to regular review, at least annually, against the same requirements which led to the original decision to mothball the school (or stage of education). The maximum length of its duration is likely to depend on the location of the school and the desirability of maintaining capacity to re-open a school there, but it is unlikely that it should exceed 3 years in areas that are not very remote. The condition of the school building and cost of maintaining the mothballed provision will also be relevant.

65. A school can be mothballed where the school roll has fallen to zero and continues to be zero. It may also be appropriate where the roll or potential roll is very low and the authority considers the only other option to be closure. However, in circumstances where a school is mothballed rather than closed and some children and young people remain in the catchment area, this decision should be taken in consultation with the parents involved, and the possibility should be raised as early as possible, in order to ensure that families can understand the options open to them. Mothballing should not be a way of denying parents access to the statutory consultation process required under the 2010 Act and if the majority of parents oppose mothballing, it would be appropriate to move to statutory consultation on closure as soon as possible”.

9.2.

With reference to paragraph 64 of the Scottish Government's statutory guidance, mothballing should not be used "to undermine the requirements under the 2010 Act to consult on all school closure proposals". Further, with reference to paragraph 65 of the guidance "Mothballing should not be a way of denying parents access to the statutory consultation process required under the 2010 Act and if the majority of parents oppose mothballing, (after consultation) it would be appropriate to move to statutory consultation on closure as soon as possible".

9.3.

Section 80 of the Children and Young People (Scotland) Act 2014 amends the 2010 Act and sets out particular provisions that must be adhered to in relation to consultation with reference to proposals to close rural schools. The Scottish Government statutory guidance referred to at section 9.1 above also deals with the issue of proposed closure of rural schools. Paragraphs 66 to 82 cover presumption against closure, identifying reasonable alternatives, the likely effect of the school's closure on the local community, the likely consequences of the closure on travelling arrangements. Further, as well as explaining the reasons for the proposal, there is a duty on the authority to set out the steps it has taken, if any, to address these reasons before formulating the closure proposal. Paragraphs 66 and 67 summarises the position:

"66. Sections 11A to 13 of the 2010 Act (as inserted into that Act or as amended by section 80 of the Children and Young People (Scotland) Act 2014 [\[13\]](#)) make specific requirements for rural school closures, and these take effect from 1 August 2014. It will be essential for authorities considering proposing a rural school closure to understand these new requirements before formulating a proposal.

67. Section 11A provides that the authority may not decide to close a rural school unless it has complied with the requirements in sections 12, 12A and 13 and is satisfied that such a decision is the most appropriate response to the reasons it has identified for making the proposal. Section 11A is referred to as a "presumption against closure", as compliance with specific requirements is necessary before a closure decision can be made. Section 12 requires an authority to carry out very thorough consideration of why it wishes to close a rural school prior to consulting on a closure proposal, to assess all reasonable alternatives to closure, and only to proceed, following consultation, if the authority is satisfied that the closure proposal is the most appropriate response to the issues identified."

9.4.

Therefore, there is a legislative presumption against closure of rural schools and the legislation sets out a particularly high bar in relation to the factors that must be considered and the consultation requirements that must be undertaken.

9.5.

If the Committee were to decide to continue mothballing Flotta Primary School, with reference to paragraph 65 of the Scottish Government's statutory guidance, the parents must be consulted and "if the majority of parents oppose mothballing, it would be appropriate to move to statutory consultation on closure as soon as possible", which will require a further detailed report.

10. Contact Officers

James Wylie, Executive Director of Education, Leisure and Housing, extension 2401, Email james.wylie@orkney.gov.uk.

Peter Diamond, Head of Education, extension 2436, Email peter.diamond@orkney.gov.uk.

Steven Burnett, Education Resources Manager, extension 2421, Email steven.burnett@orkney.gov.uk.

11. Appendices

Appendix 1: Options Appraisal.

Appendix 2: Equality Impact Assessment.

Appendix 1: Indicative Costings

Option One: Status Quo

Option does not meet the expectation of the Flotta community for schooling to be provided on-island now that the ELH Policy threshold has been met.

Estimated annual variance from Status Quo Cost: £0

Option Two: Supported Home Learning

The national e-sgoil e-learning platform is not yet considered sufficiently robust to offer a suitable solution. Consequently, learning would need to be actively supported by an additional full-time class-teacher located at another Orkney establishment providing on-line, real-time learning to pupils at home. This model was deployed in 2020 on a temporary basis for pupils on North Ronaldsay whilst awaiting the opening of the school building as a satellite classroom of Burray School.

Estimated annual variance from Status Quo Cost: £60,000

Option Three: Full Reopening of Flotta School

Given the establishment of an apparently successful and efficient remote-classroom model on North Ronaldsay, it could be argued that a full re-opening of Flotta School, with a teaching head, would be excessive.

Estimated annual variance from Status Quo Cost: £150,000

Option Four: Satellite Classroom Model (Orphir)

Given the establishment of an apparently successful and efficient remote-classroom model on North Ronaldsay, it is argued that such an approach, with Flotta operating as a satellite of Orphir School, would provide the most suitable solution to this challenge.

Estimated annual variance from Status Quo Cost: £110,000

Option Five: Satellite Classroom Model (NWCS)

Given the establishment of an apparently successful and efficient remote-classroom model on North Ronaldsay, it is argued that such an approach, with Flotta operating as a satellite of North Walls Community School, could be regarded as providing the most suitable solution from a community perspective, but would incur additional cost through the necessary change in status, from teaching to non-teaching, of the NWCS headteacher, and the requirement to backfill teaching time.

Estimated annual variance from Status Quo Cost: £150,000



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Primary Education Provision for Pupils on Flotta
Service / service area responsible.	Education, Leisure and Housing.
Name of person carrying out the assessment and contact details.	Steven Burnett: Service Manager (Resources) Steven.burnett@orkney.gov.uk
Date of assessment.	11-05-2021
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Significant change to current provision

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To meet the expectation of the Flotta community for on-island primary education provision.
Is the function / policy / plan strategically important?	Operational
State who is, or may be affected by this function / policy / plan, and how.	All families with primary school-age children on Flotta would be affected were Flotta School to be returned to operational service. The main impact would be removal of a requirement for off-island travel for pupils.
How have stakeholders been involved in the development of	Parents of primary-school age children, and members of the Flotta Community Council have

this function / policy / plan?	been engaged in proposals to re-open Flotta School.
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>It is proposed that the provision of on-island education for families with primary school-age children will enhance equity in the provision of education in the Local Authority.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>It is proposed that the provision of on-island education for families with primary school-age children will enhance equity in the provision of education in the Local Authority.</p>
<p>Could the function / policy have a differential impact on any of the following equality strands?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.</p>
<p>2. Sex: a man or a woman.</p>	<p>The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.</p>
<p>5. Pregnancy and maternity.</p>	<p>The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.</p>
<p>6. Age: people of different ages.</p>	<p>Whilst the proposal is intended to support the provision of on-island education provision for</p>

	primary school-age children the impact of its implementation will also affect parents, carers and, potentially, grandparents and, as such, the proposal is not expected to have any additional positive or negative impact in respect of this personal characteristic.
7. Religion or beliefs or none (atheists).	The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.
8. Caring responsibilities.	The re-opening of Flotta School could reasonably be expected to have a positive impact upon those parents of primary school-age pupils with caring responsibilities as there will be a reduced requirement for commuting.
9. Care experienced.	The proposal is not expected to have any additional positive or negative impact in respect of this personal characteristic.
10. Marriage and Civil Partnerships.	The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.
11. Disability: people with disabilities (whether registered or not).	The provision of on-island education for primary age children can reasonably be expected to mitigate any challenges in using inter-island transport experienced by parents, carers or children with disabilities.
12. Socio-economic disadvantage.	The proposal is not expected to have any additional positive or negative impact in respect of this protected characteristic.
13. Isles-proofing.	The proposal seeks to ensure that island residents are able to take advantage of on-island education provision for primary age children.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	Continuous review.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	
Who will undertake it?	Service Manager (Resources)
When will it be done?	School year 2021-22
How will it be monitored? (e.g. through service plans).	Annual review.

Signature:



Date: 11-05-2021

Name: Steven Burnett

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk