

## **EAST AYRSHIRE COUNCIL**

**CABINET – 30 OCTOBER 2013**

### **CONSULTATION REPORT – EDUCATION PROVISION AT JAMES HAMILTON ACADEMY, KILMARNOCK ACADEMY, NEW FARM PRIMARY SCHOOL AND EARLY CHILDHOOD CENTRE AND SILVERWOOD PRIMARY SCHOOL**

#### **Report by the Executive Director of Educational and Social Services**

#### **INTRODUCTION**

1. The purpose of this report is to inform Cabinet of the responses and comments which have been received from stakeholders during the public consultation exercise on the future of education provision at James Hamilton Academy, Kilmarnock Academy, New Farm Primary School and Early Childhood Centre and Silverwood Primary School and to recommend an appropriate course of action, having reviewed the proposal that:
  - Education provision at James Hamilton Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
  - Education provision at Kilmarnock Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter; and
  - That the young people attending these establishments transfer to a new build school establishment, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, to be sited on ground at either:
    - The existing James Hamilton Academy site on Sutherland Drive, Kilmarnock; or
    - The former Diageo site on Hill Street, Kilmarnock
  - Cabinet did not have a preferred option at this time but recognised that the inclusion of an Officer recommended preferred option, based on the outcome of the critical option appraisal exercise was normal practice;
  - That in recognition that the current Kilmarnock Academy site was not included within the site options referred to at (3) above, careful consideration will be given by the Council to the future use of the iconic 1890 Kilmarnock Academy building;

Further:

- That the delineated area of the new school establishment be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of James Hamilton Academy and Kilmarnock Academy.

Further, in the alternative:

- That if the new school establishment is sited at the existing James Hamilton Academy site in accordance with Option 4, then:
- Education provision at New Farm Primary School and Early Childhood Centre be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
- Education provision at Silverwood Primary School be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter; and
- That the young people attending these establishments transfer to a new Primary School within an integrated new build Secondary, Primary and Early Childhood Centre campus on the present James Hamilton Academy campus site, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter.
- That the delineated area of the new primary school be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of New Farm Primary School and Early Childhood Centre and Silverwood Primary School.
- That the possible location of new educational facilities in the New Farm area will create opportunities for integrated service delivery which would have implications for New Farm Community Centre; and

Further:

- To note that if a new secondary school is located on land at Hill Street, Kilmarnock, then consideration will require to be given for the location of a merged New Farm Primary School and Early Education Centre and Silverwood Primary School which would be the subject of a further statutory consultation exercise.

Having had regard in particular to:

- (a) Relevant written representations received by the Council from any person during the consultation period;
- (b) Oral representations made to it by any person at the public meetings held on 14 May 2013, 15 May 2013, 21 May 2013, 23 May 2013, 4 June 2013, 5 June 2013, 11 June 2013 and 13 June 2013; and
- (c) Education Scotland's report on the consultation proposal; and
- (d) Relevant responses received in the three week period following publication of the Consultation Report.

## **BACKGROUND**

2. At its meeting of 24 April 2013, Cabinet agreed to issue, for formal consultation, a Proposal Document that had been prepared to consider the future of education provision at the four educational establishments. The formal consultation process commenced on 3 May 2013 and concluded on 28 June 2013. This ensured that the consultation period exceeded the 30 school days set out in statute.
3. Having considered the oral and written representations, and Education Scotland's Report, an advertisement was placed in the Kilmarnock Standard on Friday 4 October 2013, advising that the Consultation Report had been prepared and would be available for public scrutiny from that date, through the Council's website. All parents of children attending the affected schools and the associated primary schools of the two secondary schools, were also advised that the Consultation Report could be obtained from the Council's website from 4 October 2013. Paper copies of the document were made available for those individuals who requested the document in this format.
4. This has allowed a full three week review of the document prior to Cabinet's consideration of the document and fully complies with section 9 (3) and section 11 of the 2010 Act. The Consultation Report is attached as Appendix 1 of this report.

## **RESPONSES TO THE CONSULTATION**

5. A total of 236 responses were received from a range of interested parties and a report from the independent consultant who gathered the views of young people in the affected schools and the associated primary schools of the two secondaries. In addition, comments submitted at the eight public meetings held between 14 May and 13 June 2013 were recorded as part of the consultation response. Section 3 of the Consultation Report provides a summary of verbal comments made at the various meetings and Section 4 summarises the written comments received in response to the consultation proposals. Section 6 of the attached document confirms that there were no allegations of inaccuracies or flaws within the Proposal Document and the Council's comments on the issues raised are provided in Section 7 of the Consultation Report.
6. Of the 236 individuals or groups that responded the vast majority (193) expressed support for the merger of the two secondary schools. A substantial number of those in favour of the secondary school merger also supported the school's location at the Sutherland Drive site and the creation of a 3-18 campus which would include the merger of New Farm Primary School and Early Childhood centre and Silverwood Primary School.
7. Those in favour of the Sutherland Drive site commented on the size of the school site and the positive pupil transition benefits afforded by a 3-18 campus. Many respondents also commented on their perception of potential anti social behaviour within the vicinity of the Hill Street site, highlighting their belief that there could be undesired liaison between school pupils and College students. In this group, the close proximity to the town centre was seen

negatively for other town centre users and the fact that pupils had easier access to fast food outlets.

8. The respondents who favoured the Hill Street site commented on the benefits to both existing school communities of a neutral site and the fresh start that this may bring to the new school. Responses from this group also so the close proximity to the new College campus, the transport infrastructure and town centre as being beneficial for pupils' transitions into further education, providing good access to buses and trains and assisting with town centre regeneration.
9. In its report to the Council, Education Scotland commented a sound case had been made for the preferred option, which also was recognised as delivering best value. The report identified a number of key issues that would have to be addressed by the Council in the Consultation Report. These are summarised below:
  - Timing of the consultation;
  - Perceived narrowness of the consultation;
  - School transport issues;
  - Erosion of denominational education in the Auchinleck and Cumnock areas;
  - Sufficient time for transition arrangement to be effectively deployed should the Council proceed with the closure proposal; and
  - Parental concerns regarding the stated educational benefits.

The Council response to these matters can be found at paragraph 4.16 of the Consultation Report.

10. There were no allegations of inaccuracies or omissions in the proposal Document and all of the issues in the previous paragraph have been addressed in full throughout, sections 6, 7 and 8 of the Consultation Report.

### **THIRD PARTY DEVELOPMENT AT HILL STREET**

11. Correspondence has been received from the Kiln Group which confirms that the location of a new secondary school on the Hill Street site will have a neutral financial impact on their proposed development and that while the school could be accommodated on the Hill Street site it is likely that this would have an adverse effect on the quality and impact of the designs currently being prepared.

### **REVIEW OF THE RELEVANT PROPOSAL**

12. Section 8 of the Consultation Report reviews the relevant proposal (Option 4) in light of the comments received at the public meetings and in writing during the consultation period. Relevant Council officers met on 16 September 2013 to formally review the merger proposals in light of all of the information that had been received during the consultation period. This meeting ensured that the Council met the requirements of sections 9(1) of the 2010 Act.
13. Having reviewed the proposal, officers have confirmed that their attitude to the proposal had not substantially changed and that there have been no

arguments submitted that would cause a reconsideration of the belief that Option 4 (the creation of a 3-18 campus on the Sutherland Drive site involving the merger of James Hamilton Academy and Kilmarnock Academy and the merger of New Farm Primary School and Early Childhood Centre and Silverwood Primary School) represents the best educational and financial outcome for the Council, which also maximises the number of young people who will directly benefit from the new building. Education Scotland also support this view in paragraph 4.1 of their report.

14. Following this review, the Consultation Report was prepared and issued for public scrutiny on Friday 4 October 2013. Hard copies of the documents were provided for all interested stakeholders who requested the document in this format and the document was also electronically released through the Council's website on 4 October 2013. At the time of preparing this report the Council has received no correspondence requesting further information. Should any response be received during the remainder of the 3 week period, these shall be verbally intimated to Cabinet.

### **POLICY / LEGAL IMPLICATIONS**

- 15 The consultation exercise has been conducted in full compliance of the relevant statutory requirements, including the Schools (Consultation) (Scotland) Act 2010. The Consultation Report has been publicly available for a three week period and Cabinet are now asked to consider the proposal which, following the officer review meeting on 16 September 2013, is in the following terms.

- Education provision at James Hamilton Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
- Education provision at Kilmarnock Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
- That the young people attending these establishments transfer to a new build secondary school, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter,
- That the delineated area of the new secondary school be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of James Hamilton Academy and Kilmarnock Academy.
- Education provision at New Farm Primary School and Early Childhood Centre be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
- Education provision at Silverwood Primary School be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter; and

- That the young people attending these establishments transfer to a new primary School and Early Childhood Centre, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter
  - That the delineated area of the new primary school be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of New Farm Primary School and Early Childhood Centre and Silverwood Primary School.
  - That the new merged secondary school and new merged primary school be co-located within a 3-18 campus located on the Sutherland Drive site;
  - Taking cognisance of the heritage and iconic status of the 1890s Kilmarnock Academy building to the town of Kilmarnock, that an Elected Member / officer working group be created to consider the future of this historic building;
  - This Consultation Report be referred to the Governance and Scrutiny Committee for consideration at its meeting on 7 November 2013 with a recommendation that they report any views/further recommendations back to Cabinet for consideration at its meeting on 13 November 2013 in order that a final determination on the proposal can be made in terms of Section 11 (1) of the Schools (Consultation) (Scotland) Act 2010 at that time; and
  - Cabinet remit the Executive Director of Educational and Social Services to prepare a report to a future meeting of Cabinet detailing the management arrangements of the two new schools, with identified implementation dates, as requested by Education Scotland in their report at paragraph 4.16 (b) (above)
16. In the event that Cabinet are minded to agree the recommendations contained within paragraph 22 below, the Council would not be making a decision on the proposal in terms of Section 11(1) of the said 2010 Act at this time. The Council would therefore not be required to notify the Scottish Ministers of that decision in terms of Section 15(2) of the said 2010 Act at this time. It is only when Cabinet review their decision, following any consideration of the Consultation report by Governance and Scrutiny Committee, that the decision in terms of Section 15(2) of the 2010 Act will apply.

### **FINANCIAL IMPLICATIONS**

17. The financial implications of implementing the merger proposals would result in revenue savings of approximately £1.1 million. It is estimated that a 3-18 campus on the Sutherland Drive site would cost in the region of £36.7 million and the Council would receive £19.0 million from the Scottish Government as a contribution to the new build costs.

### **RISK IMPLICATIONS**

18. If the proposal referred to within paragraph 15 above is subsequently approved by Cabinet, the implementation of the merger proposals and the consequent reduction in the property portfolio reduces risk in terms of infrastructure failure, vandalism and threats to security.
19. Recognising the comments contained within the Education Scotland report, this report makes specific recommendations that the Executive Director of Educational and Social Services prepare further reports on the management arrangements at the two new schools along with a timescale by which all other aspects of the Education Scotland report will be met.

### **COMMUNITY PLANNING / STRATEGIC IMPLICATIONS**

20. It should be noted that Community Planning Partners were also consulted on this proposal and that if subsequently implemented the closure proposal will assist the Council in delivering the following strands of the Community Plan:
  - The promotion of lifelong learning;
  - Improving community safety;
  - Delivering community regeneration; and
  - Improving health and wellbeing.
21. In addition, the proposals, if implemented, would contribute to the following strategic Council objectives:
  - Improving educational attainment.

Implementation would also reduce the number of Council properties and reduce under occupancy in the school estate, creating world class accommodation for upto 1,900 young people.

### **RECOMMENDATIONS**

22. Cabinet are asked:
  - (i) To consider the Consultation Report which was published on 4 October 2013 and which is appended to this report.
  - (ii) That if they are minded to:
    - (a) Agree that education provision at James Hamilton Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
    - (b) Agree that education provision at Kilmarnock Academy be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
    - (c) Agree that the young people attending these establishments transfer to a new build secondary school, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter,

- (d) Agree that the delineated area of the new secondary school be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of James Hamilton Academy and Kilmarnock Academy.
  - (e) Agree that education provision at New Farm Primary School and Early Childhood Centre be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter;
  - (f) Agree that education provision at Silverwood Primary School be discontinued with effect from the end of the 2016/17 academic session in June 2017, or as soon as possible thereafter; and
  - (g) Agree that the young people attending these establishments transfer to a new primary School and Early Childhood Centre, with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter
  - (h) Agree that the delineated area of the new primary school be created with effect from the start of the 2017/18 academic session in August 2017, or as soon as possible thereafter, from the amalgamation of the delineated areas of New Farm Primary School and Early Childhood Centre and Silverwood Primary School.
  - (i) Agree that the new merged secondary school and new merged primary school be co-located within a 3-18 campus located on the Sutherland Drive site;
  - (j) Agree that, taking cognisance of the heritage and iconic status of the 1890s Kilmarnock Academy building to the town of Kilmarnock, an Elected Member / officer working group be created to consider the future of this historic building;
- (iii) Agree that this Consultation Report be referred to the Governance and Scrutiny Committee for consideration at its meeting on 7 November 2013 with a recommendation that they report any views/further recommendations back to Cabinet for consideration at its meeting on 13 November 2013 in order that a final determination on the proposal can be made in terms of Section 11 (1) of the Schools (Consultation) (Scotland) Act 2010 at that time; and
- (iv) Remit the Executive Director of Educational and Social Services to prepare a report to a future meeting of Cabinet detailing the management arrangements of the two new schools, with identified implementation dates, as requested by Education Scotland in their report at paragraph 4.16 (b) (above)
- (v) Otherwise note the contents of this report.

Graham Short  
Executive Director of Educational and Social Services

EC/  
11 October 2013

### **LIST OF BACKGROUND PAPERS**

1. School (Consultation) (Scotland) Act 2010
2. Cabinet Report – 24 April 2013 (Agenda Item 3E)
3. Consultation Report – Issued 4 October 2013 (Attached as Appendix 1 of this report)

Members requiring further information should contact Graham Short, Executive Director of Educational and Social Services, Tel: 01563 576017 or Euan Couperwhite, Head of Service: Projects, Tel: 01563 576090

**IMPLEMENTATION OFFICER: EUAN COUPERWHITE**

**THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK**