



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 8 January 2013 and 9 January 2013; and
- (c) Education Scotland's report on the consultation proposal

This document has been issued by East Ayrshire Council under the requirements of the Schools (Consultation) (Scotland) Act 2010.

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This report has been prepared following a review of 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 8 January 2013 and 9 January 2013; and
- (c) Education Scotland's report on the consultation proposal

Report by the Executive Director of Educational and Social Services

1. INTRODUCTION

1.1 The purpose of this report is to :-

- Set out a record of the total number of written representations made to the Council by any person during the period of the public consultation exercise;
- Set out a summary of those written representations;
- Set out a summary of the oral representations made to the Council at the public meetings held at:
 - James Hamilton Academy on Tuesday, 14 May 2013;
 - New Farm Primary School and Early Childhood Centre on Wednesday, 15 May 2013
 - Kilmarnock Academy on Tuesday, 21 May 2013;
 - Silverwood Primary School on Thursday, 23 May 2013;
 - Onthank Primary School and Early Childhood Centre in Tuesday, 4 June 2013;
 - Hillhead Primary School on Wednesday, 5 June 2013;
 - Loanhead Primary School on Tuesday, 11 June 2013; and
 - Kirkstyle Primary School on Thursday, 13 June 2013.
- Set out a statement of the Council's response to:
 - Those written and oral representations; and
 - Education Scotland's report.
- Provide a copy of Education Scotland's report;
- Set out a statement explaining how the Council reviewed the above proposal having had regard (in particular) to :-
 - The relevant written representations received by the Council during the public consultation period;
 - Oral representations made to it at the public meetings detailed above; and
 - Education Scotland's report
- Provide details of any alleged omission from, or inaccuracy in, the Proposal Paper (including a statement of the Council's opinion on it);
- Provide a statement of the action taken in respect of the omission or inaccuracy, or if no action has been taken of that fact why this is the case; and

- An explanation of the opportunity that may arise for making representations to the Scottish Ministers in terms of Section 15(4) of The Schools (Consultation) (Scotland) Act 2010.

2. THE CONSULTATION PROCESS

- 2.1 East Ayrshire Council's Cabinet approved the recommendation to issue a Proposal Document (attached as Annex 1 of this report) on the future of education provision at James Hamilton Academy, Kilmarnock Academy, New Farm Primary School and Early Childhood Centre and Silverwood Primary School for public consultation at its meeting of Wednesday, 24 April 2013. The formal consultation period ran from Friday, 3 May 2013 to Friday, 28 June 2013 and written representations on the Cabinet's proposals were sought from interested parties in terms of the Schools (Consultation) (Scotland) Act 2010.
- 2.2 In accordance with statutory requirements, the following individuals and groups were consulted:

Statutory Consultees

- The Parent Councils of the affected schools;
- The parents of the pupils and children at the affected schools;
- Parents of children expected to attend an affected school within 2 years of the date of publication of this Proposal Document;
- The pupils at the affected schools;
- The teaching and ancillary Staff, at the affected schools;
- The trade union representatives of the above Staff;
- The Community Councils;
- Relevant users of the affected schools;

Non statutory Consultees

- Relevant Community Associations;
- The constituency MSP;
- List MSPs for the area;
- The Constituency MP;
- Sub-Divisional Commander, Police Scotland;
- Chief Executive, NHS Ayrshire and Arran;
- Chief Executive Strathclyde Partnership for Transport (SPT);
- Area Commander, Scottish Fire and Rescue Service;
- Depute Chief Executive/Executive Director of Neighbourhood Services, East Ayrshire Council;
- Executive Director of Finance and Corporate Support, East Ayrshire Council;
- South Ayrshire Council;
- North Ayrshire Council;
- Skills Development Scotland;
- Community Planning Partnership Board;
- Principal Designate of Ayrshire College
- Acting Principal of Kilmarnock College;

- Acting Principal of Ayr College;

2.3 The Proposal Document was also advertised in the press and copies were made widely available locally and to local interest groups. Additional copies of the document were obtainable from the Department of Educational and Social Services, Council Headquarters, London Road, Kilmarnock, from the schools involved and through the Council Website at www.east-ayrshire.gov.uk. Copies were also available at public libraries and Council offices in the areas affected. A copy was also sent to Education Scotland, who under the 2010 Act are statutory consultees and a notice of the proposal was sent to all parents of pupils attending the schools directly affected and associated establishments.

2.4 It has always been the practice within East Ayrshire to consult directly with the young people and this good practice is now enshrined in the 2010 Act, which includes the pupils as statutory consultees. The Council followed the Scotland's Commissioner for Children and Young People guidance on the processes to be followed when consulting with pupils and the task of obtaining the views of the young people at both secondary schools and their associated primary schools, was under taken by appropriate independent consultants, from Common Ground Mediation.

In addition to the above, young people from James Hamilton Academy, New Farm Primary School and Early Childhood Centre (ECC), Silverwood Primary School and an associated Primary School of James Hamilton Academy submitted written responses, the details of which are summarised in section 4 below.

2.5 Eight public meetings were arranged by the Council and advertised in the local press and on the Council website. Several schools also sent reminders messages to parents via the Groupcall system. The meetings took place on:

- Tuesday, 14 May 2013 at James Hamilton Academy;
- Wednesday, 15 May 2013 at New Farm Primary School and ECC;
- Tuesday, 21 May 2013 at Kilmarnock Academy;
- Thursday, 23 May 2013 at Silverwood Primary School;
- Tuesday, 4 June 2013 at Onthank Primary School and Onthank ECC;
- Wednesday, 5 June 2013 at Hillhead Primary School;
- Tuesday, 11 June 2013 at Loanhead Primary School; and
- Thursday, 13 June 2013 at Kirkstyle Primary School.

Approximately 35 to 50 individuals attended each of the meetings, representing parents, staff and others with an interest in the consultation of the future of the secondary schools and New Farm Primary School and Early Childhood Centre and Silverwood Primary School. Education Scotland were also represented at the various meetings and a number of interested stakeholders attended more than one meeting.

2.6 The meetings offered an opportunity for discussion and clarification of the proposals as well as a forum for people to express their views on the consultation proposals. It included a presentation on the proposals and the

consultative process. A written record of the meetings was kept, published on the Council's website and is included as part of the final consultative responses.

3. CONSULTATION RESPONSES AND FEEDBACK FROM THE PUBLIC MEETINGS

- 3.1. There were 237 written submissions received. Table 1 below provides a breakdown of these submissions by group:

TABLE 1: RESPONDENTS BY GROUP

RESPONDENT GROUP	NUMBER OF RESPONSES
James Hamilton Academy Parent Council	1
Kilmarnock Academy Parent Council	2
New Farm Primary School and ECC Parent Council	1
Silverwood Primary School Parent Council	1
Parent Councils of associated Primary Schools, Parent Body of Early Childhood Centres and Chair of the Parent Steering Group	4
Parents of pupils attending James Hamilton Academy	24
Parents of pupils attending Kilmarnock Academy	9
Parents of pupils attending New Farm Primary School and ECC	13
Parents of pupils attending Silverwood Primary School	25
Parents of pupils attending associated Primary Schools	24
Future Parents of a child who will Attend an Associated Primary School	5
Young people attending James Hamilton Academy	2
Young people attending Kilmarnock Academy	0
Young people attending New Farm Primary School and ECC	1
Young people attending Silverwood Primary School	2
Young people attending associated Primary Schools	2
Family members of pupils attending the affected schools	29
Staff in the affected schools	19
Former pupils of James Hamilton Academy	16
Former pupils of Kilmarnock Academy	10
Former pupils of New Farm Primary School and ECC	0
Former pupils of Silverwood Primary School	1
Elected representatives	1
Community Planning Partners	4
Community Councils	4
Young people not connected with the affected schools or the associated primary schools	1
Other Respondents	35
Independent Mediation with Young People – Consultant's Report	1
Total	237

3.2 The following paragraphs summarise the issues raised at the meetings in response to the Proposal Document. Every effort has been made to summarise views as accurately as possible. A copy of the written submissions is available to be viewed at Council Headquarters, London Road, Kilmarnock, KA3 7BU.

3.3 Education Scotland, in addition to attending public meetings, were also provided with the notes taken for each meeting and a copy of every submission received in response to the consultation proposals. On 13 September 2013, a report was received from Education Scotland on the proposals. A full copy of the Education Scotland report can be found at section 4.15 of this document.

3.4 **Public Meetings**

(a) The eight public meetings were chaired by the Executive Director of Educational and Social Services, who was accompanied by senior officers from Educational and Social Services and Corporate Infrastructure Services, Head Teachers of the schools affected, Head Teachers from schools which had been co-located in a campus setting and senior management from Kilmarnock College. Approximately 30 to 50 individuals were present at each meeting and Education Scotland were also represented at various meetings.

(b) At each meeting, officers from Educational and Social Services presented a series of topics surrounding the current consultation process, including:

- The proposals;
- Public Consultation – the process and timescale;
- Consultation Report – the contents and timescale;
- Consultation Process & Decision Making;
- Options which were being consulted upon;
- Factors considered in preparing the Proposal Document, including site options;
- Educational Benefits from adopting options 2, 3 and 4;
- School statistics – the fall in pupil rolls at the schools, the level of under occupancy and running costs for each establishment.

(c) Following the officer presentations members of the public were provided with an opportunity to raise issues or seek further information on the consultation. The paragraphs below summarise the main issues raised and statements made by those attending the various meetings.

3.5 **Public Meeting – 14 May 2013 (James Hamilton Academy)**

(a) **Possible Site Options**

Discussion focused on the choice of the two site options. In particular, the audience wanted officers to address a recent newspaper article which stated that Hill Street had already been identified as the location of the new school. Officers were able to confirm that this report was inaccurate and that the consultation sought the views of young people, staff, parents and the wider

community on their preferred site for the new secondary school. If the Sutherland Drive site was the preferred choice of an individual or group then the Council also wanted to receive comments on the possibility of creating a 3-18 campus.

It was noted that enough land would be provided to the Council for the construction of a new secondary school and playingfields at the Hill Street site.

(b) **Perceived Benefits of Option 4**

A member of the audience noted that Option 4 was the cheapest option by £7.6 million. Asked who would be responsible for paying the extra cost should another option be chosen, it was confirmed that the additional cost of the other options would require to be met by the Council.

(c) **Catchment Area Implications of Merging the Two Secondary Schools**

Officers were asked to comment on any changes that would be made to the catchment area of the two secondary schools should they be merged. The response confirmed that, at this stage, there was no intention to alter the current catchment areas of any of the affected schools, other than combining their catchment areas together.

(d) **Input from Grange Academy Head Teacher and Kilmarnock College Representative**

The Head Teacher of Grange Academy was asked to outline the benefits of working in a 5-18 campus. The audience were advised that the benefits were significant:

- Primary pupils could access specialist science, home economics, art and technical facilities which improved their learning;
- That staff from the Primary, Secondary and Special schools which were co-located were able to share best practice and learn from colleagues in the other educational sectors;
- Senior pupils from the secondary were able to provide support to children from the primary; and
- Transition from primary to secondary was made easier as the pupils of Annanhill Primary School were already familiar with the layout and staff

The Vice Principal of Kilmarnock College spoke of the close links between the College and all secondary schools in East Ayrshire. The additional benefits of having the secondary school situated in close proximity to the College campus were:

- The opportunity for pupils to access the range of curricular subjects taught in the College without the need for travel;
- Improved transition arrangements from school into college education;
- More integrated development of the Curriculum for Excellence; and
- The ability for staff from both premises to share best practice and work in a closer way than has been possible to date.

(e) **Size of the School and the Impact on Learning and Teaching**

A member of the audience raised concern about the future size of a merged secondary school, should the proposal be implemented. The meeting was advised that plans would be developed before the schools were merged and this included the creation of appropriate management structures in the new school. It was also noted that the school roll at Grange Academy was approaching 1,200 pupils and that the new school would not be significantly larger.

The meeting noted that the detailed plans would also include the arrangements for staff and pupils transferring to the new school. This would minimise any disruption to learning and teaching.

(f) **A New Secondary on Hill Street**

A number of attendees commented on their concerns regarding the siting of a new secondary school on Hill Street. Particular concern was raised about the close proximity of the College campus and the possibility of inappropriate interaction between students and school pupils. Participants also commented on their concerns about the anti social behaviour that they perceived was present in the surrounding neighbourhood. Officers explained that the two establishments would exist side by side but that the new school would have all of the expected security measures to ensure that no unauthorised access was available to members of the public.

Concerns were also raised about traffic congestion and how this would be approached, should Hill Street be the chosen site for the school. Officers advised that a full traffic impact assessment would be required as part of any planning submission and as the Roads Service would be a statutory consultee in this process they would be able to determine what traffic management measure were required before planning was approved.

(g) **Possibility of Integrated Service Delivery in the New Farm Community**

A member of the New Farm Community Council asked what the Council would do to encourage multi agency working. It was explained that a potential option for any new campus development would be the inclusion of community facilities that could host peripatetic Health and Social Work and that discussion would take place with appropriate officers from each agency to determine the facilities that could be incorporated into the new build.

(h) **Site Specific Issues**

A member of staff noted the close relationship between James Hamilton Academy and the community of New Farm and the advantages of being close to a range of amenities such as Dean Castle Country Park and the Burns Monument Centre. Concerns were raised about anti social behaviour and the risks associated if young people were required to travel to Hill Street to attend secondary school. Members of the audience also raised concern about the potential for pupils and students to mingle and officers confirmed that appropriate security measures would be in place to minimise this possibility.

3.6 Public Meeting – 15 May 2013 (New Farm Primary School and ECC)

(a) **Benefits of a 3-18 Campus**

A member of the audience noted the educational benefits of a 3-18 campus, adding that it would be beneficial for pupils if the new secondary school was sited alongside a primary school and Early Childhood Centre. The meeting was advised that the educational benefits were equally as strong for staff as they were for pupils. In particular, the ability to promote cross sectoral working between staff and for primary aged pupils to access science labs and home economics rooms were highlighted as positive consequences of a 3-18 campus.

(b) **Traffic Management Issues**

Concerns were made about traffic management on both Grassyards Road and Hill Street. Officers were able to advise that a Traffic Impact Assessment would be completed, regardless of which site was chosen as the location of the secondary school, and the findings of this work would require careful consideration in the planning and construction of the new school or campus.

(c) **College / School Concerns**

Concerns were raised by some attendees about the close proximity of the college to the school, if it was located on Hill Street. Examples of children crossing busy roads and young adults mixing with school aged pupils were provided. The meeting was advised that appropriate security arrangements would be in place to ensure pupils and college learners were unable to mix during the school day. It was also noted that the College was already in close proximity to Kilmarnock Academy and that there had been no incidences of inappropriate behaviour between pupils and students.

(d) **Decant Arrangements During Construction**

An attendee asked if the schools would require to be decanted during the construction period, if the new build was located at Sutherland Drive. The audience were informed that the site was large enough to safely construct a new building while pupils attended the existing James Hamilton Academy and New Farm Primary School and Early Childhood Centre. The meeting noted that this had happened at both the Grange and St Joseph's campuses and a member of the Community Council commented on the very positive relations between community representatives and the building contractors at St Joseph's campus.

(e) **Financial Issues**

The audience discussed the financial assessments of each option. A member of the audience asked for an explanation of how the Council would pay for its contribution towards the construction costs, and were advised that the Council would borrow funding to meet the balance of cost after the Scottish Government's contribution. This borrowing would be repaid over a number of years.

Those present agreed that Option 4 was the preferred option.

(f) **Class Sizes in a New School**

An attendee asked what impact the new school(s) would have on class sizes. The meeting was informed that there was no direct link between large schools and large class sizes. This was due, in large part, to the additional teaching resources which would be allocated to the school(s).

(g) **Impact on the Community Surrounding Silverwood Primary School**

An attendee noted that there would be no Council presence in the Courts area, should Silverwood Primary school be closed and merged with New Farm Primary School and ECC. Officers commented on the need to create sustainability educational facilities and that the new campus would very much be a community facility.

(h) **Community Facilities within the New School**

The meeting were keen to hear about proposed community facilities in a new 3-18 campus and asked how the community would benefit. Officers responded that they would work closely with community groups and Community Planning Partners to ensure that the building's use was maximised.

3.7 **Public Meeting – 21 May 2013 (Kilmarnock Academy)**(a) **Required Investment in Existing Buildings**

In response to a question from the audience on the level of investment required for the Kilmarnock Academy buildings, officers were able to advise that of the £10 million required investment in all four school buildings, Kilmarnock Academy required to have £4.4 million invested in component renewal. The meeting was advised that this spend would only maintain the building in its current condition and would not improve the building fabric or improve its suitability for learning and teaching in the 21st Century.

Should the merger proposals be accepted, officers stated that the spend on all existing school buildings would be limited to essential repairs or addressing matters of health and safety. It was noted that this rationale had been used at the old buildings of St Joseph's Academy and Grange Academy while their new buildings were constructed.

(b) **Class Sizes in Larger Schools**

An attendee asked if pupil and staff ratios were smaller in smaller schools. Officers commented that there was no direct correlation between the size of the establishment and class sizes and that larger schools had more flexibility in the deployment of resources due to the increased staffing and budgetary allocations resulting from a larger pupil roll.

(c) **Funding for the New School**

Officers were asked to clarify the funding arrangements in place for the construction of the new school building(s). The meeting were advised that the capital investment would be funded through a joint venture between the Scottish Government, via the Scottish Futures Trust, and the Council.

(d) Benefits of the Hill Street Site

A member of staff at Kilmarnock Academy highlighted the close links between the secondary school and Kilmarnock College that would be available if the school was located on Hill Street. Further benefits would include improved employment opportunities for young people attending the school and reduced transportation costs.

(e) Traffic Management

Comment was made on the likely traffic congestion that would arise from increased traffic volumes. Officers advised that traffic management would be considered in detail as a key element of the planning submission and that the Roads Service would comment on the necessary mitigation measures before planning consent would be given for the project. The meeting was advised of the traffic management measures that were required for the St Joseph's and Grange campuses.

(f) Benefits of a 3-18 Campus

When asked about the benefits of a 3-18 campus, the Head Teacher of Grange Academy and the Head of Schools were able to provide their experiences of working in a campus setting. The benefits would include pupils of the primary school being able to access science and home economics practical rooms, sports staff in the secondary working with primary aged pupils to promote active lifestyles and healthy living and the ability for joint school concerts and shows. The meeting was advised that secondary school students would also benefit from a range of work experience possibilities with staff and pupils from the primary school.

Officers commented that there would be a new school with new staffing structures which would result in fewer management posts as, for example, there would only be one Principal Teacher of mathematics in the new school rather than the two that were present in James Hamilton Academy and Kilmarnock Academy. It was noted that during the four year time period for the new school building to be designed and constructed the necessary design and planning work would commence at the earliest opportunity.

(g) History of the Schools and the Iconic Status of Existing Buildings

There was much comment and discussion on the heritage and history of the current Kilmarnock Academy buildings. Attendees also commented that Kilmarnock Academy held the unique position in Scottish education as it was the only secondary school to have had two Nobel Prize winners.

In their response officers confirmed that due consideration would be given to the proud traditions of both secondaries and even though neither school was sited today on its original location they had both maintained their histories and traditions. Matters such as dux boards and the war memorial in Kilmarnock Academy would be given careful thought before decisions on their future location were taken. Officers also recognised the importance of the sandstone building at Kilmarnock Academy for the town's skyline and had been instructed by Councillors to ensure that a suitable future use for the building be identified.

(h) **Impact on Secondary School Catchment Areas**

Officers were asked to comment on any impact on the catchment areas of the affected schools, and confirmed that at this stage there were no plans to alter the catchment areas of either secondary school. The catchment area of the new secondary school would simply be the combination of the two existing catchment areas.

(i) **Community Anxieties with the Hill Street Site**

Audience members raised concerns about perceived anti social behaviour in the immediate vicinity of Hill Street and the close proximity of the College to the secondary school if it were to be located on Hill Street. Officers confirmed that appropriate security measures would be in place to protect young people and staff in the new secondary school.

3.8 **Public Meeting – 23 May 2013 (Silverwood Primary School)**(a) **Pupil Transport Costs**

The meeting sought clarification on the recorded transport costs of both locations. Officers provided the rationale that had been used to calculate the numbers of children from each of the associated primary schools who would be entitled to free or subsidised travel to both locations. It was noted that the cost estimates were based on current knowledge and may be subject to amendment when the new school became operational in 2017.

(b) **The Size of the New Primary School**

A member of the audience commented on the size of a merged primary school and the likely class sizes, commenting on their preference to retain Silverwood Primary School. Officers were able to advise that class sizes did not relate to the overall size of the establishment. The Head Teacher of Annanhill Primary School commented that in her experience a school with a pupil roll of 450 was not excessive and that she had class sizes ranging from 20 in P1 to 25 in P2 and P3 and 30 in P4 to P7.

(c) **Roll Projections**

Concern was raised about the projected pupil rolls for Silverwood Primary School. Officers provided detail on how the roll projections were calculated and how they were tracked and amended on an annual basis using data from NHS Ayrshire and Arran on the number of children of pre school age in the school catchment area, the number of houses expected to be built in a catchment area on an annual basis and the population movement into and out of the area. It was noted that predicting a future school roll could never be an exact science but using the available information, this was a best estimate using nationally accepted procedures.

(d) **Lifespan of Silverwood Primary School**

Officers were asked to comment on the condition and likely lifespan of the current Silverwood Primary School buildings. It was confirmed that the school was beyond its economic lifespan and that the fabric of the building was not in good condition.

The meeting was advised that if Option 4 was not approved by Councillors following the completion of the public consultation, then a new consultation on the future of the two primary schools would require to be undertaken as a matter of priority.

(e) **Location of the New Primary School**

An attendee asked where the new primary school would be located if it was not in a 3-18 campus, would it be housed in a separate building from the secondary school on the same campus and why Kilmarnock Academy was being merged with James Hamilton Academy. The response indicated that the running costs of the two secondary school and the two primary schools were significant and that pupil rolls had fallen in all four establishments.

If the primary was not housed in a 3-18 campus there would need to be a further public consultation to determine its future location.

(f) **The Impact of Parental Concerns and Comments**

A member of the audience asked how much weight would be given to parental concerns and comments, noting that the consultation period ended on 28 June. The meeting was advised of the consultation process and that the views of parents and Parent Councils were taken very seriously.

(g) **Traffic Management Arrangements**

Anxiety was expressed about the likely increase in the volume of traffic. Officers stated that a Traffic Impact Assessment would be completed as part of the planning submission for either site. It was noted that in the informal discussions that had taken place with the Roads Service to date and there had been no major concerns raised.

(h) **Community Use in the New School**

An attendee asked if the school(s) would be required to meet income targets from community use of the building. Officers were able to reassure the meeting that this would not be the case and that there was no expectation of other schools such as St Joseph's Academy or Grange Academy having to raise income through community use.

(i) **Timetable for Moving into the New School Building**

A member of the audience asked about the impact of transition to the new building for those students undertaking national qualifications. The meeting was advised that the scheduled opening of the new school would be August 2017, but that there would be considerable planning and management arrangements in place well before this date. Contingency plans will be prepared should the opening of the new school be delayed beyond August 2017.

(j) **Concerns About the Hill Street Site and Its Proximity to the Town Centre**

Attendees raised concerns about locating the school on Hill Street due to perceived anti social behaviour in the surrounding community. Another issue of concern was the Hill Street site's close proximity to the town centre and the train station and that this may lead to an increase in truancy. Officers were able to comment on the short distance from Kilmarnock Academy and

Loanhead Primary School to the town centre and that there were no known issues of increased truancy levels in either establishment.

(k) **Benefits of Option 4 (3-18 Campus on Sutherland Drive)**

A member of the audience stated that they had attended all of the public meetings and stated the benefits of Option 4, which were the revenue savings which would be generated, the additional space available on the Sutherland Drive site and that construction costs of a 3-18 campus were cheaper than a separate secondary school and primary school.

(l) **Impact of the Proposals on Employment**

An attendee asked about the impact on employment opportunities if the proposal were implemented. Officers confirmed that everything possible would be done to keep staff in the employment of the Council and that there were well established redeployment policies in place. It was noted that the position of Woodlands Nursery was different as it was a partner provider and as such, the staff were not employed by the Council. However, the Head of Service: Community Support would lead any future discussion with Woodlands Nursery

3.9 **Public Meeting – 4 June 2013 (Onthank Primary School and Onthank ECC)**

(a) **The Benefits of Option 4 (3-18 Campus at Sutherland Drive)**

An attendee sought clarification on the value of a 3-18 campus and whether parental choice was limited if all schools provided education to 3-18 year olds. Officers commented that concerns regarding the age mix were unfounded and that the campus contained two separate establishments, each with their own management and staffing structures. The benefits arose from the close physical location to specialist ICT, science and home economics facilities that were available for use by the primary school. The meeting was advised that although Option 4 was the preferred option of officers, it would be the Councillors who made the final decision about the location of the new secondary school and whether it would be as part of 3-18 campus.

The meeting heard that should a parent not want to send their child to their catchment area primary as it was in a 3-18 campus they would need to submit a placing request to another school. If the placing request was accepted, the parent(s) would be responsible for transporting their child to school.

(b) **School Transport**

Members of the audience sought clarification of the transport arrangements should Option 3 be chosen and why the transport costs associated with the new school being located on Hill Street site were £100,000 cheaper than the alternative location. Officers explained that the distance criterion for school transport had been increased for primary pupils to 1.5 miles from 1 mile and to 3 miles from 2 miles for secondary aged pupils. As the Hill Street site was a more central location, fewer pupils would be eligible for free transport on distance grounds. It was also noted that parents would be contributing to the cost of transporting their child to school under the new arrangements for subsidised school transport.

(c) **Traffic Management**

An attendee asked if a traffic management plan had been prepared for the Hill Street site, as it was land locked and there would be congestion at the start and end of the school day. The meeting was advised that Kilmarnock College had completed a Traffic Impact Assessment (TIA) and a further TIA would be completed if the school is located on Hill Street to determine what mitigating measures would be required. Officers also commented on their experience of providing traffic management measures at the Grange and St Joseph's campus developments to meet planning approval conditions.

(d) **The Benefits of a 3-18 Campus**

The audience asked for specific examples of the benefits that would be provided by a 3-18 campus. Officers responded that there would be increased opportunities for joint working such as a secondary language teacher working with primary aged pupils and the Science, Technology, Engineering and Mathematics (STEM) programme. In addition, primary pupils and staff would be able to access specialist facilities in the secondary school such as science laboratories.

It was noted that St Andrew's Primary School and St Joseph's Academy were two separate schools but had developed a strong sense of community and partnership working to realise educational gains for both primary and secondary school pupils.

Due to the effective transition arrangements that exist between secondary schools and all of their associated primary schools, officers did not believe that children in the primary schools that were not located in campus arrangements were disadvantaged in any way educationally.

(e) **Procurement of the New Build**

An attendee asked for detail about how the capital cost of the new school would be funded and could it be integrated with the new College campus development. Officers stated that the Council had been successful in gaining financial support for the new school through the Scotland's Schools for the Future – Phase 3 Programme. Once designed the school would be constructed by the South West Hub Co., which was a partnership created between eight local authorities and other public sector organisations such as the NHS and private finance and construction companies.

The meeting was advised that the College had been preparing plans for a number of years and was much further into the procurement of their project as they had their own timetable and development priorities.

(f) **The Pupil Roll of the New School**

When asked about the projected pupil roll for the new secondary and the combined roll of the 3-18 campus, officers responded that the estimated roll of the secondary would be between 1,300 and 1,400 pupils and the combined roll of primary and secondary in a 3-18 campus would be between 1,700 and 1,800. In addition it was likely that there would be a further 100 children

attending the Early Childhood Centre, split between morning and afternoon sessions.

(g) **Parental Concern about Hill Street**

A number of concerns were raised about secondary aged pupils attending a school located on Hill Street. The principal comments related to school aged pupils being in close proximity to young adults attending the College and the school's close proximity to the town centre and the perceived safety issues that may be present in the area. The meeting was told that the necessary security measures to keep pupils safe would be implemented in the design and construction. Pupils are also encouraged to stay on the school campus throughout the school day, attending lunchtime clubs and activities.

The Kilmarnock College representative also commented that there were clear behaviour standards expected of their students.

(h) **Site Locations Considered During the Evaluation Process**

Members of the audience sought clarification on why sites at Onthank and Scott Ellis playingfields had not been put forward as possible locations for the new secondary school. Officers confirmed that a number of sites had been reviewed as potential school locations during the evaluation process. This work included the identification of land at Onthank and also at Scott Ellis playingfields, however these had been assessed as being unsuitable due to ownership and the cost of procuring the land, flood issues and that the playingfields were in the Common Good land account.

3.10 **Public Meeting – 5 June 2013 (Hillhead Primary School)**

(a) **Does the Size of the Secondary School Affect Where it Will be Located?**

An attendee asked if the size of the respective secondary schools would influence the future location of the merged secondary school. Officers commented that their primary concern was to improve the educational environment for as many young people as possible who would be educated in a new generation of buildings designed for the delivery of education in the 21st Century.

It was also noted that the Council was looking improve the average occupancy rate in the school estate to 85% and this new school would contribute to the achievement of that objective.

(b) **Travelling Distances**

A member of the audience noted that the pupil roll at Hillhead Primary School had increased and that the majority of the pupils attending the new secondary would come from the west side of Kilmarnock. Concern was raised about the distance that pupils would have to walk to attend the school if it was located on Sutherland Drive, the cost to families if they had to use the subsidised transport arrangements, the perceived safety of walking and the lack of direct bus routes linking the north west of Kilmarnock with the James Hamilton Academy campus.

Officers confirmed that the issue of transport had been made at other public meetings and would be considered during the preparation of the Consultation Report and the final recommendation to Elected Members. The meeting also heard that safe walking routes would be assessed as part of any future transport decisions, that officers had well-established links with service bus providers and would work with them to consider issues such as a direct service link to Sutherland Drive, should the new school be located on that site.

(c) **Community Access to the New School**

The meeting heard comment about the difficulties for community users from the North West accessing a new school on Sutherland Drive and that locating the school on Hill Street would be a benefit to the local community. Officers advised that separate plans for community sports facilities on Hill Street were being prepared by a third party and that the College would operate evening classes from their building.

(d) **The Existing Kilmarnock Academy Building**

When asked about the future of the existing Kilmarnock Academy building, officers commented that the facade was listed and would require to be maintained in the future. Although no decision had been made on its future use at this stage, it was noted that Elected Members had expressed a clear desire for this building's future use to be considered should the proposed secondary school merger be implemented.

(e) **Links to Kilmarnock College**

The meeting heard that the Parent Council of Hillhead Primary School wanted all young people in Kilmarnock to have access to the new College campus and the co-location of the school would provide an excellent opportunity for this to happen. Officers commented on the existing good links between schools and the College and that it was important that all young people had an equal opportunity to access College provision, if they so wished.

(f) **Staffing Implications**

Members of the audience asked about the likely impact on employment at the two secondary schools if they were merged. Officers responded that as staffing was based on the pupil roll with a fixed element also built into the allocations for each school it was likely that there would be a reduction in posts. The meeting heard that the Council had a "no redundancy" policy for teachers and that it had well established redeployment policies for all staff. To date there had been no compulsory redundancies arising from school mergers or closures.

(g) **Traffic Management**

When asked about traffic management, officers commented that a full Traffic Impact Assessment would be conducted as part of the planning submission and that this could only happen once a final choice of site had been taken by Elected Members.

(h) **Benefits of the Hill Street Site**

An attendee commented that the choice of Hill Street would be seen as a fresh start for both schools, rather than the takeover of one by the other. The

response highlighted the intention to build the identity of the new school and that neither of the existing secondary schools would exist once the merger had taken place.

(i) **If Option 4 Was Not Chosen Which Primary Schools Would Benefit from Any Remaining Money**

When asked which schools would benefit should Option 4 not be implemented, the meeting was advised that a further consultation on creating a new premise for a merged New Farm Primary School and ECC and Silverwood Primary School. The cost of this new build would utilise any remaining capital funds.

(j) **Benefits of a 3-18 Campus**

A member of the audience asked what benefits would be obtained from schooling children in a 3-18 campus. The response commented on the enhanced pupil experience arising from the sharing of resources and facilities such as specialist rooms. Further, there will be improved opportunities for cross sectoral working between staff of the primary and secondary schools.

3.11 **Public Meeting – 11 June 2013 (Loanhead Primary School)**

(a) **Rezoning of Catchment Areas**

An attendee asked if rezoning of existing catchment areas had been considered as an option for inclusion in the Proposal Document. Officers responded that the principal matter to be addressed was the fabric and suitability of existing school buildings. At this stage, the rezoning of catchment areas had not been considered.

(b) **Calculation of Pupil Roll Projections**

When asked how roll projection were calculated officers advise that data was obtained on an annual basis from NHS Ayrshire and Arran on the number of children in each year group residing in a schools catchment area. The model also allowed for the movement of pupils into and out of the area, the number of placing requests into and out of the school using historical trend analysis and the development of new housing.

(c) **Benefits of a New Build**

Officers were asked to explain the benefits of a new school building. The meeting heard that children and staff had the benefit of state of the art facilities which would enhance the learning and teaching process. It was also noted that there was sense of pride in the new buildings and that pupils and staff morale had improved greatly in the facilities provided in new schools.

(d) **The Heritage of the Existing Kilmarnock Academy**

A member of the audience commented on the heritage of the existing Kilmarnock Academy buildings and the history and legacy it had left for the town. The future use of the 1890s building was also raised by the audience.

Officers noted the point made regarding the history of the Kilmarnock Academy building and advised that Elected Members were explicit in their desire for officers to develop plans for the future use of this iconic building.

(e) **Town Centre Impact**

The audience commented on the opportunity for town centre regeneration if the new secondary school was located on Hill Street. Another benefit would be the positive impact on the local area if the school was built on Hill Street and its visibility from the train station and town centre.

(f) **Refurbishment of Existing Kilmarnock Academy**

An attendee noted the advantages of being taught in the existing Kilmarnock Academy buildings, noting the history of the building and that it provided a very creative environment for providing inspiration. It was stated that the refurbishment of the existing school and development of adjacent sites should be put forward as a fifth option.

Officers responded that it would cost £4.0 million to address component renewal within the buildings, and that this would not improve the school's suitability for 21st Century learning and teaching. It was stated that the full refurbishment of the existing Kilmarnock Academy buildings were not cost effective and that there was insufficient space on the campus to locate a merged secondary school on the site.

(g) **The Impact on Loanhead Primary School of a 3-18 Campus**

Concerns were raised from the floor on the impact of future pupil rolls and educational provision at Loanhead Primary School, should New Farm Primary School and ECC and Silverwood Primary School be merged and located within a 3-18 campus.

Officers commented that the opportunities available to primary aged children in a 3-18 campus would also be offered to children attending other associated primary schools. The meeting heard that there were very effective transition arrangements between secondary schools and all of their associated primary schools to ensure that all pupils had experience of visiting their secondary school and familiarising themselves with its facilities prior attending.

(h) **Proposed Merger Activities**

Officers were asked to comment on how the cultures, timetables and staffing structures of the two secondary school would be brought together. The meeting was advised that, if the merger proposal were accepted and implemented, there would be a great deal of planning between the education authority, school staff, Parent Councils and young people would take place to ensure that these issues were addressed long before the schools were physically merged in one location.

(i) **Impact on Employment**

Discussion also took place on the impact of the merger for staff. Officers confirmed that a new management structure would require to be created and that there had been no compulsory redundancies arising from previous school mergers or closures. It was noted that the Council had well established policies for staff redeployment and that these would be followed in this case.

3.12 Public Meeting – 13 June 2013 (Kirkstyle Primary School)

(a) **Merger of the Secondary Schools and National Qualification Course Choices**

An attendee commented that when the schools were physically merged pupils would have previously started work on national qualifications and expressed concern that the new school would not support previous course choices.

Officers advised that, if the proposed merger was approved, the education authority would work with the senior management team of the new school to align the two curricula as soon as possible. This will ensure that course choices made in S3 or S4 in the existing schools can be continued in S4 or S5 of the new school.

(b) **Inter School Rivalry**

Officers heard concerns from the audience about perceived rivalry between the two secondary schools and the possibility of bullying. Officers commented that this was a common concern amongst parents and that the planning work before the physical merger of the two schools would seek to create a new ethos and sense of belonging for all of the pupils who would attend the new secondary school. As the young people would be an integral part of creating the new ethos and values of the new school it was hoped that this would reduce any existing inter school tensions.

(c) **Officer Support for a 3-18 Campus**

A member of the audience asked if officers had a view in supporting the creation of a 3-18 campus. The meeting was advised that it was the duty of officers to prepare documentation for consultation and the educational benefits of each of the four options was listed in the full Proposal Document. Ultimately, it would be the Cabinet of East Ayrshire Council who would take the final decision based on the consultation responses.

(d) **Pupil Transport**

The issue of pupil transport to and from school was raised as a parental concern. Officers were able to advise the meeting of the new transport policy.

(e) **Impact on Employment**

Officers were asked to confirm the impact on jobs if the schools were merged. Officers confirmed that there well established formulae which allocated staff and resources to schools. It was noted that there had been no compulsory redundancies arising from previous school mergers or closures. It was also noted that the Council had well established policies for staff redeployment and that these would be followed in this case.

(f) **New School Uniform**

A member of the audience asked how the new school uniform would be chosen. Officers commented that this would provide an excellent opportunity for the new Head Teacher and Parent Council to work with staff and pupils to establish the new school's identity.

(g) **Would Primary Aged Pupils Who Did Not Attend the 3-18 Campus Be Disadvantaged**

An attendee asked if those primary aged pupils from associated primaries not in the 3-18 campus would be disadvantaged when they reached the new secondary school. The meeting heard that there were very effective transition arrangements between secondary schools and all of their associated primary schools. Plans had also been made to extend these arrangements with the re-launch of the modern languages and the development of the Science, Technology, Engineering and Mathematics (STEM) programmes. This would ensure that all primary aged pupils going moving into secondary school would be familiar with the layout of the building and the secondary school's working practices.

(h) **Class Sizes in the New School**

Officers were asked to detail the likely class sizes in the new secondary school. The response stated that staffing resources were closely linked to the pupil roll of the school and that a school with a larger staff attracted a greater allocation of teaching and support staff. This would provide greater flexibility for the Head Teacher to deploy staffing and may result in lower class sizes. There were national guidelines on maximum class sizes and these were followed in all schools, regardless of size.

(i) **Choice of Location for the New School**

A member of the audience asked why land at Scott Ellis playingfields had not been considered for the location of the new school. Officers advised that this land was held by the Council as part of the Common Good Fund and that the current body of law in Scotland on Common Good would have precluded the alienation of a large part of this site for the purpose of building and operating a school.

4. WRITTEN RESPONSES TO THE CONSULTATION EXERCISE INCLUDING THE REPORT BY EDUCATION SCOTLAND AND THE COUNCIL'S RESPONSE TO THAT REPORT

4.1 Parent Councils

4.1.1 James Hamilton Academy Parent Council / Onthank Primary School Parent Council – Joint Submission

(a) The Parent Councils of James Hamilton Academy and Onthank Primary School expressed support for the creation of a 3-18 campus on the Sutherland Drive site, having considered both education and other non-financial aspects and the financial aspects of this option. The Parent Council response is based on four key areas which are discussed below.

(b) The first key area is the Education Strategy of the Scottish Government, which has seen the recent implementation of Curriculum for Excellence and which "is structured around 3-18 education". The Parent Councils argue that this implies that close ties in education from 3-18 are essential to achieve the maximum benefit of the strategy and that a 3-18 campus is the ideal solution.

The response also argues that there is no documentary evidence which support the concept that a 12-adulthood campus is a more beneficial educational strategy.

- (c) The second area reviewed by the Parent Councils is the Education Strategy of East Ayrshire Council. The response notes that the Cabinet of East Ayrshire Council, at its meeting of 4 July 2012, submitted a proposal for funding support for the creation of a new 3-18 campus to the Scottish Government and that Option 4 would support this vision. The response also comments on the educational benefits of campus working that were outlined at the various public meetings by the Head Teachers of Annanhill Primary School and Grange Academy. Further, the response states that should the Council not adopt Option 4 it could be perceived that the strategy chosen to create a primary/secondary campus at Grange and a 3-18 campus at St Joseph's was incorrect and would have "severely disadvantaged generations of pupils who will attend these schools". The response also notes the comments contained within paragraph 5.10 of the Proposal Document which states that if a 3-18 campus were not chosen then the Council would require to conduct a new and separate public consultation on the future of New Farm Primary School and ECC and Silverwood Primary School and that the options considered would not be able to provide the educational benefits and cost effectiveness of Option 4.
- (c) In considering the cost implications of each option, the Parent Councils highlight that a 3-18 campus would cost £7.6 million less than Options 2 and 3. It is also noted that in the scoring assessment Option 4 would deliver the most positive educational outcomes.
- (d) In considering a site for the new school, the Parent Councils state that the Sutherland Drive site has 29% more available space than the Hill Street site, and that the Hill Street site is split over two areas which are separated by a road. The Parent Council comment that the Sutherland Drive site is large enough to maximise the amount of build that could be accommodated on one level, providing improved access to those with physical impairments.
- (e) In the additional information section, the Parent Councils comment that town centre regeneration should only be a factor if all other factors could not separate the choice of site in terms of score. The Parent Councils believe there is no relevance in considering town centre regeneration as a factor since Option 4 is "by far the best choice from an education point of view and also from a financial point of view". Further improved community facilities will be offered to the local communities with the creation of a 3-18 campus and this will support the Council's Promoting Lifelong Learning strategy.

4.1.2 **Kilmarnock Academy Parent Council**

- (a) The Parent Council submitted two separate responses. The first of these, written on behalf of the parent forum, enclosed the results of a survey of 45 parents. The response was that although Option 1 (the status quo) was the preferred option there was also a pragmatic view that as Option 1 "is not an

available option; the site at Hill Street (Option 3) becomes our preferred option by default”.

- (b) The Parent Council provide a number of reasons why the merger of Kilmarnock Academy and James Hamilton Academy should take place on Hill Street. These are:
- “The site is a neutral site;
 - It is close to transport links;
 - It will remain a much needed ‘town centre’ school;
 - It is vital for the regeneration of Kilmarnock;
 - It is in close proximity to the college; and
 - It will have access to excellent sporting facilities.”
- (c) The Parent Council ask for formal assurance that the heritage of Kilmarnock Academy is handled with great care and respect during the planning of a merger. The response also expresses belief that locating the merged school at Sutherland Drive would result in a sense of ownership for the pupils already based in James Hamilton Academy and this would provide an unfair advantage over pupil in schools based elsewhere. In addition, there are already community facilities in that area of the town and a 3-18 campus at St Joseph’s. The Parent Council believe that the new school would be best served in a neutral location and that they wish the merger and transition arrangements to be as positive as possible.
- (d) The Parent Council conclude that the status quo is their preferred option “but not an available one” so they favour Option 3 and the merged secondary school being located at Hill Street.
- (e) The second response commented on the lack of information provided to the Parent Council, but confirmed that the Parent Council supported the Hill Street location for the new secondary school as it was a neutral site, with sports and educational facilities which could be shared with the College. The Parent Council also asked for the future plans of the present Kilmarnock Academy site. It should be noted that Council officers made several attempts to contact the Chairperson of Kilmarnock Academy’s Parent Council, leaving messages with family members and on voicemail. Elected Members also tried on several occasions to contact the Chairperson but were unsuccessful in their attempts.

4.1.3 **New Farm Primary School and ECC Parent Council**

- (a) The Parent Council of New Farm Primary School and ECC agreed with the creation of a new build 3-18 campus on Sutherland Drive. Having surveyed the parent forum, the Parent Council shared the response received, advising that more than 50% of the parent forum responded and of those 91% supported the 3-18 campus proposal at Sutherland Drive.
- (b) The Parent Council note that the responses are based on the fact that the 3-18 campus best meets the current and future needs of the children. The correspondence from the Parent Council also noted concerns regarding the traffic management issues on Hill Street, the ease of pupil access to the town

centre and train station, the mixing of students from Kilmarnock College and secondary school aged pupils, social issues in and around the possible walking route to school, implications for those who have children attending more than one site. Finally, the Parent Council noted the cost implications of constructing a new secondary school and a separate primary school.

4.1.4 **Silverwood Primary School Parent Council**

- (a) The Parent Council of Silverwood Primary School, having surveyed their parent forum, supported Option 4.
- (b) The response included comment that Option 4 would achieve the Council's objectives at the lowest cost and best meet the delivery of Curriculum for Excellence by providing a seamless transition from nursery to primary and into secondary. It would ensure that the new build is in line with other secondary school new builds with an educational campus and provides a benefit to the existing New Farm Loch community.
- (c) Concerns were raised by parents regarding the ease of access from the Hill Street site to the bus and train stations. Comments to the Parent Council expressed unease that young people would go into the town centre and that this would discourage the general public from using the facilities available. Traffic management was also raised as a concern for other town centre users.
- (d) Other comments submitted commented on the size of the merged secondary school with approximately 1,400 in attendance, with implications for the safety and wellbeing of the secondary, primary and pre-school children. It was noted that the loss of Silverwood Primary School would be a big loss for the local community and that vulnerable families would have further to go to access education provision for their children.

4.1.5 **Parent Councils of Associated Primary Schools of James Hamilton Academy and Kilmarnock Academy**

- (a) **Onthank Primary School and ECC**
The Parent Council of Onthank Primary School and ECC submitted a response which stated their support for Option 4 for the reasons stated within the Proposal Document.

- (b) **Hillhead Primary School Parent Council**

Supported by a petition signed by 248 parents, the Parent Council's submission commented that a new school on a new site would allow for better cohesion and inclusion. The submission also comments on the distance that pupils would have to walk to the new school if it was situated on Sutherland Drive (approximately 2.2 miles) from Kilmaurs Road. The response comments on the safety issues of walking to Sutherland Drive and the cost of using public transport, noting that there was no direct link between the Hillhead / Altonhill area and New Farm Loch.

Commenting on the school rolls, the Parent Council state the increase in the pupil roll at Hillhead Primary School which is increasing annually by between 17% and 20%. The Parent Council state that siting the new secondary school on Hill Street would provide closer access for the expanding communities in the north west of Kilmarnock.

The response also comments on the improved outcomes which would be delivered by locating the school next to the College campus. These include seamless transition from school to College and cross sectoral staff working. It is stated that the Hill Street location offers easy access by public transport and that the Sutherland Drive site is bordered by housing estate with complaints of indiscriminate parking, and a new school there would cause further difficulties at the start and end of the school day on Grassyards Road.

The Hillhead Primary School Parent Council also note the impact that removing a secondary school from the town centre would have on businesses, commenting on the work undertaken by the Head Teacher of Kilmarnock Academy to improve relations between the school, its pupils and business owners. The response also states that the communities of Altonhill, Onthank, Southcraigs and Northcraigs do not presently have access to community facilities and by locating the school on Sutherland Drive would not address this shortcoming.

Finally, the response comments on the potential future increase in placing requests to Grange Academy from parents of Hillhead Primary School pupils. The prime reason for this would be the safety and transport implications of getting their children to Sutherland Drive.

(c) **Parents and Community Support Group of Cairns Early Childhood Centre**

The Parent and Community Support Group submitted a petition that had been signed by all parents whose children attend the Cairns ECC (56 individuals in total). The Group 's response supported the creation of a new secondary school to be located on the Hill Street site.

(d) **Chair of the East Ayrshire Parents Steering Group**

The Chair of the East Ayrshire Parents Steering Group spent a considerable time attending the vast majority of the public meetings and meeting with the Parent Councils of James Hamilton Academy and Kilmarnock Academy. Having listened to the views raised in these fora, the Chair expresses support for Option 4 as the bid to the Scottish Government for funding support was to create a new 3-18 campus and this would facilitate the implementation of Curriculum for Excellence.

Commenting on town centre regeneration, the response applauds the work being done by the Council to improve facilities but notes that "this consultation is about what is best for our children and future children in Kilmarnock and not Town Centre Regeneration".

The response noted the positive comments made by the Head Teachers of Annanhill Primary School and Grange Academy on the integrated campus.

Commenting on the concerns of parents about a large primary school, the response also notes the positive experience of pupils attending Onthank Primary School and ECC which provides a far richer learning arising from the diverse pupil population.

The response also notes that Option 4 delivers best value for money for both capital investment and also revenue savings. The response concludes with the comment that “if any other option is selected it will not be for educational but for political reasons and we must not play politics with the education of our children”.

4.2 Parents

4.2.1 Parents of Pupils attending James Hamilton Academy

- (a) Twenty four parents of pupils attending James Hamilton Academy submitted a written response to the consultation. Of these 21 individuals, or 87.5% were in favour of the merger and three were opposed to the proposal. Those in favour of the merger also preferred the new school to be located at the Sutherland Drive site for a new build and 16 (70%) were in favour of a 3-18 campus.
- (b) Those in favour of a merger between the two secondary schools commented that a new build campus would deliver better educational facilities for children of all ages and would better meet the aspirations of Curriculum for Excellence. Several responses noted that Option 4 achieved the highest score in the options appraisal exercise and was also £7.6 million cheaper than Options 2 and 3. Respondents also commented that the Sutherland Drive site was larger than Hill Street and could therefore facilitate greater access for those with mobility issues as more of the building could be constructed on a single level. Comments also noted that the Council’s bid to the Scottish Government for funding was based on a new 3-18 campus arising from a merged primary school and a merged secondary school, and that better facilities for the community would be realised with Option 4.
- (c) Those in favour of Option 4 also expressed concern should the merged secondary school be located on Hill Street as there were perceived examples of anti social behaviour in the area, that traffic management issues would be considerable in and around Hill Street and that it was too close to the town centre. There were also concerns about pupils and young adults from the College mixing inappropriately. Two respondents also stated their belief that other options and proposals could be generated for the Hill Street site which would be more beneficial for town centre regeneration than a school.
- (d) The three respondents who were opposed to the merger commented that there was an existing rivalry between pupils of the two secondary schools and that either site did not suit both schools.

4.2.2 Parents of Pupils attending Kilmarnock Academy

- (a) A total of nine parents of young people attending Kilmarnock Academy responded to the consultation proposals. Six respondents (67%) were in

favour of the proposed merger and three were opposed to the proposed merger. Two responses (22%) were in favour of a 3-18 campus at the Sutherland Drive site, two favoured the Hill Street, with 3 (33%) expressing no site preference. Two respondents supported the retention of the status quo.

- (b) Those respondents in favour of the merger and the 3-18 campus at Sutherland Drive commented that this option would deliver educational benefits in a more secure environment. In addition, responses expressed concern about traffic management around the new school should it be sited on Hill Street. It was stated that a 3-18 campus would be ideal for pupils as there would be consistency in the approach to learning and teaching across the campus. Option 4 would also be £7 million cheaper than either Options 2 or 3.
- (c) Those in favour of a merged secondary school being sited on Hill Street commented on the fact that being a neutral site and close to the town centre were important factors to be considered. Comment was also submitted that transporting significant numbers of young people to the outskirts of Kilmarnock would be disastrous for the economic regeneration of the town centre facilities. One response identified that the close location of the Hill Street site to the town centre would instil a sense of ownership of the town into the young people attending the school. It was also noted that a 3-18 campus would not benefit any children within the associated primaries of Kilmarnock Academy. Comment also asked for the existing Kilmarnock Academy building to be well maintained should the proposed merger proceed.
- (d) The responses that disagreed with the proposed merger of the secondary school highlighted that the merged school would be too big to function adequately. There would be a diminution of the pupil teacher relationship and it is argued that this is the most important aspect in the learning and teaching process and state of the art facilities were not the main driving force behind effective learning. One respondent commented on the historic aspect of the existing Kilmarnock Academy building, stating that the school should be kept on its current site with no expense spared in improving the facilities in the school.

4.2.3 Parents of Pupils attending New Farm Primary School and ECC

- (a) Thirteen parents of children attending New Farm Primary School and ECC submitted written responses. All responses expressed support for the Sutherland Drive site.
- (b) The responses indicated the belief that a 3-18 campus would provide a better educational environment for all young people attending and improve the transition from ECC into primary and from primary into secondary. Respondents felt that the 3-18 campus would support the delivery of the Curriculum for Excellence and that it required less capital investment than Options 2 or 3.
- (c) The submissions also expressed concerns about the Hill Street location. Specific comments were made about the opportunity for inappropriate liaison

between college students and school pupils and the ease of access to the town centre and transport links. A number of submissions also commented on the anti social behaviour which was perceived to take place in the area around Hill Street and the detrimental impact it would have on impressionable young people.

- (d) One response expressed concern about reports in the local press which indicated that the Hill Street site had already been chosen as the preferred site for economic rather than educational reasons.

4.2.4 **Parents of Pupils attending Silverwood Primary School**

- (a) Twenty five parents of children attending Silverwood Primary School submitted written responses to the consultation proposals. Twenty two individuals (88%) were in favour of the merger of the secondary school and the same number were also in support of the 3-18 campus on the Sutherland Drive site. Two individuals opposed the merger of the secondary and primary schools, while one response offered no opinion.
- (b) Those in favour of the merger and the 3-18 campus provided a number of reasons for their decision. These included the improved transition arrangements that would be present in the 3-18 campus, the excellent facilities that would be created and which with community facilities would promote lifelong learning opportunities. Submissions also commented on the suitability of the Sutherland Drive site to accommodate a 3-18 campus and that it would provide a safe and supportive environment. A number of respondents stated that Option 4 would provide greater revenue savings, would be cheaper to construct and would also reduce the Council's property estate and carbon footprint more than any of the other Options. In addition, it was noted that Option 4 would not require any further public consultation on the future of the two primary schools.
- (c) The submissions also commented that Option 4 would deliver the outcomes of the bid to the Scottish Government for funding support. In educational terms, respondents believe that Option 4 would better assist the Council in delivering the Curriculum for Excellence and would also lead to a wider dissemination of best practice amongst staff.
- (d) Alongside these comments for the Sutherland Drive site, responses also raised concerns about the Hill Street site. These included the distance that pupils from the New Farm Loch area would have to travel to attend school and that the site was too close to the town centre. There were also comments on the traffic management issues that would be present at the Witch Road/Hill Street junction and anxieties were also raised on the perceived anti social behaviour that is present in the local vicinity. It was also highlighted that there were greater construction risks at the Hill Street site.
- (e) Two parents stated that they did not want the schools to merge as this would remove schools from their local communities. This would result in a loss of the schools' identities and the responses commented that the existing school should be refurbished.

4.2.5 Parents of Pupils attending associated Primary Schools of James Hamilton Academy and Kilmarnock Academy

- (a) Twenty four parents, whose children attend an associated primary school of the two secondary schools submitted written responses. Of this group, 11 (46%) were in favour of the 3-18 campus on Sutherland Drive, and four (17%) were in favour of a new merged secondary school being located on the Hill Street site. Six responses (17%) supported a merged school on Sutherland Drive or expressed no preference for a site while three (13%) were opposed to the concept of merger for the secondary schools.
- (b) Those in favour of the Sutherland Drive site commented on the perceived safety issues of pupils mixing with College students, the ease of access to the town centre, inadequate transport links and the anti social behaviour in the vicinity of Hill Street. Submissions also expressed the view that the Sutherland Drive site would be safer for pupils as it was outwith the immediate town centre area.
- (c) Three responses indicated that a secondary school only should be sited at Sutherland Drive, advising that those young people entering the secondary school from outside the 3-18 would be disadvantaged. It was also stated that the size of a 3-18 campus would be too large and that there was no empirical evidence to show improved academic attainment levels for those currently attending a 3-18 campus. Further comment expressed concern that the size of the new campus would not be suited to those pupils with Additional Support Needs.
- (d) The responses that expressed support for a merged secondary school to be located on Hill Street commented that as a neutral site there would be no bias towards either existing secondary and that it was local for both sets of pupils as it was equi-distant in the proposed new catchment area for the pupil populations. Further advantages of the Hill Street site included the fact the new school would be adjacent to the College campus and close to transport links.
- (e) Three responses from this stakeholder group expressed support for a secondary school to be maintained on the Kilmarnock Academy site. One respondent outlined their disappointment in the performance of East Ayrshire secondary schools and that to get a fuller solution the Council should have reviewed all pupil rolls and catchment areas of the secondary schools in Kilmarnock, Stewarton and Loudoun. The response highlighted a number of concerns which are noted below:
- The redevelopment costs associated with an alternative use should have been factored into the financial appraisals if the building was retained for Council use. Further consideration, including costs, should be made available on the 1890s Kilmarnock Academy building before a decision is taken on its future use;
 - A review of all the catchment areas of all secondary schools in Kilmarnock and those of Stewarton and Loudoun Academy should be

completed. It was claimed that significant housing development has taken place since the catchment areas were last reviewed;

- The roll at Kilmarnock Academy has fallen due to the uncertainty over its future. It was argued that the relocation of the school to “less desirable locations” will put pressure on Grange Academy and that the Council may be forced to “remove the placement request scheme”;
- The Grange and St Joseph’s campuses were like for like and the Proposal Document took no consideration of the impact on associated primary schools that were not within the 3-18 campus;
- The inclusion of an Early Childhood Centre and Primary School will detract from the need to provide the best solution for secondary education. Exam results show that the focus should be on secondary schools;
- The creation of a 3-18 campus will disadvantage those pupils who transfer to the secondary school from alternative associated primaries and this will jeopardise their long term future;
- That three of the four schools directly affected by the proposals are located in the New Farm Loch area creates a bias for that area; and
- There is a benefit that Kilmarnock Academy is close to the town centre with its close links to public transport.

The response comments that the proposals will deliver a new building “but it will do nothing to improve the standard of teaching and pupil attainment”. The respondent’s stated preference was to retain Kilmarnock Academy in its existing buildings and complete the necessary fabric improvements with a smaller 3-18 campus built on the Sutherland Drive site. Acknowledging that this would incur additional revenue costs, the response argued that it would still deliver a good long term solution.

- (f) The Council’s response to these specific comments was considered at the review meeting held by officers on 16 September 2013 and the Council’s response is detailed in paragraphs 7.2 to 7.8 below.

4.3 Pupils

4.3.1 Pupils of James Hamilton Academy

- (a) Responses were received from two pupils attending James Hamilton Academy. Both submissions favoured Option 4 as the Sutherland Drive site was considered to be an open and safe environment that also provides community facilities in the New Farm Loch area. One response also claimed that the merger of New Farm Primary School and ECC with Silverwood Primary School would benefit both sets of pupils as they would become friends in primary before attending the secondary together.

4.3.2 Pupils of Kilmarnock Academy

- (a) No written responses were received from pupils of Kilmarnock Academy.

4.3.3 **Pupils of New Farm Primary School and ECC**

- (a) One pupil of New Farm Primary School and ECC responded to the consultation proposals. This response supported the creation of a new 3-18 campus at the Sutherland Drive site.

4.3.4 **Pupils of Silverwood Primary School**

- (a) Two responses were received from pupils attending Silverwood Primary School. One response supported Option 4, while the other stated that they did not want to attend a school on the Hill Street site. This response also asked that planning arrangements are made to ensure a seamless integration of the pupils from the four establishments.

4.3.5 **Pupils of associated Primary Schools of James Hamilton Academy and Kilmarnock Academy**

- (a) Two pupils attending an associated primary school which was not directly affected by the proposals responded. One pupil stated that they were concerned about the size of a merged secondary but that it should be located on Sutherland Drive as they were anxious about the Hill Street vicinity. The response also expressed support to keep Silverwood Primary School in its current location.
- (b) One respondent supported the location of the new secondary on Hill Street, as it was a central location which would be close to the new College campus.

4.4 **Pupils of the Affected Schools or the Associated Primary Schools of James Hamilton Academy or Kilmarnock Academy – Independent Consultation**

- (a) The Council engaged Common Ground Mediation to conduct an independent consultation with the young people in each of the affected schools and the other associated primary schools in both Learning Communities. This work followed guidelines contained in the document Participants Not Pawns issued by the Scottish Commissioner for Children and Young People (SCCYP).
- (b) Questionnaires were issued to all schools and were age and stage related to ensure that meaningful responses could be given to a series of four questions:
- What do you think about the idea that Kilmarnock Academy and James Hamilton Academy join together into one secondary school?;
 - Where should they build the new secondary school?;
 - What do you think about the idea that Silverwood Primary School and New Farm Primary School join together into one primary school beside the new secondary school at Sutherland Drive?;
 - Do you have any good ideas about the new schools?

As well as conducting a survey, the independent consultants also visited each establishment and held focus group discussions with pupils. In total 138 pupils

were involved in the group discussions and 161 questionnaire returns were analysed.

- (c) Eighty pupils attending James Hamilton Academy or its associated primary schools, submitted responses, with 44% of these expressing support for the merger of the secondary schools. Half of the discussion group (40) felt that Sutherland Drive should be the location of the new school, and 38% also supporting the merger of the primary school within a 3-18 campus.
- (d) Eighty one pupils from Kilmarnock Academy or its associated primaries submitted questionnaire responses. The majority of pupils (61%) thought that the merger of the secondary schools was a bad idea. The majority of pupils (57%) felt that Hill Street was the most appropriate location for a merged secondary school, while 50% of pupils were unsure of the proposed primary school merger.
- (e) When aggregating the 161 questionnaire responses, 43% felt the merger of the secondary schools was a bad idea, with 27% believing it to be positive. In terms of location, 45% expressed a preference for Hill Street should the schools be merged, with 30% supporting the new secondary school's location at Sutherland Drive. Just over a quarter of the comments (27%) were in favour of a new merged primary school and ECC, while 35% were opposed to the proposed primary school and ECC merger. It should be noted that for all three questions there were substantial numbers of the focus groups expressing uncertainty. Common Ground Mediation's consultants found that younger children found the concepts difficult as the proposed mergers are some time away from being implemented. The consultants also commented that some pupils seemed to repeat opinions voiced by their parents and families.
- (f) From the questionnaires and group discussions, those opposed commented on the rivalry and tension between the school communities, although this thought was more prevalent in the responses from pupils attending the associated primary schools than those attending either secondary school. Other comments included concern about the size of the new school, travelling issues for some pupils, a disruption to learning and teaching, a loss of teachers' jobs and the historic past of Kilmarnock Academy.

Those in favour of the proposed merger expressed that it was an opportunity to make new friends, that a new modern building would result in an improvement to the learning and teaching environment and that the Council would save money.

- (g) On the issue of a merged secondary location, those in favour of the Hill Street site commented on the site's accessibility to the town centre and that this would improve Kilmarnock since spending in the town centre would increase. Pupils also commented on the benefits of being close to the new College campus and the potential disruption that would be faced by James Hamilton Academy pupils during the construction phase should the proposed new secondary school be located on Sutherland Drive.

Those in favour of the Sutherland Drive site commented on the size of the campus and its easy access for families from the New Farm Loch area. Comments also expressed the view that the campus on Sutherland Drive was safe, close to places for outdoor learning and that a secondary school was needed in this area of Kilmarnock. A minority of pupils also believed that it was more beneficial not to have the school beside the College campus.

A significant number of primary aged pupils commented that they were unsure because they would rather have no change to the secondary schools.

- (h) Those in favour of the proposed merger of the primary schools commented on the success of other 3-18 or 5-18 campuses and it was a chance to improve transition from primary into secondary school.

Those against the creation of a 3-18 campus stated that the campus would be too large which would cause behavioural issues. Comments were also provided on the transport difficulties and a large number of Silverwood Primary School pupils expressed a desire to have their school maintained.

- (i) When asked to comment on good ideas for a new school many pupils commented on their desire for sports facilities such as 3G football pitches, a dance studio, basketball courts and a swimming pool. Responses on the design of the school building expressed support for wide stairs, a welcoming atmosphere such as gardens and improved wheelchair access. The Pupil Council at Kilmarnock Academy also expressed a willingness to be involved at the planning and construction phase should the proposed merger be implemented.
- (j) Comments were also submitted expressing concern for those pupils who would be undertaking national qualifications at the time of the school merger, about job losses for staff and the identity of the new school.

4.5 **Parents of Future Pupils who will attend Affected Schools or the Associated Primary Schools of James Hamilton Academy or Kilmarnock Academy**

- (a) Five responses from those identified as future parents were received. One submission claimed that the low numbers attending were due to lack of notification of the meetings in the local media. The respondent stated that their daughter would be attending school in 2016 but had not received any notification of the consultation exercise or the public meetings. A response to this particular issue can be found at paragraph 7.12.
- (b) Two responses agreed with the proposal to create a 3-18 campus as it would create a large facility with modern educational resources which would ease transition arrangements between pre school and primary and between primary and secondary. Two responses favoured a merged secondary school being located at Hill Street as it would add to the regeneration of the town centre, is a central location and an 11-21 campus would provide more educational benefits than a 3-18 campus.

4.6 **Family Members of Children and Young People Attending the Affected Schools or the Associated Primary Schools of James Hamilton Academy or Kilmarnock Academy**

- (a) Twenty nine responses were received from individuals identifying themselves as family members of pupils at the affected schools or the associated primary schools. All responses from this category expressed support for the merger of the secondary schools, with all supporting the James Hamilton Academy site.
- (b) Those in favour of Option 4 commented that it would deliver the best value for money of all options, would improve a seamless transition through a child's educational journey and it would follow the Scottish Government's lifelong learning strategy aims in providing a coherent, more flexible and enriched 3-18 curriculum. Two responses commented on the positive community relations between James Hamilton Academy and the wider community of New Farm Loch and expressed a desire to have that enhanced.
- (c) Respondents also raised issues about pupil safety, traffic congestion and the close access to the railway and bus stations and the town centre from the Hill Street site.

4.7 **Former Pupils of the Affected Schools or the Associated Primary Schools of James Hamilton Academy or Kilmarnock Academy**

- (a) Sixteen responses were received from former pupils of James Hamilton Academy. All were in favour of a merged secondary on the Sutherland Drive site, and all were in favour of a 3-18 campus.

Comments in favour of the Sutherland Drive site commented on its open green spaces surrounding the school, that it would reduce pupil access to the town centre during the school day and that it was the most financially viable option. Further, respondents stated that a new 3-18 campus on that site would bring a range of educational benefits such as improved transitions between pre-school into primary and from primary into secondary.

Many responses also commented on the unsuitability of the Hill Street site due to the ease of access to the town centre for pupils, that there was anti social behaviour in the surrounding neighbourhood which may impact on pupil safety and the perceived traffic management issues.

- (b) Ten former Kilmarnock Academy pupils responded to the consultation. Of this group, all were in favour of the secondary schools merging and eight (80%) supported the Sutherland Drive site for the school's location and a 3-18 campus development.

Those expressing support for the merged secondary school commented that it would make economic sense to merge the schools and that there was sufficient ground at the Sutherland Drive to accommodate the new school. Issues were also raised about transport issues to Hill Street from the New Farm Loch area and the perceived traffic management problems which would

arise if the secondary school and College campus were situated next to each other.

- (c) One former pupil of Silverwood Primary School submitted a response in favour of a 3-18 campus on Sutherland Drive.

4.8 **Community Planning Partners**

- (a) Four responses were received from Community Planning Partners. Two were in favour of the proposed secondary school merger.
- (b) The Kilmarnock College response supported the Council's commitment to deliver state of the art facilities for its young people and that Options 2, 3 and 4 offer equally sound educational benefits. The College statement also confirms its commitment to working with all of East Ayrshire Council's secondary schools and notes the educational benefits that would be delivered to pupils from a new secondary school in close location of the new school to the College campus on Hill Street. The College response also notes the educational benefits that will arise from a 3-18 campus on Sutherland Drive.
- (c) The Community Planning Partnership (CPP) noted that the proposals contained within the strategic priority of "Improving educational/skills attainment and achievement, and ensuring our young people are properly prepared for the world of work". The response notes that Options 3 and 4 have much to offer in different ways. Locating the new school on Hill Street would provide the opportunity to deliver an excellent learning experience from S1 to further study and would allow the curriculum to benefit from accessing facilities in the new College campus to support vocational learning which would complement the Curriculum for Excellence within a school setting. The 3-18 campus on Sutherland Drive would provide a range of educational benefits such as more effective transition between the three stages of education and the sharing of a greater pool of staff and resources. The CPP response notes that all proposals are consistent with national and local priorities and objectives and following the consultation the CPP would support that option which is deemed to best meet the needs of the young people and communities.
- (d) In its submission, NHS Ayrshire and Arran comment that the proposals would not impact on their ability to provide health service to children and that the proposed secondary school merger would provide an enhanced environment for education provision. The response also supports the creation of a 3-18 campus as it would support the effective transition from Early Childhood Centre into primary school.
- (e) The Directorate of Neighbourhood Services submission stated that any development proposals and the creation of new community facilities should be considered alongside the Council's objective of rationalising its property assets and that the new development should maximise use by the school and community.

4.9 **Community Councils / Community Council Members**

- (a) Four responses were received from Community Councils or Community Council members. All of these responses supported both the proposed merger of the secondary schools and the creation of an enlarged 3-18 campus.
- (b) Responses commented that Option 4 would deliver the best outcome educationally, financial and environmentally. In addition, the responses commented on the already existing 3-18 campus on the Sutherland Drive site and one response welcomed the possibility of improved community facilities in the New Farm Loch area.
- (c) Comments also expressed criticism of the Hill Street site, as there were unknown costs associated with the remediation of the ground and the clear up of possible contamination at the site. Further comments were submitted about anti social behaviour in the local area, the potential mix of College students and school pupils and traffic management arrangements.

4.10 **Young People Residing In East Ayrshire But Not Attending Any of the Schools Directly Affected or the Associated Primary School**

- (a) One response was received from a young person who had no connection with any of the schools in the James Hamilton Academy or Kilmarnock Academy Learning Communities. The response submitted no comment on any aspect of the proposals.

4.11 **Elected Representatives**

- (a) Willie Coffey, MSP submitted a response in favour of Option 4. Mr Coffey expressed his belief that a fully integrated 3-18 campus with the possible inclusion of new community facilities was hugely attractive and far outweighed the potential benefits offered by the Hill Street site. The response comments on the Scottish Government's investment in early years education and that the development of an enlarged campus with an Early Childhood Centre would support this national objective. Mr Coffey also notes the improved transitions between stages that a 3-18 campus would offer.
- (b) Mr Coffey comments that the purpose of a new school is to provide the best possible learning environment, which allows young people to develop and fulfil their potential. Mr Coffey's response all states that education must come first before town centre regeneration.

4.12 **Employees of East Ayrshire Council**

- (a) Nineteen responses were received from Council staff. Seventeen (89%) expressed support for the merger of the two secondary schools, with thirteen (68%) favouring a 3 -18 campus. Three responses favoured a secondary school merger on the Hill Street site, with one respondent supporting the merger of the secondary schools and a 3-18 campus at Sutherland Drive but

excluding the involvement of Silverwood Primary School. Two responses provided no comment on the merger proposals.

- (b) Staff from James Hamilton Academy submitted a petition with 55 signatures in favour of Option 4. Other submissions in favour of Option 4 commented on the fact that there was already a 3-18 campus working at Sutherland Drive and its removal would have a detrimental effect on the local community. It was also noted that a 3-18 campus better supported the delivery of Curriculum for Excellence and that a state of the art facility could be used by the wider community. Submissions noted the volume of traffic in the town centre and the potential for a town centre site to result in greater truancy due to easy access to a wide range of town centre facilities and public transport. Responses also commented on the positive financial implications of implementing Option 4.
- (c) Those in favour of the Hill Street site expressed support for the new school to be located on a neutral site, which with its central location would improve access for all pupils. One respondent stated that the Hill Street site would allow the heritage of both schools to be retained and built upon, commenting that if the merged school was located on Sutherland Drive that this would remove all the heritage of Kilmarnock Academy.
- (d) One respondent expressed support for a 3-18 campus on the Sutherland Drive site, but recommended that Silverwood Primary School be maintained on its present site.

4.13 **Other Interested Individuals**

- (a) Thirty five responses were received by individuals under this category, including one response from the Minister of St Kentigern's Church who also acts as School Chaplain to James Hamilton Academy, New Farm Primary School and ECC and Silverwood Primary School.
- (b) Of these responses, 25 (71%) were in favour of the proposal to merge the secondary schools and 17 (49%) also supported its location in a 3-18 campus at Sutherland Drive. Seven responses supported Sutherland as the location of the merged secondary school but did not comment on the proposal for a 3-18 campus. One response supported the status quo, one supported a merged secondary to be located on Hill Street and one provided no comment on the merger proposals. Eight responses provided no comment on the proposals but suggested that the Council develop sporting facilities for swimming or hockey.
- (c) Those in favour of Option 4 commented that the benefits of an improved educational environment to learning were beyond doubt, commenting that the existing 3-18 campus on Sutherland Drive was seen as being "educationally beneficial for all". Respondents recognised that Option 4 was the most economic and would also deliver the best educational experience for the maximum number of young people. Responses also stated that Option 4 would also result in less traffic congestion than Option 3. A number of respondents also expressed concern about anti social behaviour in the community around Hill Street.

- (d) The respondent in favour of the status quo commented that creating a bigger secondary school from the merger of two existing big secondary schools was a mistake that would place too many young people in one place. In addition, it was felt to be detrimental to education to lose the identity and heritage of both secondary schools. Further, the respondent felt that a large campus would result in increased traffic congestion and that the existing Kilmarnock Academy buildings should therefore be refurbished.
- (e) One response supported the location of the new secondary school at Hill Street. The submission included a petition with 142 signatures in support of its message. The response commented that the creation of an extended 3-18 on Sutherland Drive would not benefit the communities of North West Kilmarnock and that young people attending the school from this area would have to walk significant distances or that families would have to incur upto £120 every 4 weeks to transport the pupils to school by service bus. The response stated that the pupils would benefit from being able to access educational provision at the new College campus and the results of the Traffic Impact Assessment would identify the necessary measures to reduce any potential congestion problems. In addition to benefiting the regeneration of the town centre, the submission also stated a belief that more children from North West Kilmarnock would attend the new school on Hill Street and therefore reduce the number of placing requests into Grange Academy.
- (f) The eight submissions which expressed no comment on the proposed merger suggested that the Council should consider creating a community with a competition sized swimming pool to supplement the facilities at the Galleon and promote swimming within the Kilmarnock area. One respondent also requested that the Council include a sand filled or water based hockey pitch or pitches in the new campus.

4.14 **Responses Submitted Through Social Media**

- (a) During the consultation period, officers reviewed the Council's Facebook page and twitter account. No responses were received on this consultation proposal via either format.

4.15 **EDUCATION SCOTLAND REPORT**

- (a) The formal Education Scotland report on the Proposal Document and the submissions received during the consultation process was received by the Council on Friday, 13 September 2013.
- (b) The full text of the Education Scotland report is set out below:

Consultation proposal by East Ayrshire Council

Report by Education Scotland, addressing educational aspects of the proposal for future provision of children and young people currently attending James Hamilton Academy, Kilmarnock Academy, Silverwood Primary School and New Farm Primary School and Early Childhood Centre.

This report from Education Scotland is required under the terms of the *Schools (Consultation) (Scotland) Act 2010*. It has been prepared by HM Inspectors in accordance with the terms of the Act. The purpose of this report is to provide an independent and impartial consideration of the council's consultation proposal. Section 2 of this report sets out the views expressed by consultees during the initial consultation process. Section 3 sets out HM Inspectors' consideration of the educational aspects of the proposal and the views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how it has reviewed the initial proposal, including a summary of points raised during the consultation and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision.

Introduction

1.1 East Ayrshire Council proposes to discontinue education provision at James Hamilton Academy and Kilmarnock Academy 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. Further, that if the school establishment is sited at the existing site on Sutherland Drive, Kilmarnock that education provision at New Farm Primary School and Early Childhood Centre and Silverwood Primary School be discontinued with effect from the end of the 2016/17 academic session and that the young people attending these establishments transfer to a new Primary School with an integrated new build Secondary, Primary and Early Childhood Centre campus on the present James Hamilton Academy site with effect from the start of the academic session 2016/17 or as soon as possible thereafter.

1.2 The report from Education Scotland is required under the terms of the *Schools (Consultation) (Scotland) Act 2010*. It has been prepared by HM Inspectors in accordance with the terms of the Act.

1.3 HM Inspectors undertook the following activities in considering the educational aspects of the proposal:

- attendance at the public meetings held on 14 and 15 May 2013 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;
- visits to the site of James Hamilton Academy and its associated primary schools and nurseries, New Farm Primary School and Early Childhood Centre, Silverwood Primary School, Woodlands Nursery and Onthank Primary School, including discussion with relevant consultees; and
- visits to the site of Kilmarnock Academy and its associated primary schools Hillhead Primary School, Kirkstyle Primary School and Loanhead Primary School, including discussion with relevant consultees.

1.4 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools and pre-five centres; 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
- benefits which the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

2. Consultation process

2.1 East Ayrshire Council undertook the initial consultation on its proposals with reference to the *Schools (Consultation) (Scotland) Act 2010*. The consultation included an invitation for written submissions and a series of public meetings which were held in all of the schools affected by the proposal. Overall, stakeholders felt that the consultation process was well organised and helped to assist them in their understanding of the proposal. Some stakeholders felt that the focus on the location of the proposed school detracted from potential discussion about the educational benefits of the proposal.

2.2 In the schools visited by HM Inspectors most stakeholders were in agreement about the benefits of merging Kilmarnock Academy and James Hamilton Academy. Overall, young people at the two secondary schools recognised that a larger school would be able to offer a wider curriculum including more subject choices and the opportunity for better sports facilities.

A few parents were concerned about the impact of the increased roll of the secondary school should the two schools merge. They felt that their children would not receive sufficient attention in a larger school. Concerns were also raised about the potential disruption to those young people who would be at S4 and S5 at the time of transfer to the new school. Parents, pupils and staff at Kilmarnock Academy and some stakeholders from associated primary schools were disappointed that the council was not retaining Kilmarnock Academy. They felt that the strong historic significance of Kilmarnock Academy within the town should be preserved. Some stakeholders highlighted the potential benefit for young people in relation to vocational education, as a result of its close proximity to the new Kilmarnock College.

2.3 Stakeholders differed in their views about the proposed sites for the merged school. They expressed strong concerns about travel, transport costs and safety to sites which were currently outwith their catchment area. They felt that there was potential for truancy if their children have a greater distance to travel to and from the new school, particularly in inclement weather. Parents from schools not currently within the catchment area of Kilmarnock Academy were concerned about their children's safety in and around the town centre. Most parents considered that the site at Hill Street was unsuitable. They perceived that there would be traffic congestion in the event of a College, commercial development and school occupying this site.

2.4 Parents, pupils, staff and the community associated with the New Farm Community area and Onthank Primary School stated a preference for the existing campus of James Hamilton Academy on Sutherland Drive site because it would offer greater scope for school and community facilities. In addition they welcomed the council's further proposal for a 3-18 campus, if the school is sited on Sutherland Drive. They recognised that the site was a better option financially as set out in the council's proposal. Overall staff, pupils and parents of children at Kilmarnock Academy and most of its associated schools preferred the site on Hill Street for proximity. They were concerned about the impact on the town of Kilmarnock if the site was in the New Farm Loch Area. Some parents felt that there might have been less distance for young people to travel if the council had considered more strategically the issue of zoning and catchment areas for the all the secondary schools within the council area.

2.5 Staff at Kilmarnock Academy and James Hamilton Academy recognised the importance of working together to ensure a smooth curricular and pastoral transition for pupils. Staff from James Hamilton Academy and New Farm Primary School and Early Childhood Centre were very positive about the potential enhancement of the 3-18 campus. They valued the existing opportunities for curricular liaison as they were already within a shared campus.

2.6 Most staff from the associated primary schools felt that the proposal had focused mainly on the implications for secondary staff and pupils and had not fully addressed the implications for primary school pupils and staff. Staff from Silverwood Primary School and Woodlands Nursery regretted that the council's proposal would lead to the closure of the primary school and

nursery. They recognised the benefits of the potential site at Sutherland Drive but felt that the removal of education provision would impact on the community in the vicinity of the primary school. Staff at Woodlands Nursery were concerned about the implications of the council's proposal for their future. Parents of children at Woodlands Nursery were pleased with the current provision for their children. They did not have enough information about the council's plans for the nursery.

2.7 Pupil representatives at the two secondary schools and their associated primary schools were aware of the council's proposals. Overall, they welcomed the opportunity for enhanced facilities of a new school. A few were concerned about potential rivalry between pupils from the two catchment areas but recognised that there was potential to work together positively within a new school setting. They shared their parents' concern regarding distance to travel, depending on where they lived.

3. Educational aspects of the proposal

3.1 East Ayrshire Council has set out a series of 13 options within the consultation proposals. The council has also provided information about the outcome of a critical option appraisal exercise carried out by officers from a range of council services. The option appraisal took account of educational benefits that will be delivered, the financial considerations and available funding support from Scottish Government, and maximising the number of young people who would directly benefit from the proposal. Having considered all the relevant factors as described above, the preferred option of officers is to create a new 3-18 campus with community facilities that is located at the current James Hamilton campus. If the option for the 3-18 campus is not pursued, it would be the council's intention to proceed with a merged secondary school. The council recognises that in this event, a new consultation on the future of education provision at New Farm Primary and Early Childhood Centre and Silverwood Primary School would be required.

3.2 The merger of Kilmarnock Academy and James Hamilton Academy within a 3-18 campus, which would include Silverwood Primary School and New Farm Primary School and Early Childhood Centre has potential to provide a wide range of educational benefits for children and young people. There would be an opportunity to build upon existing collaboration in developing the curriculum and easing transition across sectors, sharing standards and moderating levels of achievement. A larger pool of staff expertise would have potential to improve learning experiences for children and young people by providing greater personalisation and choice for secondary age pupils and sharing subject knowledge and teaching approaches across sectors. The council's proposal highlights the enhanced opportunities for shared facilities including sports and outdoor learning. The council recognises that should the proposal be approved, forward planning will be required from the Department of Educational and Social Services in order to ensure effective curriculum delivery and staff management. Senior officers have already set up a Project Board which includes the headteachers of all schools involved in the proposal.

3.3 In finalising its report, the council will need to consider fully the impact of the proposals on children and young people with additional support needs. It states that the 3-18 campus would provide easier integrated working involving support services such as educational psychology, learning support, health and social services with these specialist services being better able to plan across sectors and work with one enlarged staff team. As a result, there would be potential for better personalised planning for children with additional support needs and improved transition processes.

3.4 Approaches to improving attendance will require further attention, taking into account that attendance of secondary aged pupils (2010/11 figures) in both schools is below the national average. There is potential to enhance partnerships with other agencies and services such as health and to develop a coherent approach to support the most vulnerable young people and those at risk of missing out. The council's proposal highlights improvements in attainment in specific measures in both secondary schools and outlines a range of benefits which could have potential to improve attainment. There is scope to address more fully how the proposal would impact positively on attainment across 3-18.

3.5 The council's proposal does not fully consider the implications for collaboration among the other associated primary schools, taking into account that Hillhead Primary School, Kirkstyle Primary School, Loanhead Primary School and Onthank Primary School and Early Childhood Centre would not be included in the 3-18 campus. The proposal would affect the pupils in these schools at the time of transition to secondary school. Parents of pupils from these schools are concerned that there could potentially be a negative impact on the roll of some schools as parents may ask for placing requests into the catchment of the proposed new school to minimise further difficulties at a later date.

3.6 If the proposal goes ahead and the new school is sited on the ground at the existing James Hamilton Academy campus, there will be a direct impact on Woodlands Nursery, which is a partner provider for pre-school education, and is based within a classroom in Silverwood Primary School. The nursery delivers a pre-school provision for 3-5 year old children, with 20 places available in the morning and 20 places available in the afternoon session. The council will need to consider how the needs will be met of all the pre-five children affected by the proposal. New Farm Primary School and Early Childhood Centre is already located within surplus accommodation within the James Hamilton Academy buildings.

3.7 The provision of courses and the benefits of integrated curriculum planning at the senior stage would still be available within the 3-18 campus. If the council decide to go ahead with the 3-18 campus there is further scope to clarify how learning facilities might be used for joint delivery of courses, thus reducing the number of young people who require to travel to attend college courses.

3.8 The council's proposal envisages that the new school would be designed to offer access to some facilities to the community and provide

potential for intergenerational work. Full development of the site would allow the present New Farm Community Centre to be closed, bringing further economies of scale. The new school would be able to provide flexible accommodation for community use. There is potential for the council to consult with users of the proposed facility in order to build capacity within the community to develop lifelong learning.

4. Summary

4.1 The council provides a sound case for the proposed merger within the 3-18 campus. This option would provide best value financially. It would benefit the children and young people of the merged schools who would have access to a larger complement of staff expertise, improved facilities and outdoor spaces. It would also allow more to be spent on staffing and resources.

4.2 In taking forward the proposal, the council will need to give further consideration to how the strengths of each school might be built upon and staff expertise shared within the 3-18 campus. Approaches to improving attainment, the curriculum, the range and number of qualifications and teaching and learning will need to be considered carefully in order to deliver the entitlements for young people within existing curriculum structures. There is also scope to clarify how partnership with Kilmarnock College might be further enhanced taking into account the potential for joint course delivery. The council have acknowledged the importance of planning, to ensure effective curriculum delivery and staff management across the schools affected by the proposal. It will be important for staff to work together to evaluate the quality of existing provision in order to plan effectively for improvement. The leadership of the merged school and staffing structures will need to be addressed by the council as early as possible.

4.3 Parents expressed strong concerns about the risk to children's safety as a result of the increased traffic at the new site. There will be a greater degree of travel from a greater number of young people regardless of which site is chosen. Parents need to be reassured about how this might be managed by the council. The council needs to provide an early indication of how it intends to review school travel plans to ensure pupil safety and effective traffic management.

4.4 Many parents are concerned about how the learning needs of children and young people will be met. The council needs to continue to work with parents to allay their concerns about how children and young people will be supported in a much larger campus with greater numbers of people. It will be important for the council to consider fully approaches to inclusion and equality of opportunity.

4.5 The council's proposal does not clarify how it will provide education for the pre-five children who are currently accommodated in Silverwood Primary School. The council will need to consider how the needs will be met of all the pre-five children affected by the proposal.

4.6 The council's proposal needs to consider fully the implications for collaboration among the other associated primary schools, taking into account that Hillhead Primary School, Kirkstyle Primary School, Loanhead Primary School and Onthank Primary School and Early Childhood Centre would not be included in the 3-18 campus.

4.7 The new school would be able to provide flexible accommodation for community use. There is a need for the council to consult with users of the proposed facility in order to build capacity within the community to develop lifelong learning.

**HM Inspectors
Education Scotland
September 2013**

4.16 The Council's Response to the Education Scotland Report

- (a) Education Scotland note that the Council has provided a "sound" case for the 3-18 campus and the proposed merger of primary and secondary schools. The report also recognises the financial benefits of the proposal and the economies of scale that will arise from its implementation. It is noted that pupils also support the merger of the secondary schools and the enhanced opportunities that will be provided in a state of the art building.
- (b) In its review of the proposals, Education Scotland comment that most stakeholders are in favour of the merger of the two secondary schools but that there was a difference in opinion with regard to the merged school's location. The report also comments on the perception that the consultation focused mainly on the secondary school aspect and had not fully addressed the implications for the primary schools and Woodlands Nursery and their respective staff.
- (c) The Education Scotland report states that further consideration should be given to the following matters:
- Approaches to improving attendance;
 - Building the strengths of each school and sharing expertise in the 3-18 campus;
 - Liaison with Ayrshire College;
 - Traffic management;
 - Meeting the needs of all pupils;
 - Education provision for those children attending Woodlands Nursery;
 - Collaboration with the associated primary schools not co-located within the 3-18 campus.

These issues are discussed in the following paragraphs.

(d) Approaches to Improving Attendance

The Council has long established procedures for dealing with improvement, including a Standard Circular (Number 5). These protocols detail the expectations of schools and parents to ensure that attendance is maximised.

Parents and pupils will play a significant role in developing the vision values and ethos for both the new primary and ECC and the new secondary school. An important element of the future engagement with parents and pupils will be their involvement in the design of the new establishments. Parents and pupils will also be fully engaged in choosing the name and uniform for the new schools. In previous school mergers pupils have also designed the school badge. It is anticipated that the involvement of parents and pupils at this early stage will increase their participation in the operation of the two establishments and this will have a positive impact on attendance. With the creation of state of the art facilities which will be welcoming, vibrant and stimulating for pupils, staff and visitors alike, it is expected that this would have a positive effect on pupil attendance.

(e) Building on the Strengths of the Respective Schools and Sharing Expertise

The Council recognises the high quality education which is provided to all young people attending the four Council establishments and Woodlands Nursery. The educational benefits which will be delivered through a merger of the primary schools and Early Childhood Centres and the secondary schools is detailed in sections 5.2 to 5.6 of the Proposal Document. If the mergers are agreed by Cabinet and the Scottish Government, senior and Chief Officers would facilitate early collaboration between new the schools and their respective parent fora and Parent Councils.

A working group has been established with the inclusion of the four Head Teachers to consider the arrangements which will be necessary to ensure a successful merger of the two primary schools and ECC and the two secondary schools. It would be the intention of the Council to create a new management structures for both the primary school and ECC and the secondary school at the earliest opportunity. For the secondary school the management team is expected to be in place for the start of the 2015/16 academic session in August 2015. One of the first tasks of the management team will be to align curricula and create the platform for a seamless transition into the new building on its scheduled to opening in August 2017. Increasingly, the staff from both the secondary schools, primary schools and Early Childhood Centres will undertake joint work and as new departmental structures are created for each establishment will work as one team.

The increased secondary school size will allow greater curriculum diversity than can be found in either individual school as greater numbers of pupils not only attract additional staffing and resources but also attract bigger pupil cohorts to subject areas.

(f) Liaison with Ayrshire College

The Council is proud of its very constructive and longstanding relationship with the former Ayr College and the former Kilmarnock College and the new Ayrshire College. This has seen pupils from all of the Council's secondary schools attending vocational, Higher and Advanced Higher courses at the College. In addition, the College has experience of delivering courses within a school setting.

The Proposal Document detailed the educational benefits which would accrue should the new secondary be located on the Hill Street site adjacent to the new College campus. However, the merger of the two secondary schools, regardless of the site chosen will not have a negative impact on the relationship with Ayrshire College for this particular school or any other secondary school. Each school has a link officer from within their senior management team who holds responsibility for liaison with the College and this will remain the case for the proposed new secondary school.

(g) Traffic Management

In preparing the design for a new school it is normal practice to complete a full Traffic Impact Assessment. In the planning process, the Roads Service is a statutory consultee and it has been normal practice for the measures identified in the Traffic Impact Assessment to be implemented in full to meet planning approval conditions. Any measures identified in the Traffic Impact Assessment will be designed to improve traffic management and reduce congestion for both visitors to the school and local residents.

Officers will work with the school and parents to develop school travel plans that aim to reduce the reliance on pupils being transported to school by car and that encourage healthier and greener forms of getting to school such as cycling or walking. Work on the school travel plans would involve consultation with a range of stakeholders such as parents, staff, pupils, the Roads Service, Police Scotland and public transport operators.

(h) Meeting the Needs of All Pupils

The Council has as one of its strategic objective to raise educational attainment and prepare young people for the world of work. Within an enlarged school there will be a greater entitlement to teaching and support staff and educational resources. This will allow the management teams within the two establishments a greater flexibility to deploy resources to better meet the needs of all young people. Officers advised those attending the public meetings that young people being educated within a large educational establishment did not automatically result in them being in a large class group. It is the establishment's economy of scale which provides the management team with greater flexibility to ensure that learners' needs are effectively met.

For those young people with Additional Support Needs there are well established procedures to identify particular learning needs and provide the

required support measures. Such work involves close liaison with parents and carers and, where relevant, Community Planning Partners.

(i) Pre School Education in the New Campus

The Council recognises that should a 3-18 campus be created which involves the merger of New Farm Primary School and ECC and Silverwood Primary School that there would be implications for Woodlands Nursery which is currently based within accommodation at Silverwood Primary School.

Should Option 4 be implemented, the Council, through the Head of Service: Community Support, will develop early learning and childcare provision to meet the needs of the combined Woodlands Nursery and New Farm Early Childhood Centre. An option appraisal would be undertaken to determine if the service should be procured or delivered by the local authority. The current contract with Woodlands Nursery terminates at the end of academic session 2014/15 or, if the Council extends the contract for one year, 2015/16. Until the option appraisal is completed and informs which route is the most appropriate for service delivery, communications with management and staff in New Farm ECC and Woodlands Nursery will commence at the earliest opportunity.

(j) Maintaining Effective Collaboration with the Associated Primary Schools

The Council has considerable experience of operating 3-18 campuses at Doon, James Hamilton and St Joseph's and a 5-18 campus at Grange. The Council is not aware of any disadvantage for any pupil coming to the secondary school from a non campus primary in any of these Learning Communities.

If the merger of the secondary schools were to be implemented it would create a new Learning Community that would include the associated primary schools and Early Childhood Centres. The Learning Community forum includes representation from all educational establishments and Community Planning Partners. This groups ensures that there is effective communication and collaboration between all Learning Community establishments at a senior level.

The associated primary schools that are not based on a 3-18 campus will be provided with opportunities to visit the campus, particularly those P7 pupils who will transfer to the secondary. A range of transition activities are in place at both schools for their upcoming S1 cohort and these are intended to familiarise the pupils with the secondary school layout and environment. This good practice will continue at the new secondary school.

5. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

- 5.1 Having received Education Scotland's report on 13 September 2013, Section 9(1) of the Schools (Consultation) (Scotland) Act 2010, requires the Council to review the relevant proposal (Option 4), having had regard (in particular) to

the written representations that have been received by it during the consultation period; oral representations made to it 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 Education Scotland's report. In terms of Section 10(2) (e) of the said Schools (Consultation) (Scotland) Act 2010, the Consultation Report requires to contain a statement explaining how the Council complied with its duty under the above Section 9(1) of the Act.

5.2 On 16 September 2013, Council Officers convened a special meeting for the purposes of reviewing the relevant proposal (Option 4) having had regard to the written representation received by the Council during the public consultation period; the verbal representations made to it at the said public meetings, and Education Scotland's report, all of which is summarised in paragraphs 3.5 to 4.15 above. When reviewing the proposal (Option 4) against the written and verbal responses as well as the terms of the Education Scotland report, the Council had regard to the terms of Section 12 of the Act and the factors that required to be considered, in particular:

- (a) whether there was any viable alternative to the closure proposal
- (b) what the likely effect may be on the local community on consequence of the proposal (if implemented); and
- (c) what the likely effect caused by the different travel arrangements for pupils, staff and any other users of the school facilities that may be required in consequence of the proposal (if implemented), including any environmental impact.

5.3 In complying with section 13(3) (b) of the 2010 Act and having carried out the review mentioned above, Council officers concluded that their attitude to Option 4 had not substantially changed and that Option 4 should be implemented. The detailed reasons for recommending Option 4, with the creation of a 3-18 campus on the Sutherland Drive site, are more fully set out in Section 8 of this report.

6. ALLEGED OMISSIONS OF RELEVANT INFORMATION AND ALLEGED INACCURACIES CONTAINED WITHIN THE PROPOSAL DOCUMENT

6.1 No responses asserting allegations of omissions or inaccuracies within the Proposal Document were received during the consultation period. The points raised at paragraph 4.2.5 (e) are responded to in sections 7.2 to 7.8 (below).

7. THE COUNCIL'S RESPONSE TO WRITTEN AND ORAL REPRESENTATIONS

7.1 During the consultation period there were a number of comments submitted, either verbally at the public meetings or within the written submissions. The Council's response to these is set out in the following paragraphs.

7.2 **Redevelopment Costs of the Historic Kilmarnock Academy Building**

- (a) One response indicated that the redevelopment costs of the sandstone building at Kilmarnock Academy should have been included in the financial appraisals of all options except the status quo.
- (b) It is recognised that the 1890s building at Kilmarnock Academy represents an important and iconic part of the town centre skyline and the town's historical heritage. Should the Council support the merger of the two secondary schools and exit the Kilmarnock Academy buildings it would be normal practice to declare these buildings surplus to educational requirements. At this stage the Council will require to determine whether to sell the buildings to a third party or to make use of them for another purpose. As no decision has been taken in this regard it is correct not to have included any redevelopment cost in the financial appraisals.
- (c) It is recommended that the future of this iconic building be referred to an Elected Member / officer working group (see Section 10 below).

7.3 **Review of School Catchment Areas**

- (a) One response stated that the Council should have conducted a whole scale review of the catchment areas of the non denominational secondary schools in Kilmarnock and also those of Stewarton Academy and Loudoun Academy.
- (b) The focus of the Proposal Document and the consultation was the future of education at James Hamilton Academy and Kilmarnock Academy and, depending on the site of a new merged secondary school, the possibility of creating a 3-18 campus with a new primary school arising from the proposed merger of New Farm Primary School and ECC with Silverwood Primary School. There are no issues with the capacities of these other secondary schools, as they are able to accommodate their catchment area populations, so it is unclear why the Council would wish to amend the existing catchment areas at this stage.
- (c) The Council continues to review school catchment areas and while recognising that there may be minor issues which require to be resolved. In terms of existing school capacity and pupil roll projections there is no need to conduct a wholesale review of secondary schools' catchment areas.

7.4 **Pupil Roll at Kilmarnock Academy**

- (a) One submission suggested that the pupil roll at Kilmarnock Academy had declined due to uncertainty regarding its future. This fact is rejected, as the Proposal Document (at paragraph 3.4(d) Table 7, shows a steady long term decline since 1999 which cannot be attributed to the consultation process. Prior to the publication of the Proposal Document in April 2013, there had been no previous decision by the Council which could have reasonably led any individual to believe that there was any uncertainty over the future of Kilmarnock Academy.

- (b) Any future issues regarding placing requests would continue to be dealt with under the Council's established procedures for this issue having regard to the relevant statutory procedures.

7.5 The Proposal Document Took No Account of the Impact of a 3-18 Campus on Associated Primary Schools

- (a) A few responses commented on the belief that pupils of those associated primary schools that were not included within the 3-18 campus would be disadvantaged. However the Council has a statutory duty to educate all young people and will ensure that effective primary to secondary transition arrangements are in place for all young people who go on to secondary education within the proposed new secondary school. It has been evidenced that young people who attend those associated primary schools of Doon Academy, Grange Academy, James Hamilton Academy and St Joseph's Academy which are not in the campus buildings do not suffer any educational disadvantage when compared to those who attend the campus primary schools at each of these sites.
- (b) The Council has very effective transition arrangements for all pupils moving into secondary school from their primary school, including visits to the school so that they become familiarised with the layout of the building. Should the Council agree to implement the 3-18 campus, such arrangements would be in place for all of the associated primary schools of the new secondary school.

7.6 Improvement to Standards of Teaching and Pupil Attainment

- (a) A response indicated that although the proposal would result in a new building there would be no improvement in educational standards or the attainment of pupils. The educational benefits set out in paragraphs 5.2 to 5.6 of the Proposal Document clearly demonstrate the advantages of learning and teaching in a new build environment such as access to state of the art teaching facilities and equipment.
- (b) Direct experience from Grange Academy and St Joseph's Academy would suggest that a new build environment is conducive to improved educational results. For example, Grange Academy and St Joseph's Academy share the 2nd highest average pass rate over the last 5 years for 3 passes at Level 6 and 5 passes at Level 6. Further, Grange Academy has the highest average pass rate for 1 pass at Level 7 surpassing Stewarton Academy for this measure. St Joseph's Academy and Grange Academy consistently have the 2nd highest average pass rate when it comes to passes at Higher level in S5 and S6. From 2008/09 and 2012/13 the greatest percentage increase in S4 and S5 performance over the last 5 years is seen at St Joseph's Academy.

7.7 Bias Towards New Farm Loch

- (a) One response believed there to be a bias towards siting the proposed new secondary school on Sutherland Drive, as three of the four schools directly affected are located in the New Farm Loch area of Kilmarnock. The Proposal Document clearly sets out the first consideration is the merger of the two

secondary schools and asks for comments on the two identified locations, one of which is not in the New Farm Loch area. The priority focus of this consultation is to improve the education experiences of young people in the schools affected. The identification of the sites for consultant purposes followed from, but were subordinate, to that aim.

- (b) Individuals were encouraged at all public meetings to submit their comments on either site, and it was confirmed that the Council would only make a final decision at the conclusion of the consultation process and having considered all of the written and verbal submissions. Only if the decision taken was to site the secondary school on Sutherland Drive would consideration be given to merging the two primary schools and creating a 3-18 campus. Those attending the public meetings were advised that if the Sutherland Drive was not chosen for the secondary school there would be a further and separate consultation on the future of the two primary schools. There was therefore no bias towards New Farm Loch in the consultation process.

7.8 Kilmarnock Academy's Current Location Provides Good Links to the Town Centre and Public Transport

- (a) The close proximity of the existing Kilmarnock Academy building to the town centre was seen as a considerable advantage and this provided easy access for community groups who wished to use the buildings outside of the school day. Officers recognise the benefits of the current Kilmarnock Academy buildings being close to the town centre and transport infrastructure. However, the Council has been innovative in the way that it has expanded the use of its school buildings outwith school times and this would remain the case should new school(s) be located on the Sutherland Drive site, which is 2.3 miles by road to the town centre (John Dickie Street).

7.9 Size of the School and Its Impact on Learning and Teaching

- (a) A number of submissions expressed concern about the size of both the proposed new secondary school and the primary school and their combined size if located in a joint 3-18 campus with Early Childhood Centre. Fears were also expressed about a negative impact on learning and teaching.
- (b) Whilst the roll of the two individual schools and a 3-18 campus would be large, the Council already has experience of successfully managing the Grange campus that accommodates approximately 1,800 pupils. If approval is given to implement Option 4, both schools would have sufficient management capacity to ensure the effective delivery of learning and teaching for all young children and people attending the campus. Further commentary on the planned arrangements that will be developed with Parent Councils, the wider parent fora, staff and pupils are detailed in section 9 of this report.

7.10 Traffic Management and Travelling Arrangements for Pupils

- (a) Many responses were received about the volume of traffic that would arise as a consequence of the proposed school mergers. In particular, those groups

and individuals in support of a 3-18 campus at Sutherland Drive commented adversely on the traffic management arrangements in the Hill Street area.

- (b) A number of submissions also commented on the impact on pupils of having to travel further to attend school, and representations from the Altonhill Residents Group and the Hillhead Primary School Parent Council commented specifically on the cost to transport pupils to Sutherland Drive, and the lack of direct access by public transport.
- (c) Officers explained during the public meetings that a full Traffic Impact Assessment would be completed regardless of whichever location is chosen. It is anticipated that such a study would identify the requirements necessary to improve traffic management in either location and that these improvements would form part of the planning authority's requirements.
- (d) Pupils would be entitled to free school transport under the Council's transport policy in place at the time of the proposed merger. Concerns raised by both school communities regarding direct transport access are noted and Council officers will work with transport providers to assess the possibility of creating direct service bus links from communities to the new school location.

7.11 Links with the new College Campus

- (a) Submissions were both in favour of the new secondary school being in close proximity and against this proposal. Regardless of which site is chosen for the new school development, all East Ayrshire secondary schools will continue to maintain their close links with Ayrshire College. The College presently provides vocational courses and Higher and Advanced Higher course choices to pupils from the Council's secondary schools and this will provision will be maintained.

7.12 Advertising of the Consultation

- (a) Two responses, including one from Kilmarnock Academy's Parent Council, commented that there had been insufficient communication and advertising of the consultation process and this would have resulted in limited responses. In compliance with the legislation and following the Council's own good practice, the consultation was advertised in the local press and this included the dates of the four statutory consultation meetings at the schools directly affected by the proposals. A notice of the proposal was issued to every household with children in the establishments directly affected and all associated primary schools and Early Childhood Centres and the full Proposal Document was available in the schools and local offices and libraries.
- (b) The Council's website had a specific section on the consultation process and an electronic copy of the full Proposal Document, the summary Proposal and the Council's response template. In addition, minutes from the public meetings were uploaded at the earliest opportunity to ensure respondents had access to the fullest possible information. It is therefore the belief of officers that the consultation was properly advertised in the spirit and letter of the Schools (Consultation) (Scotland) Act 2010.

7.13 Access to Community and Sporting Facilities

- (a) A number of responses commented favourably about creating community facilities within the proposed new secondary school. Such a development would meet the Council's desire to increase the use of buildings outside of the school day and it would be the intention of officers to liaise with community representatives during the design phase to create multi purpose areas which can be used by the school and/or community.
- (b) Several responses commented on the wish to see a competition sized swimming pool and one response asked the Council to develop a specialist pitch for hockey. The additional capital investment and on-going running costs required for a swimming pool, coupled with the available facilities at the Galleon Centre and Loudoun Academy, mean that such a facility is not a necessity within any new school campus. Additionally, the playingfields will be multi use and will support the teaching of hockey at school level.

8. REVIEW OF THE PREFERRED OPTION

- 8.1 The Proposal Document expressed the preferred Option of officers, which was to develop a 3-18 campus on the Sutherland Drive site, including the merger of the two secondary schools and the two primary schools. The consultation exercise asked for responses to four questions:
 - Were respondents in favour of the secondary schools merging?
 - Where should the new secondary school be located?
 - If Sutherland Drive was identified as a suitable site for the secondary, should a 3-18 campus be build?
 - If a 3-18 campus was built, should it contain a new primary school from the merger of New Farm Primary School and ECC and Silverwood Primary School?
- 8.2 The overwhelming majority of responses were in favour of the secondary school merger, with 193 individuals out of the 236 responses supporting a merged secondary school. Fourteen submissions (6%) were opposed to the merger of the secondary schools.
- 8.3 In terms of site the responses 186 submissions (79%) supported Sutherland Drive site as the location of the new secondary school, with 19 supporting the Hill Street location (8%). In response to the idea of 3-18 campus with a merged primary school, 152 submissions (65%) were in favour, 16 against.
- 8.4 Having considered the above information and all of the comments received verbally and in writing during the consultation period, it is the view of officers 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.

- 8.5 The option appraisal conducted by a multi disciplinary officer group prior to the publication of the Proposal Document demonstrated that Option 4 represented the best educational outcome for the young people who would attend the new establishments. It will also deliver the best financial outcome for the Council and benefit the maximum number of young people. This view is supported by Education Scotland who state that “The council provides a sound case for the proposed merger within the 3-18 campus. This option would provide best value financially”.

9. IMPLEMENTATION ARRANGEMENTS

- 9.1 The following paragraphs details the arrangements that will be made, should the Council decide to implement the merger of the two secondary schools and the merger of the two primary schools, creating a 3-18 campus on the Sutherland Drive site.

9.2 Design Specification

- (a) To ensure the successful completion of the build by August 2017 will require early completion of the design specification. The Council is committed to following the good practice achieved in its *Building Learning Communities* project and seek input from pupils, staff, parents and the wider communities. It is through such involvement that staff, young people and parents engage with the concept of the new school and assume a sense of ownership and this assists in the development of the new schools’ ethos.
- (b) Following from this the design team of the South West Hub Company will also liaise with stakeholders as the design of the new 3-18 campus evolves.

9.3 School Management

(a) Secondary Schools

To ensure a seamless integration of the two secondary schools, with the alignment of the curricula, the education authority will work closely with the management teams of James Hamilton Academy and Kilmarnock Academy once a final decision has been approved by the Scottish Government. This work will involve reviewing the existing management arrangements and appointing a joint school management team for the start of the 2015/16 academic session.

(b) Primary School and Early Childhood Centre

Similarly to the merger of the secondary schools, the education authority will work in partnership with the two management teams of New Farm Primary School and ECC and Silverwood Primary School to prepare the groundwork for a merged primary school and ECC. It is anticipated at this stage that a new management team will be in post prior to the proposed school merge in August 2017.

In addition, consideration will require to be given to the provision of pre school education. Presently this is provided by the Council within New Farm Primary School and ECC and by a partner provider, Woodlands Nursery, at Silverwood Primary School. The Head of Service: Community Support will lead this review in conjunction with the involvement of appropriate staff and stakeholders.

9.4 **Parent Councils**

- (a) Section 16 of the Scottish Schools (Parental Involvement) Act 2006, sets out the parameters within which a Combined Parent Council can be established for the two new educational establishments. Officers will work with the four existing Parent Councils to create a joint Parent Council for the secondary schools and a joint parent Council for the Primary Schools. It is expected that discussions on this proposal would commence in early 2014.

9.5 **Staff**

- (a) The Council is committed to ensuring staff are informed and involved in planning activities. Following the standards set during the *Building Learning Communities*, project effective communications will be maintained throughout the process. This will commence with input into the design brief and the opportunity to influence the building design.
- (b) The Council is aware that staff will be concerned about future employment opportunities and is committed to working closely with Human Resources and Trade Unions to ensure that relevant information is provided at the earliest opportunity.

9.6 **Aligning Curricula**

- (a) It is the view of officers that the secondary schools' curricula will require to be aligned for the start of the 2015/56 academic session. Planning to achieve this will commence in early 2014 with input from senior authority staff and the existing schools' management teams and will be continued when a new joint school management is appointed. This work will ensure a seamless transition to the new school building in August 2017.
- (b) It is envisaged that the primary schools' curricula will be aligned for the start of the 2016/17 academic session. This will require the involvement of the senior management teams in both primary schools and senior education authority officers.

9.7 **Involvement of Pupils**

- (a) Central authority staff, in conjunction with school staff, will facilitate joint working with pupils to create Pupil Councils for the new schools. As intimated previously, pupils of all affected schools will be consulted on the design of the new school and will be kept informed of progress, including site visits to view the creation of their new schools.

9.8 Identity of the New Schools

- (a) All of the comments within paragraphs 9.2 to 9.7 are intended to create new identities for the merged schools. Further activities such as names, school badges and uniforms for the two establishments will be undertaken at the appropriate time prior to the schools coming together. Details of when these activities will occur will be discussed with the Parent Councils, staff and pupils and progress will be reported to Cabinet.
- (b) Noting that Education Scotland have commented on the need to establish arrangements for the new establishments at the earliest opportunity, officers are committed to working with the management teams, staff, pupils and parents in all of the affected establishments to achieve the implementation of merger and transition arrangements at the earliest opportunity. This will ensure that all stakeholders are informed of developments and will result in a seamless merger of the primary schools and the secondary schools and their relocation to the new campus in August 2017.

10. THE FUTURE OF THE ICONIC 1890s KILMARNOCK ACADEMY BUILDING

- 10.1 The Council recognises the significance of the 1890s Kilmarnock Academy building to the town's history and its skyline. This fact was also raised by a number of respondents and should the Council agree to the merger of the two secondary schools this would result in the existing buildings of Kilmarnock Academy being vacated and declared surplus to educational requirements.
- 10.2 It is proposed to establish a Member / officer working group to consider the future of this iconic and historic building.

11. THIRD PARTY DEVELOPMENT AT HILL STREET

- 11.1 Within the Proposal Document and during the consultation period there was considerable focus on the third party development at Hill Street and the links there could be between the community development and the proposed new secondary school.
- 11.2 The Klin Group have confirmed that the location of the school on land at Hill Street would have at best a neutral impact on the commercial viability of the proposed HALO project. In addition, the correspondence advises that whilst it remains the case that the proposed school could be accommodated within the redevelopment of the site, in design terms it is likely that to do so would have an adverse effect on the overall quality and impact of the emerging design proposals for the HALO project.

12. CATCHMENT AREAS

- 12.1 If Cabinet accept the merger proposal for the secondary school, its implementation will result in the delineated area of the new secondary school being the combined delineated areas of James Hamilton Academy and Kilmarnock Academy.
- 12.2 Likewise, should the Council agree to implement a 3-18 which includes a new primary school with Early Childhood Centre, arising from the merger of New Farm Primary School and ECC and Silverwood Primary School, the delineated area of the new primary school will be the combined delineated areas of New Farm Primary School and ECC and Silverwood Primary School.

13. PROCEDURES FOR MINISTERIAL CALL- IN

- 13.1 Since this proposal is to merge James Hamilton Academy with Kilmarnock Academy and New Farm Primary School and ECC with Silverwood Primary School and create two new educational establishments, section 10(4) of the Schools (Consultation) (Scotland) Act 2010 will apply. At this stage, it is anticipated that Cabinet will be asked to make a final decision on the proposal merger of the two secondary schools and the two primary schools on 13 November 2013. If Cabinet agree to the said proposal, the Scottish Ministers must be notified of this decision. They then have a 6 week period commencing on the date of Cabinet's decision to consider whether they will issue a notice to the Council to call-in the Cabinet document. In taking the decision whether to issue a call in notice, the Scottish Ministers are required by the Act "to take account of any relevant representations made to them (by any person) within the first three weeks of that six week period." In effect, this means that anyone seeking to have the Council decision called in would need to contact the Scottish Ministers in writing, within three weeks of the Cabinet decision supporting the closure of the school, setting out relevant reasons why the decision should be called in by them.
- 13.2 Anyone wishing to contact the Scottish Ministers during the three week period referred to above should do so by e-mail to:

schoolclosure@scotland.gsi.gov.uk

or in writing to:

School Infrastructure Unit
 Scottish Government
 Areas 2-A South
 Victoria Quay
 Edinburgh
 EH6 6QQ

- 13.3 Should Cabinet agree to the recommendations, detailed in section 19 of this report, and implement the merger proposals and the creation of a 3-18 campus at Sutherland Drive, at its meeting of 13 November 2013, the Council

in order that its position is not prejudiced in complying with section 15 of the 2010 Act will notify Scottish Ministers of its decision. This final decision will include consideration of comments from the Council's internal Governance and Scrutiny Committee meeting of 7 November 2013.

14. CORPORATE MANAGEMENT TEAM ROLE IN THE CONSULTATION PROCESS

- 14.1 The proposal to merge James Hamilton Academy with Kilmarnock Academy and New Farm Primary School and ECC with Silverwood Primary School to create two new educational establishments that will be co-located within a 3-18 campus on the Sutherland Drive site been discussed fully and regularly at the highest level of Officer Management of the Council. This included reviews of the Proposal Document prior to its consideration by Cabinet on 24 April 2013, and consideration of the Consultation Report prior to its publication. The outcome of this involvement, in part, is a set of recommendations by the Executive Director of Educational and Social Services supported and endorsed by the Corporate Management Team.

15. THE COUNCIL'S APPROACH TO CONSULTATION

- 15.1 The foregoing subsections of sections 6 and 7 (above) detail the Council's considerations of all issues as originally defined in the Proposal Document and importantly, all of those, both educational and non-educational, raised through the detailed consultation responses and the public meeting. The Council allocated time beyond the statutory minimum (42 calendar days, to include a minimum of 30 school days) consultation period for responses (giving 57 calendar days) in recognition of the significance with which the intended parties/stakeholders regard this matter.
- 15.2 Of the 236 responses received, all issues raised have been addressed in sections 6 and 7 of this report. Cabinet will therefore have before it in this paper full and detailed arguments for and against the recommend proposal by officers (Option 4).

16. RISK MANAGEMENT

- 16.1 Any reduction in the property portfolio will reduce the risk to which the Council is exposed in terms of issues such as infrastructure failure, vandalism and threats to security. Any property that is vacated, however, is likely to be exposed to an increased level of risk requiring additional security measures until a decision is taken as to its future use.
- 16.2 By implementing the closure proposal, officers will ensure the quality of educational experience for the young people attending, or due to attend, these four educational establishments is maintained or improved.

17. LEGAL ISSUES

17.1 By virtue of the Schools (Consultation) (Scotland) Act 2010, which consultation forms the subject matter of this report. It is a legal requirement that the Council shall not reach any formal decision without:

- having reviewed the merger proposals and the creation of a 3-18 campus (Option 4) having regard in particular to:
 - (a) Relevant written representations received from any person during the consultation period;
 - (b) Oral representation 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) The Education Scotland report;
- Preparing this Consultation Report; and
- Waiting until a period of 3 weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.

17.2 If East Ayrshire Council's Cabinet is minded to agree to the merger of the two secondary schools and the merger of the two primary schools and the creation of a 3-18 campus recommendation (Option 4), it should be noted that no steps can be taken to implement this decision during the period of time where the decision is being scrutinised by Scottish Ministers. Following a final decision by Cabinet (which is anticipated to be 13 November 2013) to proceed with the mergers, the matter must be referred to the Scottish Ministers who will take a period of up to 6 weeks to review the decision making processes and determine whether or not they will call in the decision to implement the closure proposal.

17.3 As provided for in section 1 of the 1980 Act, it is the duty of the Council to ensure adequate and efficient provision of school education within East Ayrshire. Such education to be directed towards the development of the personality, talents and mental and physical abilities of children or young persons to their fullest potential (Standards in Scotland's Schools Etc. Act 2000 section 2). That said, as with all Council duties, the Council has a duty to make arrangements to secure best value and in securing best value the Council is required to maintain an appropriate balance between, inter alia, the quality of its performance of its functions and the cost to the authority of that performance (Local Government in Scotland Act 2003 section 1). In coming to any decision, members should balance the foregoing duties.

17.4 Article 2 of the first protocol to the European Convention on Human Rights, incorporated into domestic law by the Human Rights Act 1998 provides that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State

shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”

17.5 The principle in the second sentence is accepted into UK law only so far as it is compatible with the provisions of efficient instruction and training, and the avoidance of unreasonable public expenditure. The right to education is a general right and the relevant provisions of the 1980 Act and the Standards in Scotland's Schools etc (Scotland) Act 2000 go beyond what is required by the provision in the first protocol. Accordingly, provided the Council complies with the duties referred to in paragraphs 17.1 to 17.4, a successful Human Rights challenge to a properly considered decision will be minimised.

17.6 Title Implications

(a) There are no subsisting title conditions restricting the use of the sites of Kilmarnock Academy or Silverwood Primary School. Should the merger proposals be accepted and implemented, with the two sites being declared surplus to requirements, the Council could dispose of these on the open market.

18. CONCLUSION

18.1 Having carefully reviewed the secondary schools merger proposal and the primary schools merger proposal, with the creation of two new educational establishments co-located within a new 3-18 campus (Option 4) and having had regard to:

- (a) Relevant written representations received by the Council from any person or groups during the consultation period;
- (b) Oral representations made to the Council by any individual at the public meetings of 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) The contents of the Education Scotland report

It is therefore concluded that the decision to proceed with the consultation on the closure proposal remains valid.

18.2 It is clear from the responses received and from officer knowledge that the educational experience for the pupils attending the four establishments directly affected remains very positive. Those individuals who responded in support of the retention of Kilmarnock Academy on its existing site and responded very positively on the educational provision, which is provided by all staff at the school is also recognised by the education authority. The comments of those individuals in favour of a new merged secondary being located on Hill Street is also recognised and the education authority will continue to work closely with all parents and young people to ensure that the best possible education provision is provided to all within the new 3-18 campus.

- 18.3 However, the decision to recommend the merger of the secondary schools and the merger of the primary school, with the creation of a 3-18 campus (Option 4), as the preferred option takes account of a number of factors such as the educational and financial advantages available from a new 3-18 campus.
- 18.4 In summary, it is considered that Option 4, which will result in the merger of James Hamilton Academy with Kilmarnock Academy to create a new secondary school and the merger of New Farm Primary School and Early Childhood Centre with Silverwood Primary School to create a new primary school with Early Childhood Centre, which will be co-located on a 3-18 on the Sutherland Drive site, will secure the greatest educational advantage for young people who attend or will attend these existing establishments. It will also deliver best value for money for the Council. In reaching this recommendation, officers are satisfied that:
- There is no material omission or flaw in the proposal or the Proposal Document;
 - Education Scotland did not identify any procedural flaws in the consultation process;
 - The educational benefits that will arise are clear and recognised by Education Scotland;
 - Implementation of the proposal will address objectives set in the Council's Transformation Strategy and School Estate Management Plan, by reducing surplus capacity and delivering revenue cost savings; and
 - No significant counter argument was developed against the preferred option of officers (Option 4).
- 18.5 The Council should therefore proceed with the implantation of Option 4 and the creation of a 3-18 campus on the Sutherland Drive site proposal set out in the Recommendations section of this report (below).

19. RECOMMENDATIONS

- 19.1 It is therefore recommended that:
- (i) 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;
 - (ii) 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;
 - (iii) 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,

- (iv) 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.
- (v) 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;
- (vi) 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
- (vii) 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
- (viii) 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.
- (ix) 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;
- (x) 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;
- (xi) 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
- (xii) 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)

- (xiii) Otherwise note the contents of this report.

Graham Short
Executive Director of Educational and Social Services

GRS/EC
2 October 2013

LIST OF ATTACHED PAPERS

- i) Proposal Document issued 3 May 2013

BACKGROUND DOCUMENTS

- i) List of respondents

Members wishing further information should contact Graham Short, Executive Director of Educational and Social Services, Telephone (01563) 576017 or Euan Couperwhite, Head of Service: Projects, telephone (01563) 576090.

PROPOSAL DOCUMENT

An electronic version of the Proposal Document can be found at the link below:

<http://www.east-ayrshire.gov.uk/Resources/PDF/S/schools/KilmarnockAcademyJamesHamiltonAcademyProposalDocumentApril2013.pdf>